Comprehensive or contrived electoral reform?

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After nearly a decade, part of the electoral reform has finally been implemented, with full consensus between the government and the opposition. We now have new rules for financing political entities, a significantly larger amount of state money allocated to parties, new solutions that establish the Central Election Commission (CEC) as a depoliticized and professionalized institution, as well as the partial professionalization of municipal election commissions. An important novelty is also the introduction of a 40% quota for the less represented gender, i.e., women, along with the establishment of general local elections – meaning elections held on a single day.

The Committee for Comprehensive Electoral Reform (the Committee) set its own rules of procedure in a rather unconventional way: it took almost a year and a half to prepare the text of the Law on the Financing of Political Entities and Election Campaigns, and then, in just about twenty days, it produced the mentioned amendments to the Law on the Election of Councilors and Members of Parliament. This process was marked by the absence of a quality public debate on the proposed changes and the lack of opinions from relevant international institutions, primarily the Venice Commission (VC) and ODIHR.

Some view this outcome of electoral reform as a "historic success," a political agreement that had been unattainable for the past ten years and a very important step on our path to membership in the European Union (EU).

Others, however, see it as a partitocratic maneuver to postpone local elections, thereby restricting the basic political right of citizens – the right to vote and to be elected. Critics also emphasize the way in which the reform was carried out: the lack of transparency and the postponement of addressing some of the most pressing problems that have burdened the electoral process for decades. The likely merging of parliamentary and local elections is also a significant argument raised by opponents.

The behavior of political elites regarding the continuation of electoral reform in September will provide an answer to an important dilemma: will a comprehensive and genuine reform truly take place, or is the political discourse around this process just another in the long line of deceptions that citizens of Montenegro witness almost daily?

Until then, in our publication you can read about all the key details of the recently adopted electoral reform. We remain open to all constructive criticism and suggestions, as well as to public dialogue on this issue.

Why was this process non-transparent?

During its work, the Committee adopted a decision that every legal text would undergo a public debate lasting at least 15 days and that the proposed solutions would be submitted for review to relevant international institutions, primarily the Venice Commission and ODIHR. Unfortunately, these decisions and publicly given promises were abandoned, leaving us with a closed process and a violation of key postulates in implementing electoral reform.

Electoral reform, by its very nature, must be open to all relevant social actors, not only to political elites. This includes civil society organizations, academic experts, professional associations, and representatives of marginalized communities. Inclusiveness ensures that the final law reflects the diverse needs and perspectives of the entire electorate, not just the narrow interests of political parties. This builds public ownership and trust in both the process and its outcome.

This principle is rooted in international human rights law. The right of everyone to "take part in the conduct of public affairs," guaranteed by Article 25 of the International Covenant on Civil and Political Rights, does not refer solely to voting but also to participating in the formulation of public policies, including electoral law. International standards go even further, emphasizing proactive measures for the inclusion of groups traditionally underrepresented. Every stage of reform must be open to public scrutiny. This means timely publication of draft laws, making minutes from working group meetings and public debates available, as well as clear communication regarding motives, timelines, and actors involved. Transparency is the primary antidote to suspicion and mistrust – sentiments inevitable in processes dealing with the distribution of power.

Electoral systems are complex mechanisms. Seemingly minor changes can have profound and often unpredictable consequences. Political actors, driven by their own interests, often lack sufficient knowledge of such consequences – or deliberately ignore them. Therefore, Expert analysis is crucial for modeling the potential effects of proposed changes and preventing reforms that, although perhaps well-intentioned, could weaken democratic principles. Expertise is thus a safeguard against unintended outcomes. This is precisely why the opinions of the Venice Commission and ODIHR are indispensable. Electoral laws cannot and should not be changed in just 20 days, without both internal and external transparency. In this process, the opposition unfortunately made a concession that could set a dangerous precedent: it agreed to pass laws without serious public debates or the involvement of international institutions. Such a move could prove very costly in the long run.

The fact that these solutions, contrary to earlier agreements, were not "tested" through a proper public debate or by securing opinions from the Venice Commission, ODIHR, the European Union, and others, indicates that political parties were fully aware of the "quality" of certain provisions.

Elections in a single day – a long-awaited dream or a partitocratic plan with sinister intent?

The synchronization of fragmented local elections certainly represents a major and significant novelty for future electoral cycles. As things stand now, our society will finally get some respite from the constant cycle of local elections. However, the decision to set June 13, 2027, as the date of the first general local elections has raised serious doubts and concerns among those more familiar with these processes.

To achieve single-day elections, the key is selecting a date for local elections that causes the least harm to electoral and democratic rights.

From this perspective, shortening the mandates of certain municipalities is not problematic, as it does not jeopardize citizens' right to elect their local representatives or to be elected themselves. On the contrary, it allows them to express their will more often – that is, to choose their government more frequently.

On the other hand, the Venice Commission (VC) points out that extending mandates is possible in cases of war, states of emergency, natural disasters, or institutional blockages. In addition, on several occasions it has happened in similar – though not identical – situations (Germany, Kyrgyzstan, Estonia, North Macedonia, Albania), when reforms were carried out in the public interest. In each case, three conditions had to be met: the reform had to be legally grounded, necessary, legitimate, and proportionate. In one of its opinions, the VC stresses that prolonging mandates – effectively restricting the right to vote – must be reasonably and clearly justified, with evidence showing why that option is better compared to other available alternatives. It suggests that, if an extension is necessary, it must be for the shortest possible period of time and only when no less intrusive solutions exist at that moment.

In other words, the chosen solution must cause the least possible harm to essential democratic principles, specifically to voting rights, which are curtailed when municipal mandates are extended. What is undeniable, however, is that the political parties that decided on the election date were not particularly concerned with these rules of the Venice Commission. Instead, they sought a date that best suited their political needs, rather than one that would be logical from the standpoint of protecting electoral rights. Their justification was that they needed a period free of electoral processes in order to focus on Montenegro's EU path, and with surprising ease they curtailed the right of citizens in 16 Montenegrin municipalities to elect their local representatives.

To illustrate how "less harm" could have been done in setting the date of general local elections, let us look at the options that were available to the parties at the time of decision-making – options that clearly show that the chosen date suited the parties rather than serving the interests of citizens and society as a whole:

The option that would have caused the least harm would have been to hold general local elections in the autumn of 2025. From the standpoint of proportionality, this option was almost "perfect." In practice, it would have meant no deprivation of voting rights through mandate extension, and harmonization would have been achieved through mandate reductions alone, while still holding elections on a single day.

The option of holding general local elections in the spring of 2026 would have meant restricting voting rights for around 26,000 citizens (Cetinje, Petnjica, and Mojkovac, based on the number of registered voters in the 2023 parliamentary elections). One municipality (Ulcinj) would have voted at roughly the regular time, mandates in 14 municipalities would have been shortened slightly, while in seven municipalities the shortening would have exceeded one year.

Had autumn 2026 been chosen as the date for general local elections, the "damage" would have been the following: around 47,000 citizens (in Cetinje, Petnjica, Mojkovac, and Ulcinj) would have had their right to vote withheld due to mandate extensions. In 12 municipalities, elections would have been held at approximately regular terms (Bar, Bijelo Polje, Danilovgrad, Kolasin, Plav, Pljevlja, Pluzine, Rozaje, Tivat, Zeta, Savnik – already complicated in its own right – and Zabljak). Mandates would have been shortened by up to a year in two municipalities (Tuzi and Andrijevica), while in seven municipalities (Gusinje, Podgorica, Kotor, Budva, Berane, Niksic, and Herceg Novi) they would have been shortened by more than a year.

The option of holding general elections in the spring of 2027 would have resulted in the following: the right to vote would have been withheld for more than a year for about 47,000 citizens (Cetinje, Petnjica, Mojkovac, and Ulcinj), while an additional 187,000 voters (Bar, Bijelo Polje, Danilovgrad, Kolasin, Plav, Pljevlja, Pluzine, Rozaje, Tivat, Zeta, Savnik, and Zabljak) would have faced a restriction of less than a year. Elections in Tuzi would have been held at approximately the regular time, while mandates in the remaining eight municipalities would have been shortened. This example best illustrates what proportionality means in practice – that is, the principle of causing the least possible harm to democracy. In the first option, no such harm would have occurred, whereas in the fourth option, around 234,000 citizens entitled to vote would have been affected.

Finally, the option of holding elections in a single day in the autumn of 2027 would have produced a roughly similar outcome (with somewhat shorter mandate reductions) while avoiding the additional problem that would arise if elections were held in the spring of 2027. One problem would have been avoided, but another would have emerged: choosing this option, combined with the stance of political parties that parliamentary and local elections should be merged, would have meant extending the mandates of MPs – that is, of the national parliament itself.

Marginalizing local politics or rationalizing efforts and costs?

The decision to hold general local elections in June 2027 effectively means that, as things stand, the parties intend to merge them with parliamentary elections. This is not yet entirely final, since the announcement of parliamentary elections lies in the hands of the President of Montenegro, who must call them between early June and July 11. There remains one possible, and perhaps fortunate, alternative for municipalities: extraordinary parliamentary elections. However, all indications point toward a merger, leaving local elections relegated to the status of "irrelevant."

In the Montenegrin context, local elections already tend to be treated as "second-rate." Campaigns often overlook local problems, while the dominance of national actors and issues overshadows municipal concerns. Small parties, independent lists, and local initiatives find gaining visibility in such an environment hard. Merging local and parliamentary elections would further weaken local democracy.

The damage this would cause is clear and undeniable, and we can draw on assessments by international institutions. The Council of Europe, the European Parliament, and ODIHR have all given their views on this phenomenon, particularly in the recent case of Serbia where local and parliamentary elections were combined.

The Council of Europe sees it as a "significant challenge for the electoral administration, contributing to an excessive focus on national political issues." The European Parliament has suggested that "holding local and parliamentary elections on the same day is neither good practice nor an established one; many observers see these partial local elections as a tool for consolidating the ruling party's power and an abuse of citizens' electoral rights at the local level." ODIHR agrees, noting that "the diverse media landscape was strongly polarized and provided selective coverage, prioritizing the national agenda over local issues, thereby limiting voters' access to essential information about local elections."

Most of these arguments would undoubtedly apply to Montenegro as well: local issues would be overshadowed by national ones; local elections would become "secondary" in the eyes of voters; the popularity of national leaders would "drag" votes to their local party lists, regardless of performance or quality at the municipal level; independent or opposition local lists would struggle to be heard in campaigns dominated by central political themes; the risk of resource abuse would increase; and electoral administration would face significantly greater pressure.

The Central Election Commission – a change in practice or a trap for the naive?

Arguably, the most important "real electoral change" is the depoliticization and professionalization of the state-level election administration and the establishment of a new institution – the Central Election Commission (CEC).

Some of the solutions included in the adopted law were taken from materials prepared by a similar committee back in 2019. At that time, however, the proposed measures never reached the parliamentary floor and therefore were never adopted.

Compared to those earlier drafts, the process for electing the president and members of the CEC has been significantly improved by creating clear procedures and mechanisms. These are meant to objectivize the membership criteria and "take away" the space for partitocracy to continue its entrenched practice of placing institutions under party control.

New mechanisms have also been built to strengthen the new CEC's financial independence by setting a minimum budget and establishing new procedures for approving the funds necessary for its work. The law also regulates the transparency of the future institution.

One of the key criticisms of the adopted solutions concerns the provision requiring that the CEC president and members must be lawyers. A legitimate question was raised (and one we ourselves asked as members of the working group that drafted the text): why, for example, could a political scientist not be considered suitable for membership in a body that oversees electoral processes? Within the working group, and later in the Committee session, the more conservative view prevailed – that the CEC issues legal decisions, and such decisions must therefore be made by lawyers. However, these arguments are only partially convincing, since the CEC has a professional legal service that prepares opinions on which decisions are then based.

In other words, the CEC can indeed bring progress – if its president and members are selected in the manner prescribed by law. If this does not happen, if instead the process is manipulated in order to circumvent the law (as was the case with the election of Constitutional Court judges), then we will end up with yet another fictitious reform rather than a genuine one.

A return to the past – losing hard-won rights and freedoms

One of the adopted amendments that has not received enough public attention grants parties the right to decide who will take over a vacant parliamentary seat, including the possibility of reinstating an previously resigned MP. This is a direct blow to the principle of the free mandate, one of the very foundations of European parliamentary democracy.

Such a practice runs counter not only to European standards, but also to the legal interpretations of Montenegro's Constitutional Court, which in its rulings from 2004 and 2018 clearly defended the free and independent mandate.

Despite years of civil society efforts to ensure greater transparency and democratization of the electoral system, Montenegro only introduced, in 2011, the legal requirement that parliamentary mandates be allocated strictly according to the order of candidates on the electoral list. This amendment, enacted as part of electoral reforms that represented one of the seven key conditions for opening EU accession negotiations, marked an important democratic step forward. Before that, half of the mandates were allocated by list order, while the other half remained at the discretion of political parties – something international organizations warned undermined the representativeness of elections, weakened the accountability of elected representatives to voters, and called into question the transparency of the electoral process.

In this context, it is particularly alarming that today, at a moment when Montenegro should be entering the final phase of its EU accession process, a return to earlier, anti-democratic practices is being proposed. With these amendments, mandates are again placed in the hands of party headquarters, further eroding the system and opening space for political bargaining and manipulation. This backward step not only nullifies years of effort to meet international standards but also sends a troubling message about the genuine political will to build the electoral process on the principles of free and fair elections.

A major opportunity for women in politics

Gender quotas were introduced into Montenegrin legislation more than a decade ago, with the aim of reducing the underrepresentation of women in politics and decision-making positions. The idea behind gender quotas stems from the reality that in patriarchal societies, women in politics face barriers that men do not – and that these barriers give men an advantage. Practice has shown that, although the effect is slow and often symbolic, quotas do have a positive impact. The percentage of women in representative bodies generally rises after quotas are introduced, even though it still remains below a satisfactory level.

For this reason, the introduction of a 40% quota is another significant step forward, another victory over patriarchy.

We hope this will not be the final step, but rather a strong incentive toward achieving full political equality – an equality that will extend from parliament to other important state institutions.

News in the area of party financing – unprecedented amounts in comparative practice

The Law on the Financing of Political Entities and Election Campaigns was prepared over a long period of time, and that process was far more transparent and of higher quality than the drafting of amendments to the Law on the Election of Councilors and Members of Parliament.

A positive development in this law is the introduction of explicit bans and restrictions on so-called "incumbency campaigns," as well as on the adoption of acts and measures that could undermine the equality of participants in the electoral process.

For the first time, the law also regulates the role of third parties who are not formally participants in elections, thus opening space to finally acknowledge and analyze this phenomenon rather than continuing the practice of ignoring or denying it. Still, the key question remains: how will these provisions actually be applied in practice? Nothing has been done to strengthen the independence, professionalism, or capacity of the institutions responsible for oversight.

Although the law contains these improvements, its fundamental weakness lies in the fact that it comes outside the context of a comprehensive electoral and anti-corruption reform. As long as that broader reform does not happen, the law will remain without real effect. Citizens will not feel any improvement in electoral integrity, in the oversight of party financing, or in the sanctioning of abuses – because the system that should monitor the law's implementation remains untouched. The only actors to feel direct benefits are political parties themselves, as the increase in budget funds for their work produces immediate effects. Under the adopted solution, allocations from the state budget for parties rise from 0.5% to 0.8% of the current budget, meaning total allocations from state and municipal budgets will amount to about €15.7 million. There is no comparable example in modern European democracies of such a high share of the budget being earmarked for party financing – in most countries the figure ranges between 0.1% and 0.2%. Even before this increase, Montenegro's allocations for political parties were already well above the European average.

One of the key issues – one which parliamentary parties were unwilling even to discuss – is the serious inequality among participants in the electoral process when it comes to financing. Despite international recommendations pointing out that the existing system unfairly favors larger, established parties at the expense of smaller and newer political actors, no substantial change has been made. Parties are still allowed to use funds intended for their regular work in their campaigns, without even a basic cap on the amount that can be transferred. Parties have partly defended this by pointing out that the allocation method for regular budget funding has been slightly improved: now 30% of funds are distributed equally to all parties, instead of the previous 20%. While this is indeed a step forward compared to the earlier highly unfair model, it is still far from ensuring real financial balance and fair political competition.

What needs to be done for this reform to truly be comprehensive?

Following the recent adoption of new electoral measures, some have claimed that two-thirds of the electoral reform has been completed and that the key work is now behind us. We also heard firm promises that the reform will continue with equal intensity and that new compromises will be sought.

However, this unusual fragmentation of the reform is understood by some, who place little trust in politicians' words and promises, as an excuse – and they believe the continuation of reform will never actually happen.

Whatever the case may be, in this publication we want to remind readers of the parts of our electoral process that remain unreformed. For what feels like the hundredth time, we repeat recommendations whose adoption would amount to a genuine and comprehensive reform:

1. Introduce an open-list electoral system.
2. Enable individual candidacies of citizens.
3. Ensure the residence registry is accurate and up to date.
4. Increase the transparency of the voter register.
5. Improve penal policy regarding the reporting and registration of deceased persons.
6. Align the system of protecting voting rights with international standards.
7. Create a new system for validating candidacies in elections.
8. Provide affirmative action measures for Roma.
9. Introduce the direct election of mayors.
10. Elect local community councils through elections.
11. Make elections accessible to persons with disabilities.
12. Remove from the Election Law the committee tasked with overseeing t
he work of the media.
13. Re-examine the ban on publishing public opinion polls.
14. Clarify the provisions of the Election Law on electoral silence.
15. Legally regulate uncertainties regarding the second round of presidential elections.
16. Expand the competencies of the Agency for Electronic Media (AEM) to better regulate the electoral process.
17. Legally regulate the issue of disinformation in the electoral process.
18. Criminalize illegal election financing and other harmful practices
in the electoral process.
19. Correct unclear and contradictory provisions of the Election Law.
20. Strengthen the protection of the right to non-partisan election observation.
21. Introduce the obligation to sign a Code of Fair and Democratic Elections.

We believe that in the coming months it will become very clear whether Montenegro has implemented a truly comprehensive electoral reform – or merely a contrived one.

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