



Coalition All for Fair Trials

Project:

Transparency and Public Scrutiny of the Judicial Proceedings in the Election-Related Criminal Cases

**Progress Report
June-December 2009**

TRANSPARENCY AND PUBLIC SCRUTINY OF THE JUDICIAL PROCEEDINGS IN THE ELECTION-RELATED CRIMINAL CASES

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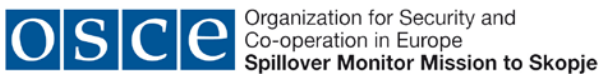
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Introduction

The June-December 2009 Progress Report on the judicial proceedings in the election-related cases is a deliverable under the Project “Transparency and Public Scrutiny of the Judicial Proceedings in the Election-Related Criminal Cases”, which continues the project implemented by the Coalition All for Fair Trials in the July 2008- June 2009 period. The Project is funded by the OSCE Spillover Monitor Mission to Skopje and by the Foundation Open Society Institute-Macedonia. The overall project objective is to contribute towards a democratic election process and to the rule of law in the Republic of Macedonia.

This Report reflects the progress in the criminal law response by state institutions against election irregularities in the context of the 2008 early parliamentary elections and the 2009 presidential and local elections. Throughout this period, the Coalition observers monitored a total number of 53 court hearings in criminal cases before the first instance courts in Skopje, Tetovo, Gostivar and in Struga. In this period, based on communications received from the Public Prosecutor’s Office and the Courts of Appeal, the activities of the Public Prosecutor’s Office and the appeals processing in Courts of Appeals were monitored and analyzed.

Some of the perpetrators of crimes against elections and voting committed several heterogenous crimes, and not only crimes sanctioned under the chapter "Crimes against Elections and Voting" of the Criminal Code. Thus, perpetrators were tried for crimes, which are not covered by the said chapter of the Criminal Code.¹ The Coalition monitored and analyzed these proceedings too in order to establish a complete picture of the criminal law response against all irregularities during the elections. The Collation also monitored the activities undertaken with respect to election misdemeanors. However, considering the limited information available at the moment, these activities will be elaborated in detail in the following Collation Report on election matters.²

The Coalition All for Fair Trials implemented the monitoring process following its standard methodology. Officially contacting the Public Prosecutor’s Office and courts, as well as through its 10-member observer network, the Coalition gathered empiric material analyzed by the Report authors: Mr. Aleksandar Stojanovski, Project Coordinator, and the associate consultant, Mr. Aleksandar Cicakovski. Unlike previous reports, the on-going project and this Report are focused only on penal (criminal and misdemeanor) proceedings.

¹ In this respect, it is primarily the matter of crimes such as: criminal association, forgery of official documents, unlawful manufacture, possession and sale of weapons and explosive materials.

² The next Coalition Report on court proceedings against perpetrators of election offences (criminal and misdemeanor) is envisaged to be prepared and promoted in April 2010.

1. PROCEEDINGS OF THE PUBLIC PROSECUTOR'S OFFICE

1.1. Progress in Processing Criminal Charges from the 2008 Early Parliamentary Elections

In respect of criminal charges against offences committed during the 2008 early parliamentary elections, it was established that the Kumanovo Public Prosecutor's Office is still processing 3 criminal charges against 13 unknown perpetrators. The Kumanovo First Instance Court completed the investigative activities regarding these cases as late as mid 2009. December 2009, inclusive these investigations were still not settled. Despite the objective limitations, it can be concluded that such conduct of relevant activities substantially violates the principle of urgency following which proceedings on such cases are to be conducted. This is especially evident if it is taken into consideration that it is a matter of flagrant crimes for which there are possibilities for efficient detection and prosecution of their perpetrators.

1.2. Processing Criminal Charges in the context of the 2009 Presidential and Local Elections

13 criminal charges were filed with the Basic Public Prosecutors' Offices against 34 persons for whom there were reasonable grounds for suspicion that they had committed crimes against the 2009 presidential and local elections. Compared with the 2008 parliamentary elections, the number of persons reported was reduced by 85%, which indicates that the preparations for the conduct of these elections by all relevant state institutions produced evident results. The preventive measures undertaken by the police, Public Prosecutor's Office and the election administration, coupled with the improved coordination on Election Day contributed towards significant reduction of the potential for perpetration of such crimes.

	2006 Parliamentary Elections	2008 Parliamentary Elections	2009 Presidential and Local Elections
Persons Reported	52 persons	217 persons	34 persons

Table 1: Comparative Review of the Number of Reported Persons

1.3. Persons and Bodies Pressing Criminal Charges

All criminal charges against crimes committed during the presidential and local elections were filed by the Ministry of Internal Affairs. As in the case of the 2008 parliamentary elections, at the 2009 presidential and local elections, there were not any cases in which the Public Prosecutor's Office or the State Election Commission, which is directly responsible for the lawful conduct of elections, detected crimes and perpetrators or pressed criminal charges. This information indicates that the State Election Commission and the Public Prosecutor's Office do not actively fulfill their legally prescribed competences of detecting and reporting crimes against elections and their perpetrators. As in the case of the irregularities at the 2008 parliamentary elections, the 2009 presidential and local elections too leave the impression that more sophisticated offenses such as misuse of the voting right, violation of the confidentiality of voting, bribery at elections and voting, and abuse of election campaign funds remain undetected and unsanctioned.

1.4. Processing of Criminal Charges

While processing criminal charges against crimes related to the 2009 presidential and local elections, the Public Prosecutor's Office filed 10 requests to the Ministry of the Interior for collection of additional information, then it filed requests for institution of an investigation against two persons, and it dismissed criminal charges against one person. Similarly to the processing of cases of election irregularities at the 2008 parliamentary elections, the data show that Public Prosecutors need to be more actively engaged on the immediate examination and gathering of certain data and information, contributing thus to the prompter processing of these cases, as well as to improving the efficiency in prosecuting perpetrators. December 2009 inclusive, after conducted investigations, the Public Prosecutor's Office instituted only 3 indictments with the Skopje 1 First Instance Court.

RECOMMENDATIONS:

Public Prosecutors need to assume the leading role in the pre-trial proceedings, i.e. they are to lead and guide the procedure for collection and selection of evidence. The Public Prosecutors need to be more intensively engaged on activities for immediate examination of certain data and on the collection of required information that on its part would significantly reduce the duration of proceedings.

It is necessary to improve the communication and coordination of relevant bodies in detecting and securing traces and items that could be used as evidence immediately after the perpetration of crimes against elections and voting.

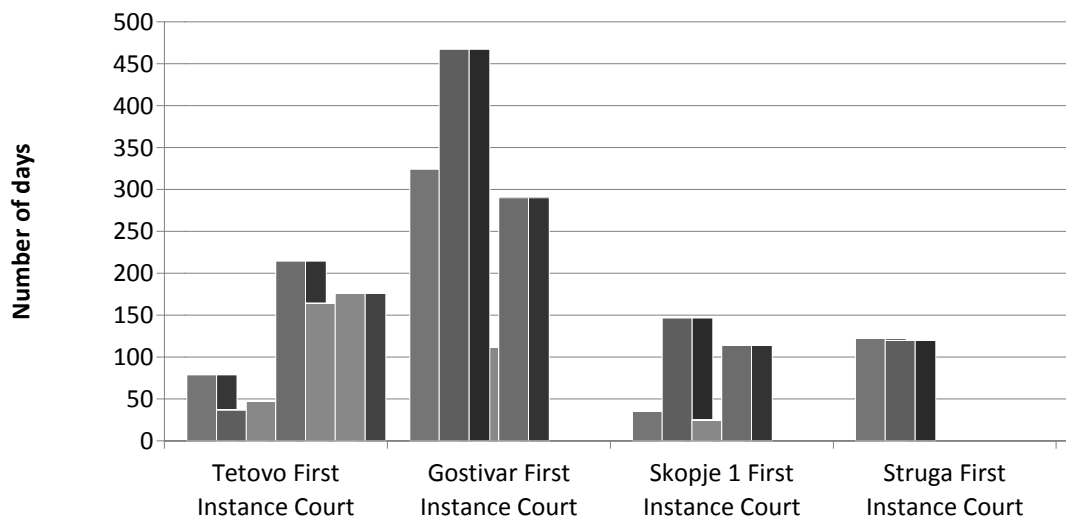
2. PROGRESS OF COURT ACTIVITIES IN CRIMINAL CASES AGAINST THE 2008 EARLY PARLIAMENTARY ELECTIONS

Data on observed cases show that December 2009 inclusive, first instance verdicts were adopted in 16 criminal cases involving 44 persons, while 16 criminal cases involving 75 persons are still pending. The major problems arising in the courts' processing of these criminal cases remain to be the duration of proceedings and ensuring legally valid evidence. Hence, these two issues are specifically analyzed bellow.

2.1. Duration of Court Proceedings

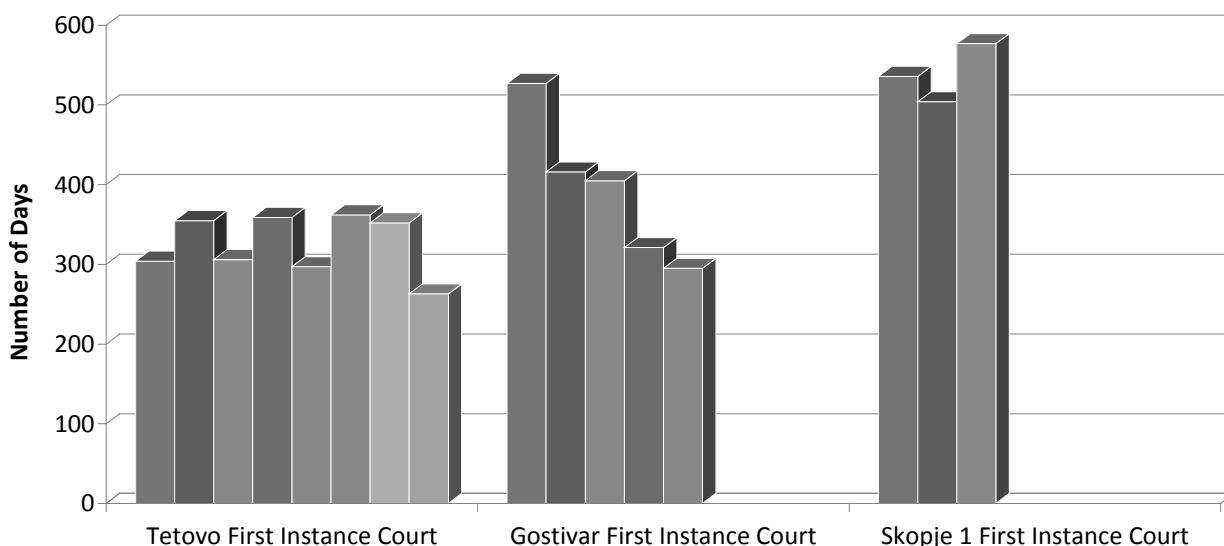
Having ratified the European Human Rights Convention, the Republic of Macedonia has assumed the substantive obligation to organize its legal system in a way that it ensures trial "within reasonable period." In light of the serious social threats posed by crimes against voting and elections, the Election Code of the Republic of Macedonia envisages urgency of the relevant proceedings (*Article 178, paragraph 2 of the Election Code*). Despite this fact, based on the thus far monitoring of the processing of these cases it can be noticed that courts do not consistently honor this obligation. Hence, December 2009 inclusive, first instance verdicts were adopted in only half of the cases (*16 cases*) of crimes against the 2008 parliamentary elections, while court proceedings in the other cases are pending for more than a year. It should be

emphasized that instead of serving as a preparatory stage to facilitate and accelerate the main hearing, investigations have proven to be a factor that additionally delays the proceedings.



*** Table 2: Duration of Proceedings from Institution of an Indictment to Adoption of a First Instance Verdict**

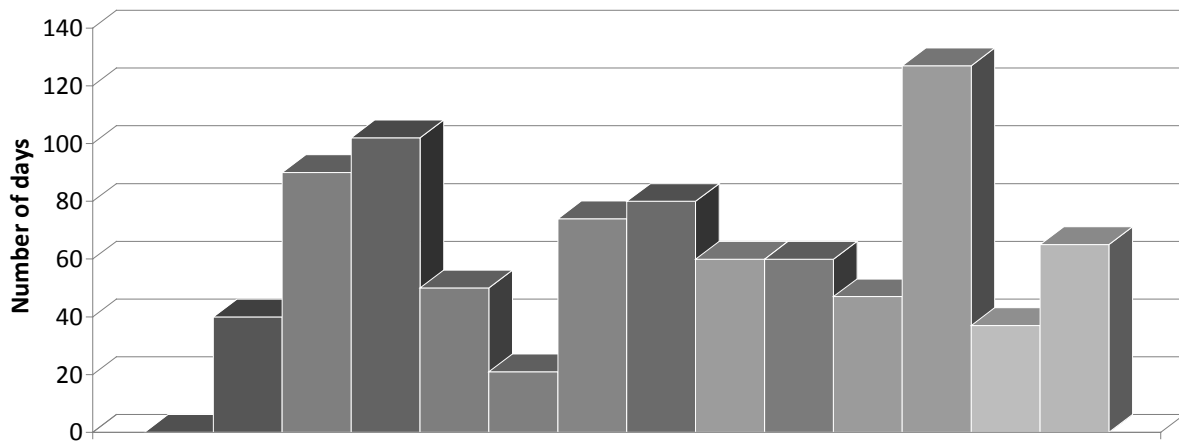
It should be underscored that the processing of these cases gained on its dynamics immediately before and following the 2009 presidential and local elections, while afterwards there could be a slow down noticed. This demonstrates the strong link between the interest of the public at large in the progress of activities with respect to these cases and the efficiency of their processing.



*** Table 3: Duration of Proceedings in Pending Cases in which a First Instance Verdict has still not been adopted**

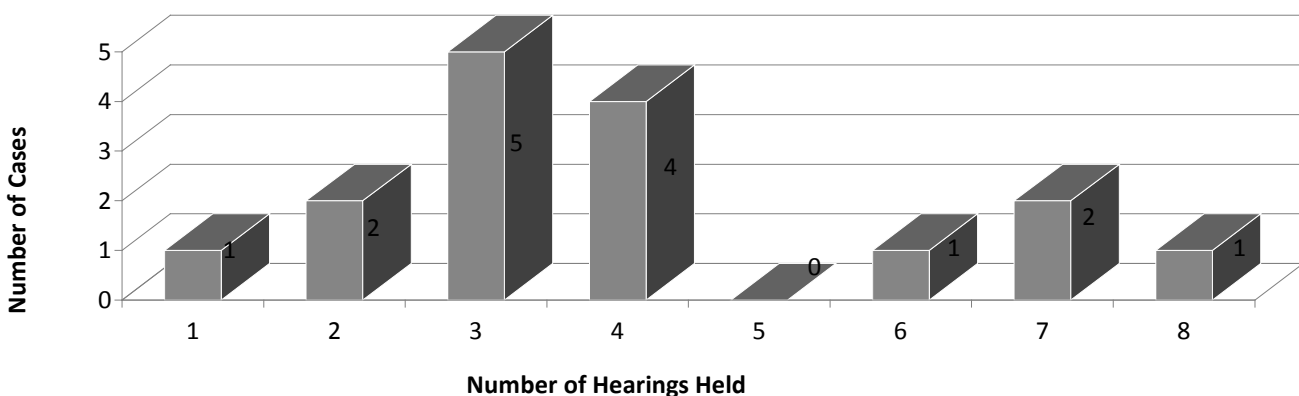
With a view to establishing a true picture of the duration of proceedings and whether there are justifiable reasons for this, we analyzed the duration of proceedings as of the

institution of the indictment to the scheduling of the first hearing, as well as the frequency of postponements of the main hearing and the reasons thereof, while taking into consideration that the concept of reasonable time is not be generalized, and that the specific circumstances of each individual case need to be taken into consideration.



***Table 4: Duration of Proceedings as of the Institution of Indictments to the Scheduling of a Hearing**

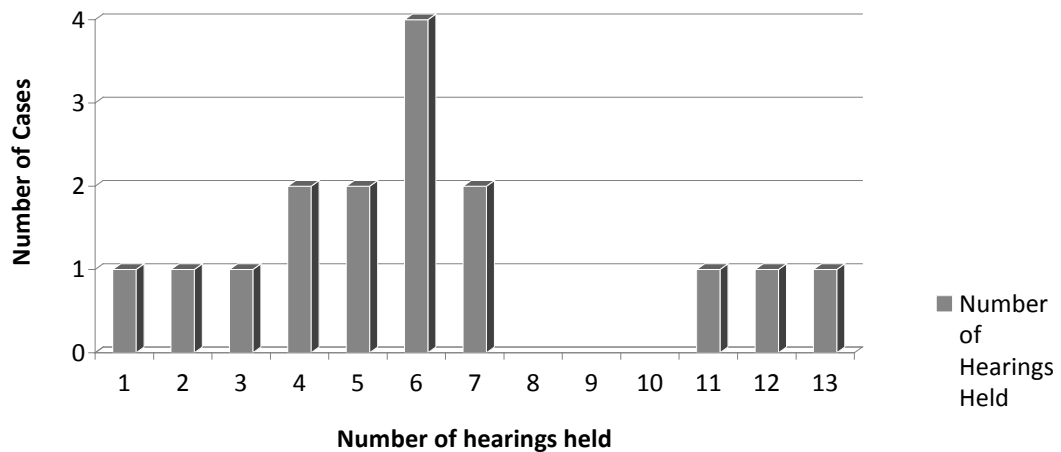
The average period from the receipt of the indictment by the court (*i.e. processing of complaints*) to the scheduling of the first hearing is at least two times longer than the legally prescribed period. The reasons for this are both of subjective and of objective character. Hence, on one hand, it is evident that in a certain number of cases the Presidents of the Court Councils insufficiently prepared the main hearing, but on the other hand, the reasons for this could be located in the heavy caseload of courts and their insufficient staffing.



***Table 5: Number of Hearings Held in Cases in which a First Instance Verdict was Adopted**

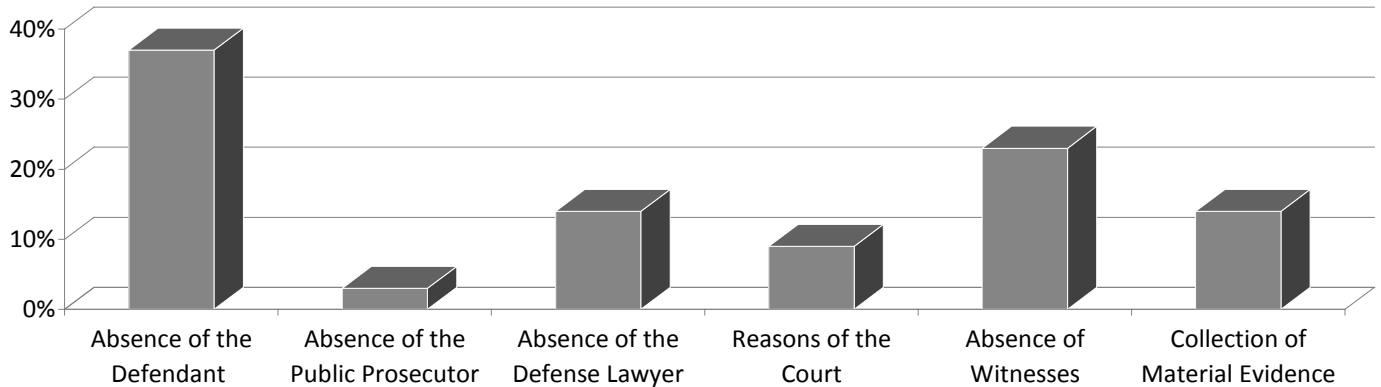
A specific problem contributing to the delay of the procedure is the lack of concentrated conduct of the trial in only several hearings. The analysis shows that in 8 of the

thus far 16 cases completed in the first instance, the courts needed more than 3 hearings to pass a verdict.



*** Table 6: Number of Hearings held in Pending Court Proceedings**

It is alarming that in the remaining 16 court cases in which the first instance proceedings are still pending, there were 6 hearings held in average. In 2 of these cases, the proceedings were delayed due to a retrial, in the first case on grounds of non-fulfillment of the legally prescribed term for postponement of proceedings, and in the second case because of change in composition of the court.



*** Table 7: Reasons for Postponement of Hearings**

The analysis of the information on the reasons for the postponement of hearings based on the thus far monitoring of court proceedings in cases of crimes against the 2008 early parliamentary elections, shows that the absence of one of the relevant actors is the most often reason for the delay of proceedings. The absence of one of the indicted person in a single case is the prevailing reason. In this respect, there a numerous postponements in cases with several defendants. In a fewer number of cases, the postponement of the hearing and the delay of the proceedings can be attributed to the absence of witnesses, ensuring material evidence and to reasons directly linked with courts. Such information shows that courts do not rationally use

the legally prescribed instruments to ensure the presence of defendants and of the other participants in the proceedings. The Coalition observers have the impression that the surrounding circumstances, i.e. political influences have a great impact on such conduct of proceedings.

Data related to monitored cases shows that hearings were delayed the longest in the Gostivar First Instance Court where 64.7% of the postponements ranged up to 30 days, 27.2% from 31 to 60 days, and 8.1% were postponements of more than 60 days, which consisted grounds for a retrial. The analysis shows that in the Skopje 1 First Instance Court, 77.8% of the postponements were up to 30 days, while this court is characteristic for short delays of up to 10 days. In addition, 22.8% of the postponements were up to 60 days. At the Tetovo First Instance Court, 82.6% of the postponements were up to 30 days, and only 17.4% of the postponements were up to 60 days. This information confirms the above stated conclusion on the inappropriate preparation of the main hearing by the Presidents of Councils and on the heavy caseload of courts and their insufficient staffing.

RECOMMENDATIONS:

Courts must adjust to various procedural situations in scheduling the cases in order to ensure the presence of the relevant parties to the case and of the other participants in the proceedings.

In justified situations, it would be appropriate if courts more often use relevant measures to ensure the presence of the defendant (in cases in which it is not necessary to order pretrial detention, other preventive measures could be used), as well as other legal measures to ensure the presence of other participants in the proceedings. Judges need to demonstrate greater readiness to prevent intentional attempts to delay proceedings by applying the legal possibilities to sanction such a conduct of the parties.

In cases in which there are several defendants and the proceedings are postponed owing to the absence of one or of several defendants, courts should utilize the legal possibility to separate the proceedings. The courts should consider frequent postponements of hearings as sufficient grounds for separation of proceedings and their completion in separate cases.

Courts must undertake all possible measures to reduce the period of postponement of the hearings. There should be special attention paid not go beyond the term of 60 days, considering that otherwise there must be a retrial.

2.2. Evidence Procedure

Verbal evidence dominates the evidence procedure in criminal court cases against elections and voting. In this respect, courts most often accept and present evidence by hearing witnesses, using material evidence to a lesser extent. Most of the material evidence consists of official documentation of the Ministry of the Interior, such as minutes on the recognition and identification of persons, minutes and official notes on impounded items, forensic reports on arms. In only 21.4% of monitored cases, the election material was used as evidence, the most often used election material being minutes on reporting cases to the police and minutes on the voting, as well as minutes on tabulation and summing up of results.

In light of their legal obligation to ex officio clarify the cases, courts are faced with the problem of how to ensure legally relevant evidence. This problem influenced both the duration of the proceedings and the determination of the material truth. In criminal proceedings on crimes against the 2008 early parliamentary elections, courts encountered problems such as avoidance of giving witness statements, witnesses changing their statements given before an investigative judge and at the main hearing, impossibility to ensure some of the election material as evidence and delays in the forensic reports on material evidence. The main factors contributing to these problems are the fear of witnesses to give statements about the criminal offense and the lack of institutional coordination in ensuring material evidence. The fear of witnesses to give statements about the event is determined primarily by the level of democratic culture among voters and political parties and by the influence by perpetrators on potential witnesses.

RECOMMENDATIONS:

It is necessary to intensively engage all societal actors in order to:

- Raise the level of democratic culture among voters and political parties and sanction all forms of intimidation.

- Improve the communication and coordination of the relevant bodies in ensuring legally valid evidence.

- In cases of unknown perpetrators, investigative judges should hear witnesses before the institution of an investigation.

3. JUDICIAL PROCEEDINGS IN CRIMINAL CASES AGAINST THE 2009 PRESIDENTIAL AND LOCAL ELECTIONS

In respect of crimes related to the 2009 presidential and local elections, there were 3 indictments instituted with the Skopje 1 First Instance Court. Two indictments were instituted under Article 158, paragraph 1 – preventing elections and voting and both cases are prepared for the main hearing, i.e. the indictments were forwarded to the defendants and confirmation of receipt is expected. The third indictment was instituted under Article 162 of the Criminal Code –bribery at elections and voting. In this case, the preparations for the main hearing are completed, and the first hearing was scheduled.

4. COURTS' SENTENCING POLICY IN CRIMINAL CASES AGAINST THE 2008 EARLY PARLIAMENTARY ELECTIONS

The monitoring of judicial proceedings by the Coalition observers facilitates continuous monitoring of the types of rulings adopted by first instance courts, as well as of the duration of sanctions courts pronounce for perpetrators of crimes, who have been found guilty of crimes against elections and voting and of other election related irregularities. This section presents a review of the thus far adopted legally valid verdicts, as well as an analysis of the sentencing policy of first instance courts in meting out the punishment.

4.1. Legally Valid Court Verdicts

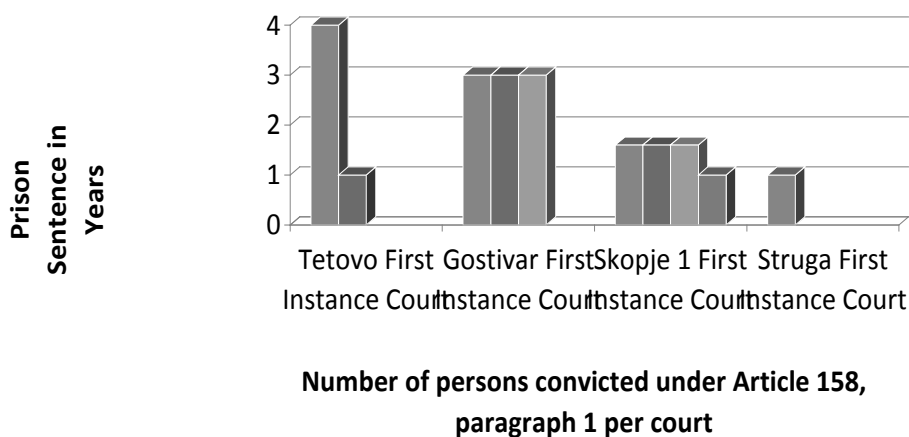
CONVICTIONS	VERDICTS OF DISMISSAL	ACQUITTALS
Tetovo First Instance Court for 5 persons		Tetovo First Instance Court for 6 persons
Gostivar First Instance Court for 14 persons	Gostivar First Instance Court for 1 person	Gostivar First Instance Court for 1 person
Skopje First Instance Court for 14 persons		
Struga First Instance Court for 1 person		Struga First Instance Court for 2 persons
Kumanovo First Instance Court for 2 persons		

**Table 8: Types of Legally Valid First Instance Verdicts*

In cases related to the 2008 early parliamentary elections, December 2009 inclusive, first instance courts in the Republic of Macedonia adopted convicting verdicts against 36 persons, acquitting verdicts for 9 persons, and verdicts of dismissal with regards to 1 person. According to the Coalition observers who monitored the court hearings, the verdicts were adopted impartially and based on a free assessment of all evidence. The reasons for verdicts acquitting the defendants were that during the procedure it had not been proven that the defendants had perpetrated the crime for which they were indicted. Such information illustrates that the problem of ensuring legally relevant evidence as identified above is directly reflected on court rulings.

4.2. Meting out Sentences for Persons Convicted of Crimes against the 2008 Early Parliamentary Elections

Most of the sentences range within the legal framework, and are featured with clear tendency towards the specific legal minimum sentence. In addition, the institute of mitigation of sentence is frequently used in order to mete out sentences below the specific legal minimum. Hence, pursuing such a sentencing policy, despite the legal possibility to mete out drastically stricter sentences, the first instance courts do not come close even to a third of the legal framework they have available.



Number of persons convicted under Article 158, paragraph 1 per court

Table 9: Meted out Sentences for the Crime of Preventing Elections and Voting under Article 158, paragraph 1

In meting out sentences for perpetrators of the crime of preventing elections and voting under Article 158, paragraph 1, courts used the institute of mitigation of sentence in respect of as many as 6 persons. Thus, in respect of 3 of these persons an effective imprisonment sentence of 1 year and 6 months was pronounced, while in respect of the remaining 3 persons an effective prison sentence of 1 year was pronounced.

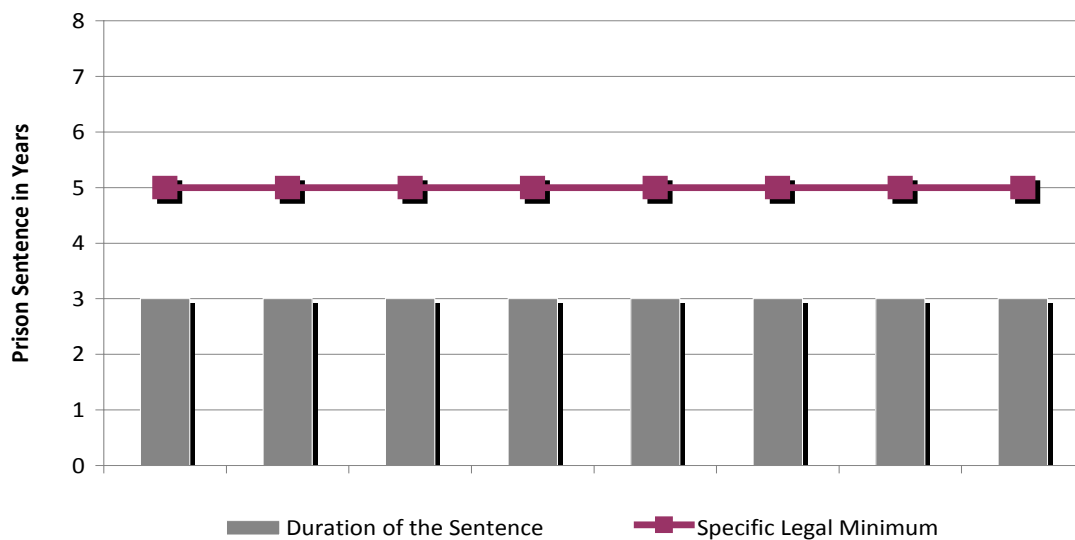


Table 10: Meted out Sentences for the Crime of Preventing Elections and Voting under Article 158, paragraph 2

In respect of perpetrators of the crime of preventing elections and voting under Article 158, paragraph 2, the above chart shows that courts have a very lenient sentencing policy, i.e. courts use the institute of mitigating a sentence and thus pronounce a sentence below the legal minimum. Such sentencing policy of courts is not appropriate to the social threat recognized by the legislator that in 2006 envisaged much stricter sentences. Another issue imposed in this context is related to the reasons for such a discrepancy with the legally defined model of sanctioning of perpetrators of these offences.

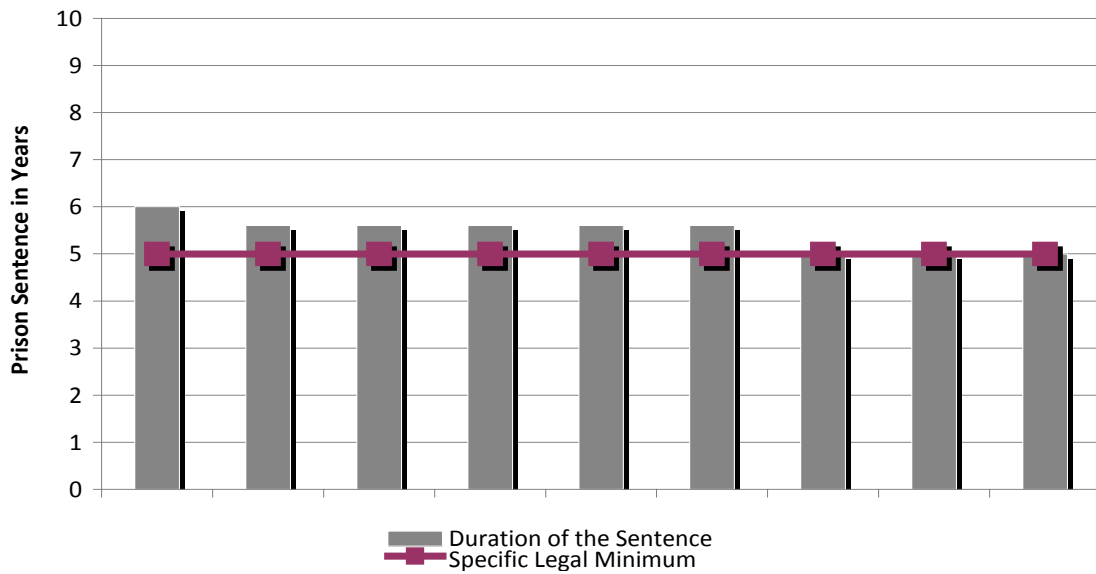


Table 11: Meted our Sentences for the Crime of Unlawful Manufacture, Possession and Sale of Weapons and Explosive Materials under Article 396, paragraph 1

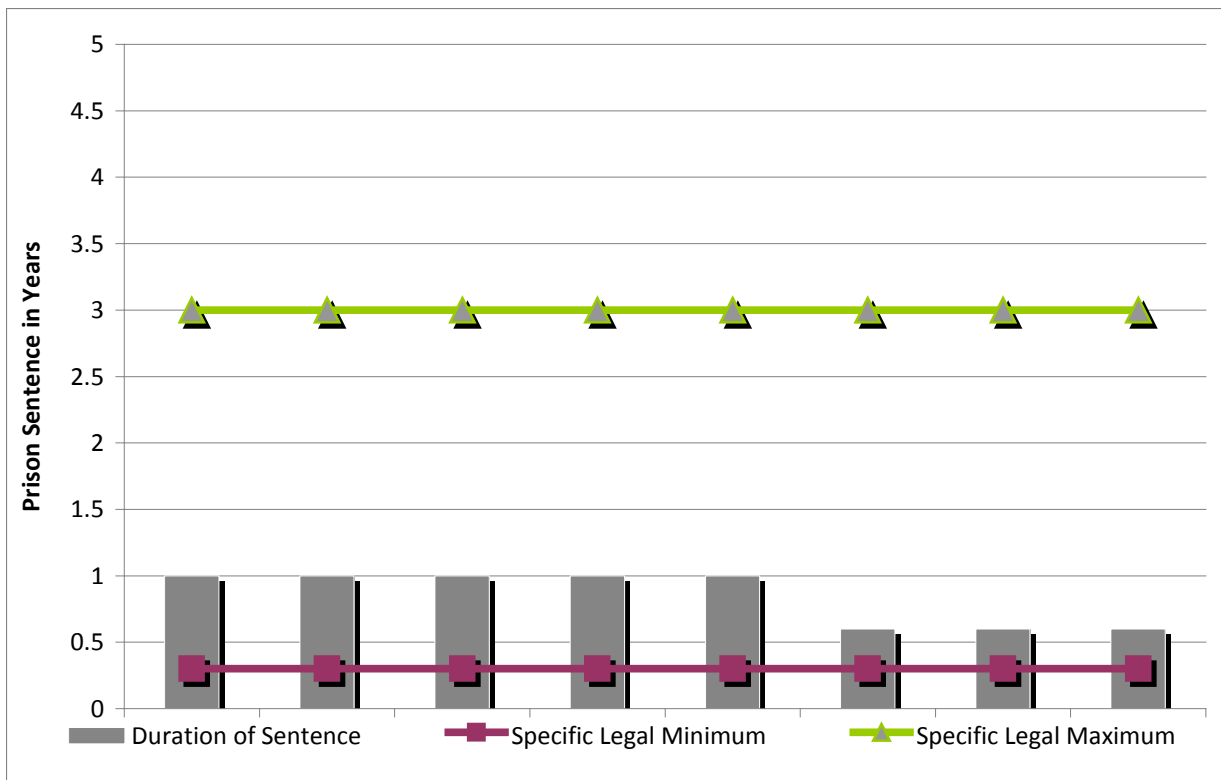


Table: 12 Meted out Sentences for the Crime of Criminal Association under Article 394, paragraph 2

Sentences pronounced for crimes that gave an especially violent character to the election irregularities at the 2008 early parliamentary elections also move within the specific legal minimum. This serves to confirm the lenient sentencing policy of courts. As regards other crimes, courts pronounced the following sanctions:

Misuse of the voting right under Article 161, paragraph 1	1 sentence of 3 years imprisonment
Criminal Association under Article 394, paragraph 1	1 sentence of 1 year and 6 months imprisonment
Criminal Association under Article 394, paragraph 2	3 sentences of 6 months imprisonment 5 sentences of 1 year imprisonment
Unlawful manufacture, possession and sale of weapons and explosive materials under Article 396, paragraph 1	1 sentence of 1 year imprisonment
Unlawful manufacture, possession and sale of weapons and explosive materials under Article 396, paragraph 2	1 sentence of 6 years imprisonment 5 sentences of 5 years and 6 months imprisonment 3 sentences of 5 years imprisonment

4.1. Sentencing Policy of Courts

The analysis of the circumstances that the court was guided by in the individualization of sentences shows that in providing reasoning for the pronounced sentences, courts refer to a smaller number of mitigating or aggravating circumstances, than those that are strictly envisaged by law. The circumstances are repeated as a stereotype without being specifically analyzed. In addition, the gravity of the threat or the violation of the protected good is the least analyzed circumstance.

Reasoning on the Circumstances in Meting out a Sentence	Degree of Criminal Liability		mitigating	
			aggravating	20%
	Motives for the Crime		mitigating	
			aggravating	13,4%
	Degree of Threat or Violation of the Protected Good		mitigating	
			aggravating	40%
	Circumstances under which the Crime has been Committed		mitigating	
			aggravating	6,6%
	Former life of perpetrators and their personal circumstances		mitigating	62,5%
			aggravating	20%
	Conduct Perpetrators after the Committed Crime	Remorse or Confession to the Crime	mitigating	25%
			aggravating	
		Attitude towards the Damaged Party	mitigating	
			aggravating	
Other		mitigating	12,5%	
		aggravating		

Table 13: Circumstances considered in Meting out a Sentence

The circumstances most often referred to in the reasoning of the sentence are previous (non) conviction, personal situation of the perpetrator, the degree of threat or violation of the protected good. In meting out a sentence, courts most often take the former life of perpetrators and their personal situation into consideration as a mitigating circumstance (even in 62.5% cases), while the conduct of perpetrators after the committed crime had significantly lesser influence in this respect (25%). If it is taken into consideration that in several cases, courts used the institute of mitigating a sentence, then the question arises whether these circumstances could be mitigating to a degree that still enables achievement of the goal of the punishment.

On the other hand, courts most often take the degree of threat or violations of the protected good as the aggravating circumstance (40%), then the degree of criminal liability (20%) and the former life of the perpetrator (20%). However, despite the significant increase of the intensity of violation of free and democratic elections which is a fundamental value of the constitutional order of the Republic of Macedonia, courts failed to establish sufficient circumstances to make their sentencing policy stricter.

The Public Prosecutor's Office too did not even make an attempt by using legal remedies (appeals) to correct such a lenient sentencing policy of first instance courts in order to make this policy stricter. Thus, it is in only 2 criminal cases that the Public Prosecutor's Office appealed against convicting verdicts of the court, objecting the determined duration of the penal sanction.

RECOMMENDATIONS:

The legislator should envisage a gradation of the acts of perpetration of crimes against elections and voting, while maintaining a stricter sentencing policy for serious crimes, and making the sentencing policy more lenient for the other acts of crime, in order to discourage meting out sentences within the legal minimum and the frequent use of the institute of mitigating a sentence. This will help encourage the Public Prosecutors to act upon crimes which represent a lesser social threat, and which now owing to the very strict deterring sentences remain unsanctioned. It is also necessary to set appropriate limitations on provisions envisaging the possibility of mitigating the sentence.

Courts should individualize the sentence by taking into consideration and analyze all mitigating and aggravating circumstances as envisaged by law in determining the penal sanction. In meting out the sentence, courts need to utilize the available legal framework to the fullest and thus contribute towards specific and general prevention of this type of crime that was on the rise in the last several election cycles.

The Public Prosecutor's Office needs to employ legal remedies (appeals) in an attempt to correct the lenient sentencing policy of first instance courts.

5. APPEALS PROCEDURE IN CRIMINAL CASES IN RELATION TO THE 2008 EARLY PARLIAMENTARY ELECTIONS

According to information on monitored proceedings, December 2009 inclusive, 9 verdicts of first instance courts were appealed against- 4 verdicts of the Skopje 1 First Instance Court, 2 verdicts of the Tetovo First Instance Court, 2 verdicts of the Gostivar First Instance Court, and 1 verdict of the Struga First Instance Court. The Public Prosecutor's Office mainly appealed acquitting sentences, and very rarely convicting sentences in respect of the duration of the penal sanction. Such information confirms the conclusion that the Public Prosecutor's Office is primarily focused on correcting acquitting verdicts, and that it does not undertake efforts to make the courts' lenient sentencing policy stricter.

In the appeals proceedings, the Courts of Appeals dismissed appeals in 6 cases as lacking grounds, confirming thus the first instance verdicts, while in 3 cases, the appeal was granted, i.e. 1 verdict acquitting the defendant, and 2 convicting verdicts were repealed, and retrial was ordered in the cases. In all cases, the verdicts were abolished owing to erroneously established facts of the case, or more precisely first instance courts had incorrectly or incompletely established the decisive facts.

Number of Verdict		Type of Verdict	Appeal submitted by:	Ruling of the Courts of Appeals
Tetovo First Instance Court	556/08	Conviction	1 convicted person	Appeal dismissed, verdict confirmed
	761/08	Conviction	1 convicted person	Appeal granted, verdict repealed
Court	405/08	Conviction	5 convicted persons and by the Basic Public Prosecutor's Office	Appeals dismissed, verdict confirmed
	287/08	Acquittal	Basic Public Prosecutor's Office	Appeal granted, verdict repealed
Skopje 1 First Instance Court	45/08	Conviction	9 convicted persons	Appeals dismissed, verdict confirmed
	2828/08	Conviction	1 convicted person and by the Basic Public Prosecutor's Office	Appeals dismissed, verdict confirmed
	2200/08	Conviction	3 convicted persons	Appeals dismissed, verdict confirmed
	2271/08	Conviction	1 convicted person	Appeal granted, verdict repealed
Struga First Instance	108/08	Conviction	1 convicted person	Appeal dismissed, verdict confirmed

6. CONCLUDING OBSERVATIONS

In light of the above referred to data and analyses, it can be concluded that despite the recent improvements, the criminal law response to crimes committed against elections is not sufficiently efficient and effective. The reasons for such situation are numerous, and the situation could be changed in the future if the presented recommendations and suggestions are taken into consideration.

In 2010, the Coalition will continue monitoring and analyzing the proceedings against perpetrators of election irregularities, and the overall data will be presented in a report to be prepared and promoted in April 2010. In light of its past and planned activities, the Coalition will continue to make its contribution towards strengthening the rule of law in the area of elections.