



## Third party (non-contestant) campaigning – comparison and recommendations for North Macedonia

February 2026



International Foundation  
for Electoral Systems

This product was prepared within the Balkans Resilient Institutions for Democratic Governance and Elections (BRIDGE) project, funded by the UK Government with the support of the British Embassy Skopje, and the Electoral Support Programme of the Swiss Cooperation in North Macedonia, implemented by the International Foundation for Electoral Systems (IFES). The content of this product does not necessarily reflect the views of the donors, the projects, or the implementer(s).

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## Executive summary

While past election campaigning often focused on large rallies organised by political parties or on banners and posters paid for by candidates, current campaigning more often relies on social media posts and online advertising. Increasingly, such campaigning is carried out not by registered political parties, or by those nominated to stand as candidates, but by other actors who can play a significant role in election outcomes, often with little information being available about their involvement.

This report analyses the regulation of election campaigning by others than political parties or candidates, here referred to as “non-contestant campaigning”, and in the past often as “third party campaigning”. Different considerations in the regulation of non-contestant campaigning and the limited existing standards and practical regulatory experiences are reviewed. Focus is placed on Ireland and the United Kingdom, where non-contestant campaigning has been regulated for over 20 years, and Montenegro – the first country in the Western Balkans to regulate this issue (in 2025).

Drawing on the international experience and good practice, recommendations are made for non-contestant campaigning regulations in North Macedonia. In summary, these recommendations are:

- Evaluate past and expected future campaign practices in North Macedonia, so that reforms are evidence based and respond to real needs
- Consider legislative provisions, covering (at a minimum):
  - *A clear definition of what constitutes non-contestant campaigning*
  - *Registration requirement for non-contestants*
  - *Clear regulations on political advertising by non-contestants*
  - *A requirement for all political advertising to carry imprints of who paid for them*
  - *Donation and spending limits*
  - *Financial reporting*
- All regulations must carefully seek to avoid limitations on free speech and a chilling effect on civil society engagement in election campaigns
- All regulations should consider coordination between contestants and non-contestants, to avoid the former using the latter as a way of bypassing political finance regulations
- Since non-contestant campaigning often involves online advertising and activities taking place outside of North Macedonia, while still impacting the views of Macedonian voters, thought must be given to how any campaigning taking place abroad could be effectively regulated.
- Parliament should clearly determine how compliance with any rules on non-contestant campaigning should be monitored; what institution is best placed to carry out oversight, and cooperation mechanisms between institutions needed for effective enforcement.
- Oversight institutions in North Macedonia should consider how monitoring campaigning by non-contestants can add value to their current monitoring efforts, and make recommendations to parliament, including on institutional arrangements.
- Political parties in North Macedonia should support discussions on non-contestant campaigning regulation, as this can help to strengthen public trust in the political process. They should proactively ensure that any entities campaigning in support of their party is transparent about their finances, even if legal requirements for them to do so are not yet in place.



## Introduction

Countries globally, and especially European countries, have over the last decades gradually introduced regulations on how political parties and election candidates are allowed to raise and spend money, and how to achieve transparency and accountability in their finances.

However, few countries have adopted regulations on the financial activities of those who are not political parties or candidates (“contestants”), but who carry out activities aimed at influencing the voting of the electorate. There are two main reasons why a lack of regulation on non-contestant campaigning may be problematic from a perspective of political finance integrity. The first is that contestants may campaign through non-contestants as a way of bypassing existing regulations on political party and campaign finance, so undermining the effectiveness of such rules. The other is that the spending of large amounts of money by actors not bound by financial reporting regulations may significantly reduce transparency in how the political process is financed, effectively hiding activities such as foreign financial interference and political corruption by wealthy interests. Improving the resilience to hostile interference and malign influence from both domestic and foreign actors is essential to strengthening frameworks and practices for trusted, transparent, and secure electoral and governance processes.

The issue of non-contestant campaigning has gained increased attention during the last decade. Following countries that issued rules on this issue around the turn of the Millenium (e.g. Ireland and the United Kingdom), countries including Germany, Montenegro and Switzerland have introduced

rules on non-contestant campaigning during the last five years. The issue was also first addressed in a United Nations standards document in late 2025.<sup>1</sup> The reasons for this increased attention are likely numerous, though the increased use of social media for campaigning is likely to have been a key factor.

In North Macedonia, there are currently no regulations on non-contestant campaigning.

### Why “non-contestant campaigning” rather than “third parties”?

The term “third parties” has been used to describe the involvement of those who are not political parties or candidates in election campaigns”.

Unfortunately, confusion is caused by “third parties” also being used to refer to other actors, such as:

- Those making donations on someone else’s behalf
- Those who fundraise separately before giving resources to political parties or candidates
- Entities that are legally connected to political parties (such as women’s wings and think tanks
- Entities selling advertising space to political parties or candidates

As an illustration, the term “third party” is used in the Group of States against Corruption (GRECO) country evaluations with various meanings (GRECO (2026)). Even worse, the use of “third party” in Article 84-b.5 of the Macedonian Electoral Code is unclear, and the reference to “third parties data” in Article 85-b.6 does not refer to entities campaigning while not being registered election contestants.

Since “third party” is used to mean multiple things causes confusion, alternative solutions have been sought. Drawing from the concept of “non-party campaigner” which was introduced in legislation of the United Kingdom through 2014 reforms, the terms “non-contestant campaigner” and “non-contestant campaigning” have become used since they better focus on the particular issues being discussed.

<sup>1</sup> UNCAC (2025). See further page 3.

However, discussions have started on how this issue could be addressed in legislation. This report has been developed to guide such discussions, drawing on the experiences of other countries, as well as on existing standards documents and overall considerations.

## The concept of non-contestant campaigning

Before considering what regulations may be most suitable in North Macedonia regarding non-contestant campaigning, it is important that we clarify the concepts involved. By non-contestant campaigning we mean activities by anyone who is not a political party (or any other entity that have nominated candidates for elections), nor a candidate, aimed at influencing how people vote in an election. There are two main aspects:

*Activities* carried out can constitute non-contestant campaigning, if they include expenditure and if they are intended to, or can be judged to have the effect of, impacting how people vote.

*Actors* can be considered non-contestant campaigners if they carry out activities as above. The United Nations resolution discussed below only encourages countries to consider regulating campaigning by “legal entities and legal arrangements”. In the regulations used in different countries, however, (see page 5), also private individuals may constitute non-contestant campaigners in certain situations.

In discussing non-contestant campaigning, it is essential to establish what is *not* covered by this concept. Table 1 below shows activities commonly carried out in relation to election campaigns that are not considered part of non-contestant campaigning.

*Table 1, Activities that are not covered by the concept of non-contestant campaigning*

Activity	Explanation
Financial activities by entities that are formally connected to a political party	Entities that are formally connected to a political party, such as a Women’s or a Youth wing of a party, or a formally connected think tank, do not constitute non-contestant campaigners. Institutions such as the Council of Europe recommend that their financial transactions should be included in the financial reporting by the related political party. <sup>2</sup>
Financial activities by entities that are formally connected to a candidate	Activities of those formally connected to a candidate, such as designated financial representatives or campaign managers, are (normally) considered part of the election campaign of the candidate, and their financial transactions should be included in the reporting by the candidate. <sup>3</sup>
Making donations on behalf of someone else, or making donations using someone else as a middleman	Making donations through a middleman, or being a middleman in the process of donations being made, might violate legislation, but it does not constitute non-contestant campaigning.
Raising funds separately from a political party or a candidate, which is then given to a party or candidate	Any donations made to a party or candidate is here defined as income of that contestant, regardless of how the funds were raised.

<sup>2</sup> Council of Europe (2003) Article 11.

<sup>3</sup> Family members or friends of a candidate may however be seen as carrying out non-contestant campaigning. This is closely connected to the issue of *coordination* – see further page 10.

Activity	Explanation
Expression of support for a contestant that does not entail financial expenditure	For example, posting on social media in favour or against a contestant does not constitute non-contestant campaigning (as long as the person is not paid to do so). <sup>4</sup>
Campaigning on issues where doing so does not constitute implicitly supporting or undermining any contestant.	Activities, also if they include expenditure, where a position is taken on a particular issue, as long as no calls are made in favour of or against a particular contestant. <sup>5</sup>

## Standards on non-contestant campaigning in Europe

A relevant starting point in considering the regulation of non-contestant campaigning in North Macedonia is the existing global and regional standards. Unfortunately, this issue is referred to in very few global or regional standards documents on political finance. In December 2025, the States Parties Conference to the United Nations Convention Against Corruption (UNCAC) adopted a resolution entitled “Preventing and combating corruption through enhancing transparency in the funding of political parties, candidatures for elected public office, and electoral campaigns”. This is the most detailed global standards document on political finance ever adopted, and for the purposes of this report, especially important is what is called “operative paragraph 9”:

“Encourages States Parties to consider, in accordance with their domestic law, measures to regulate legal entities and legal arrangements that finance communication activities that seek certain election results, and to require that they disclose the identifying information of the sponsors of such activities”<sup>6</sup>

This rather complicated language includes two key points; the first is a more general call on States Parties to consider “regulating” the activities of those running election campaigns without being political parties or candidates.<sup>7</sup> The second is a more specific reference to reporting requirements by such election campaigns regarding those financing their activities. Since this resolution is so new, it remains to be seen what impact that it will have on political finance regulations in countries around the world, including in Western Balkans.

The OSCE/ODIHR and Venice Commission Joint Guidelines on Political Party Regulation also refers to non-contestant campaigning. The guidelines state that expenditures as part of such campaigning “...may not be banned, but they may be subject to reasonable and proportionate limitations”.<sup>8</sup> The guidelines notes that the involvement of non-contestant campaigners “...can create loopholes in the area of political and campaign finance”, although it stresses that “...measures taken to regulate third-party involvement should be necessary and proportionate”.<sup>9</sup>

<sup>4</sup> Non-contestant campaigning could however be relevant in postings on social media in case this is done through paid-for bots, as well as payments to influencers (in the latter case, the non-contestant campaigner would be the person or entity making the payment to the influencer).

<sup>5</sup> See further page 11.

<sup>6</sup> UNCAC (2025).

<sup>7</sup> Of the member states of the United Nations, only Andorra, Eritrea, Monaco, North Korea, Saint Vincent and the Grenadines and Syria are not States Parties to UNCAC.

<sup>8</sup> ODIHR & Venice Commission (2020) Article 218. The original version of the Guidelines from 2010 also referenced non-contestant campaigning, making it one of the first standards documents to do so. ODIHR & Venice Commission (2010) Article 205.

<sup>9</sup> ODIHR & Venice Commission (2020) Article 219.



Going further into detail, the Guidelines state that:

“...a ceiling for donations to parties is not likely to be effective if, at the same time, other groups such as interest or support groups, trade unions and associations can spend unlimited amounts of money to support or oppose a particular political party or candidate. In order to avoid the creation of loopholes through which unlimited funding can be channelled and financial transactions can be veiled, laws should set proportionate and reasonable limits to the amount that third parties can spend on promoting candidates or parties, ideally by applying existing ceilings for donations to political parties to these actors, as well”<sup>10</sup>

The European Union has traditionally opted to not issue standards or regulations concerning political party or campaign finance.<sup>11</sup> A partial change to this occurred in 2024, with the adoption of “Regulation (EU) 2024/900 of the European Parliament and of the Council of 13 March 2024 on the transparency and targeting of political advertising”.<sup>12</sup> The regulation does not address the concept of non-contestant campaigners as such, but since it focuses on the *activity* of political advertising, regardless of who takes out such advertising, the provisions also apply to campaign activities including advertising by non-contestants.<sup>13</sup> The Regulation states that all political advertising must be clearly labelled as such, and must include information about who paid for it.<sup>14</sup> While the Regulation does not include a requirement for financial reporting by either those buying or those selling political advertising, it anticipates the setting up of a repository of political advertising by the European Commission.<sup>15</sup> Finally, the Regulation includes an indirect restriction on who is allowed to run election campaigns in EU member states through the provision that advertisers must refuse advertising from anyone outside the EU during the last three months ahead of an election.<sup>16</sup>

*What about banning campaigning by non-contestants outright?* The provision in the OSCE/ODIHR and Venice Commission Guidelines that non-contestant campaigning may not be banned is based on rulings by the European Court of Human Rights, interpreting the European Convention of Human Rights.<sup>17</sup> The Convention does not explicitly refer to non-contestant campaigning, indeed it does not go beyond stressing the importance of elections which are held “...under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature”. However, the Court of Human Rights has through several rulings shown that it considers significant restrictions on non-contestant campaigning as violations of Article 10 of the Convention, which guarantees Freedom of Speech.<sup>18</sup> The conclusion is therefore that any ban on non-contestant campaigning in a European

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<sup>10</sup> ODIHR & Venice Commission (2020) Article 220. The guidelines however stress that “...these limits should only apply in cases where third parties and their actions are intended to benefit specific political parties, either in general or during campaigns. This should not prevent NGOs and other interest groups from debating issues of public interest during the campaigns, without undermining the level playing field for the electoral contestants.” ODIHR & Venice Commission (2020) Article 221.

<sup>11</sup> Outside the financing of “European political parties”, made up of political parties from EU member states. See European Parliament (2014).

<sup>12</sup> European Parliament (2024). The regulation came into force in October 2025.

<sup>13</sup> The Regulation defines political advertising as messages posted “...by, for or on behalf of a political actor...” Ibid Article 3.2.a.

<sup>14</sup> Ibid Article 11.

<sup>15</sup> Ibid Article 13.

<sup>16</sup> Ibid Article 5.

<sup>17</sup> Council of Europe (1950).

<sup>18</sup> See in particular the case of *Bowman v. United Kingdom*, with additional information in the rulings on *Kwiecień v. Poland* and *Kita v. Poland*. European Court of Human Rights (1998), European Court of Human Rights (2007) and European Court of Human Rights (2008).

country is likely to be struck down by the European Court of Human Rights, should a case concerning such a ban reach the Court. North Macedonia is recommended to not consider a ban on non-contestant campaigning.<sup>19</sup>

## Comparative experiences

As of early 2026, only fourteen countries globally have been found to have legal provisions relating to non-contestant campaigning (excluding outright bans). Over half of these are in Europe, with most of the others being older democracies in North America or Oceania, apart from two examples in Africa. North Macedonia should not copy the regulations in any other country, but can learn from the experiences in other countries that have regulated this issue. Table 2 below shows the countries that use regulations on non-contestant campaigning, noting the types of regulations used in each case.

*Table 2, Countries with regulations on non-contestant campaigning*

Country	Comment	Summary of regulations
Australia	Distinguishes between “third parties” and “significant third parties”, depending on the level of spending	Registration requirement if above spending threshold, ban on foreign donations, reporting requirements
Canada	Defined as “a person or group that wants to participate in or influence elections other than as a PP, electoral district association, nomination contestant or candidate.”	Registration requirement if above spending threshold, ban on foreign and anonymous donations, spending limit and reporting requirements
Czech Republic	ONLY if campaigning without knowledge of contestant	Registration requirement, spending limit, reporting requirement
Germany	Provisions introduced in 2024 – anyone wishing to take out advertising supporting party must inform the party in advance	No registration requirement, spending limit or reporting requirement, but taking out undeclared election advertising can carry fine of up to EUR 100,000.
Ireland	Definition connected to receiving donations for political purposes	Registration requirement if income above threshold, foreign donations ban and anonymous donations limit, reporting requirements
Kenya	Party or candidate being supported must approve campaigning	Registration requirement, spending limit, reporting requirement
Latvia	For entities not deemed administratively connected to parties	Spending limit, reporting requirement
Monaco	Applies to all who have „incurred electoral expenditure“	Reporting may be requested by the oversight institution
Montenegro	Provisions introduced in July 2025	Spending limit, reporting requirement
New Zealand	Term used is “third party promoter”	Reporting requirement if spending above threshold

<sup>19</sup> In its final observation report into the 2024 presidential election in Slovakia, OSCE/ODHIR noted that the „...ban on third-party financing is both overly limiting and ineffective, in practice not stopping but pushing third-party activities outside of regulation. As also noted in previous ODIHR reports, the complete prohibition on third-party financing is not in line with the case law of the European Court of Human Rights (ECtHR) and with good electoral practice. The SEC has recommended in the past that the possibility of regulated third-party campaigning should be reinstated in the law“. OSCE/ODIHR (2024a) page 10.

Country	Comment	Summary of regulations
Switzerland	Provisions introduced in 2022-2023	Reporting requirement if spending above threshold
Tanzania	CSOs, community & faith-based organisations campaigning	Reporting requirement
United Kingdom	„ <a href="#">individuals</a> and organisations that “...campaign for or against political parties or candidates or on issues around elections, without standing candidates themselves“	Registration not required but allows for higher spending limit, donation restrictions same as for contestants, spending limit and reporting requirement
United States	Common term is „political action committees“	Rules depend on type of entity, though reporting requirements exist

Out of the countries included in Table 2, we will now give special attention to the cases of Ireland and the United Kingdom, as their regulatory systems on this issue are more detailed, and have been in place for a longer time.<sup>20</sup> Attention will also be given to Montenegro, where although the non-contestant campaigning regulations are comparatively limited and recently introduced, work on developing oversight procedures and stakeholder guidance is currently ongoing, and the newly introduced rules in Montenegro may be especially relevant in formulating recommendations for North Macedonia.

### The United Kingdom

In the United Kingdom, non-contestant campaigning has been part of the electoral landscape for at least 75 years, in particular including entities within the labour movement campaigning in favour of the Labour party, while corporate entities have been campaigning against that party (or at least against policies that it has put forward).<sup>21</sup>

Non-contestant campaigning was addressed in the 1998 report of the official Neill Committee, which stated that:

“There is, of course, absolutely nothing wrong with individuals and organisations engaging in such activities. On the contrary, a free society demands that they should be able to do so, indeed that they should be encouraged to do so; but, in the context of election campaigns, they should, in doing so, be subject to the same kinds of expenditure limits as the parties themselves.”<sup>22</sup>

The issue was then regulated at a national level through the *Political Parties, Elections and Referendums Act 2000* (PPERA).<sup>23</sup> There have been some later legal amendments, particularly in 2009 and in 2014.

In the United Kingdom, a non-contestant campaigner in a general election campaign is an individual or organisation that incurs expenses that can “...reasonably be regarded as intended to promote or procure electoral success at any relevant election for...“a political party or a candidate.”<sup>24</sup>

<sup>20</sup> In contrast, the provisions in Germany, Monaco and Switzerland in particular are especially limited or have recently been introduced, meaning that limited information is available about their implementation or impact.

<sup>21</sup> Hodgson of Astley Abbotts (2016) page 9.

<sup>22</sup> Quoted in Ibid page 10.

<sup>23</sup> United Kingdom (2000).

<sup>24</sup> United Kingdom (2000) Article 85.2.b.

Key to the British system is the „purpose test“ that the Electoral Commission carries out to establish whether „...an activity can reasonably be regarded as intending to influence voters to vote in a particular way“.<sup>25</sup> The test is applied to different categories of activities, and includes a review of these key factors:

1. Call to action
2. Tone
3. Context and timing
4. How a reasonable person would see the activity<sup>26</sup>

Non-contestant campaigners are required to register with the Electoral Commission if they during the year ahead of an election plan to spend more than £10,000 (around EUR 11,500).<sup>27</sup> The maximum amount that a non-contestant is allowed to spend in a nationwide campaign is £702,130 (around EUR 800,000). This amounts to around EUR 0.15 per person of voting age as of 2024.<sup>28</sup>

Registered non-contestant campaigners are required to submit financial reports to about their income and expenditure to the Electoral Commission, which publishes the reports on its website.

It should be noted that non-contestant campaigners are covered by the ban on political advertising in place in the United Kingdom ahead of elections. The applicability of this ban to entities other than political parties was considered by the European Court of Human Rights in 2013, which found that the ban did not constitute a violation of the Freedom of Speech.<sup>29</sup>

In the most recent national election in 2024, the non-contestant campaigner spending the highest amount was the trade union the *National Education Union*, which spent £618,000 (around EUR 710,000); they also spent the most among non-contestant campaigners in the 2019 election campaign. Most of the other non-contestants spending large amounts in the two most recent elections were either trade unions or left-leaning civil society initiatives.<sup>30</sup> Although the spending categories used for financial reporting do not allow for a detailed analysis, online advertising seems to have constituted a major spending category.<sup>31</sup>

In 2025, there were 56 registered non-contestant campaigners in the United Kingdom (down from 61 in the 2019 elections).<sup>32</sup> Their share of the total campaign spending reportedly declined from

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<sup>25</sup> United Kingdom Electoral Commission (2025a).

<sup>26</sup> United Kingdom Electoral Commission (2025b).

<sup>27</sup> This threshold was lowered in 2023 from £20,000 for campaigning in England.

<sup>28</sup> Vote age population from International IDEA (2025). The spending limit for non-contestant campaigners is linked to the limit for political parties, and the current level was introduced in 2023, being almost a doubling of the limit that existed previously. The limit also applies to spending on market research seeking views from members of the public.

<sup>29</sup> European Court of Human Rights (2013). It may be worth noting however that this was a ruling of nine judges against eight, where the minority found that the ban did amount to such a violation.

<sup>30</sup> Analysed from Power (2025). The main exception was one businessman who as a non-contestant campaigner spent £484,000 (around EUR 560,000) in the 2019 elections. While some of these groups received income from a wide range of supporters, there were supporters. A search of the 2024 official donation records show that the second largest spender, a Brexit-sceptic civil society campaign, received the vast bulk of its donations from two individuals (one a philanthropist businessman who have also financially supported left-leaning political parties, and the other a board member of the same organisation).

<sup>31</sup> Ibid.

<sup>32</sup> United Kingdom Electoral Commission (2020), Power (2025).

around 9% in the 2019 elections to around 3% in the 2024 elections (making the 2024 spending similar to that in preceding elections).<sup>33</sup>

The UK experience illustrates how non-contestant campaigning can be regulated to increase transparency in the financing of election campaigns overall. So far, given the low level of non-contestant spending compared to the spending by political parties and candidates, it can be debated if the *de facto* increase in transparency through these regulations motivates the workload that the system has created for the Electoral Commission and for other entities, including the non-contestant themselves.<sup>34</sup>

## Ireland

Non-contestant campaigning has been regulated in Ireland since 2001.<sup>35</sup> In the Irish system, a non-contestant campaigner is defined as a person or group that accepts a donation above EUR 100 in a calendar year. Once this happens, the non-contestant campaigner must notify the Standards in Public Office Commission (SIPOC) of a responsible person. If the third party is active in particular parts of the country, it will also be required to register with other relevant institutions.<sup>36</sup>

Non-contestant campaigners in Ireland are not generally required to report information on individual donations received or expenses incurred.<sup>37</sup> At a national level, third parties must submit annual reports to SIPOC certifying that all donations have been lodged to their designated bank account.<sup>38</sup> However, for presidential elections, third parties must submit statements on election donations and expenses within 56 days of elections, including details of all donations exceeding EUR 600.<sup>39</sup> In addition, in line with separate legislation on local elections, third parties that are active in local elections are required to submit financial reports on received donations to the relevant local county.<sup>40</sup> Importantly, SIPOC is not required to publish the financial reports submitted by non-contestant campaigners.<sup>41</sup>

There are certain restrictions on donations that non-contestant campaigners can receive, such as a ban on donations from foreign sources or in cryptocurrency, anonymous donations above EUR 100 and on cash donations above EUR 200, and they cannot receive more than EUR 2,500 from the same donor in a calendar year.<sup>42</sup>

Unlike in the United Kingdom, Irish third parties (as well as contestants) are permitted to take out advertising, presuming that they „...produce to the publisher a Certificate of Authorisation from the Standards Commission confirming that they have complied with their legal obligations“.<sup>43</sup>

There has been some concern that the Irish regulations around non-contestant campaigning may have a negative impact on the Freedom of Speech. This relates in particular to the regulation on campaigning

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<sup>33</sup> Power (2025).

<sup>34</sup> This can be compared to the situation in the US, where in the 2024 elections, spending by non-contestant campaigners exceeded the amount spent by candidates in over 10% of the Congressional races. Ohman (2026 forthcoming).

<sup>35</sup> Ohman (2020) page 29.

<sup>36</sup> See for example Roscommon County Council (undated).

<sup>37</sup> Standards in Public Office Commission (2024a) page 8.

<sup>38</sup> Ibid page 9.

<sup>39</sup> Standards in Public Office Commission (2025a) page 15, 24.

<sup>40</sup> See for example Roscommon County Council (undated).

<sup>41</sup> Standards in Public Office Commission (2026).

<sup>42</sup> Standards in Public Office Commission (2024a) pages 10-12, Standards in Public Office Commission (2025a) page 41.

<sup>43</sup> Standards in Public Office Commission (2024b) page 22.

for „political purposes“, which supporters see as necessary to regulate the involvement of non-contestants in election campaigns, but which the Irish Council for Civil Liberties has described in these terms;

“...the Act’s wording bans every group of citizens from raising significant amounts of money in order to advocate for a particular policy or to criticise the activities of the government or any public authority or official.

Several CSOs in Ireland have already felt the effects of SIPOC’s strict interpretation of the Act. Meanwhile, because the Act only applies to *donations*, companies and individuals who can afford to pay for their own advocacy and do not need to raise funds are allowed to engage with the political system as much as they like.”<sup>44</sup>

The Irish Human Rights and Equality Commission argued in a 2019 report that a review of the Electoral Act was necessary to establish a

“...a clearer linkage of restrictions placed on ‘third party’ activity and activity for ‘political purposes’ with electoral matters – namely elections and referendums - rather than to wider civil society activity aiming to influence political decision making and policy making;”<sup>45</sup>

A private member’s bill called “‘Electoral (Civil Society Freedom) (Amendment) Bill” was introduced in the Irish Parliament in 2019, that would amend the provisions relating to “political purposes”.<sup>46</sup> However, this bill has not yet been voted on.

In 2024, there were 27 non-contestant campaigners registered in Ireland.<sup>47</sup> An article published that year stated that third parties have so far not been heavily involved in Irish election campaigning, noting however that if this changes in the future, “...current concerns about the likes of poster expenditure and rich British pensioners may look quaint”.<sup>48</sup> It is expected that the mandate of overseeing non-contestant campaigning in Ireland will be transferred to the newly created Independent Electoral Commission.

The Irish experience shows interesting opportunities in the regulation of non-contestant campaigning, but also potential loopholes. The provisions around “political purposes” seem to have caused notable concern among civil society actors in the country, and could have a chilling effect on Irish civil society speech. At the same time, the lack of provisions for publishing financial statements from non-contestant campaigners means that there has been no increase in public transparency concerning how election campaigns in the country are funded.

## Montenegro

Up until 2025, no country in Western Balkans had adopted legislative provisions relating to non-contestant campaigning. However, July 2025 amendments to the *Law on The Financing Of Political Entities And Election Campaigns* included regulations of non-contestant campaigning.<sup>49</sup> Although these provisions have not yet been tested in any election, the similarities between Montenegro and North Macedonia makes an analysis of these provisions particularly relevant for Macedonian legislators.

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<sup>44</sup> Irish Council for Civil Liberties (undated).

<sup>45</sup> Irish Human Rights and Equality Commission (2019) page 8.

<sup>46</sup> Ireland (2019).

<sup>47</sup> Standards in Public Office Commission (2025b).

<sup>48</sup> RTE (2024).

<sup>49</sup> The full text of the relevant Articles are included in the Appendix.

The new provisions define a non-contestant campaign as:

“a paid activity, the value of which exceeds the amount of EUR 1,000, carried out during the election campaign by a third party, which is not legally related to a political entity, and which aims to positively or negatively influence the election campaign of one or more political entities.”<sup>50</sup>

State-controlled institutions are not permitted to run non-contestant campaigns, and foreign actors are prohibited from doing so on the territory of Montenegro. Otherwise, the law does not define who may run a non-contestant campaign, presumably meaning that this can be done by natural persons, legal entities or informal groupings (or a combination thereof).

There is no explicit registration requirement for non-contestant campaigns, although non-contestant campaigners are required to open a dedicated bank account before incurring any campaign expenses, and to report to the Agency for Prevention of Corruption (APC) information about this bank account.

Non-contestant campaigns are then required to submit an interim financial report five days before an election, and a final report within 30 days of an election. APC is mandated to publish these reports on its website.

Non-contestant campaigners are limited to spending EUR 10,000 on election campaigns. This works out as EUR 0.02 per person of voting age as of 2023. The wording of the legal provisions indicate that this is the maximum amount permitted for campaign spending also by contestants, though in fact, elsewhere in the same law, APC is given the mandate to determine a spending limit for political entities for each election.<sup>51</sup>

Regarding the size of donations, non-contestant campaigners are not permitted to receive donations that total above the limit on spending (which also means that this *de facto* becomes the limit on donations from an individual donor). Non-contestants who are given donations above this amount are required to decline or return the excessive amount, and to inform the APC accordingly.

There are some uncertainties in the legal provisions, especially as no election has been held since they were adopted (nationwide elections are scheduled for 2027). For example, the law states that non-contestant campaigners are permitted to receive donations, but it does not repeat the restrictions on sources of donations that apply for political entities.<sup>52</sup> APC is considering whether this situation could be clarified through a formal decision by the Agency, to avoid opening a loophole whereby donations from sources not permitted to give money to political entities may instead be given to non-contestant campaigners supporting the same political entity.

In addition, the law states that the “Expression of views on issues of public interest by non-governmental organizations, religious organizations, media or individuals shall not be considered as third party campaign.”<sup>53</sup> It is not clear exactly how this provision should be interpreted, and it is unlikely that this will become much clearer until the issue has been tested in future elections.

APC is developing internal procedures for the implementation of these new provisions, identifying areas that are likely to prove particularly challenging. Guidance materials are also being developed to assist those who may wish to run non-contestant campaigns. Particular care is taken in the

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<sup>50</sup> Montenegro (2025) Article 49, paragraph 2.

<sup>51</sup> Montenegro (2025) Article 18, paragraph 3.

<sup>52</sup> See Montenegro (2025) Article 5.

<sup>53</sup> Montenegro (2025) Article 49, paragraph 9.

developments of these guidance materials since, unlike in relation to political parties and candidates, the target audience will most likely include persons with little or no experience in participating in electoral events or in bookkeeping or financial reporting.

Since no elections have been held in Montenegro since the regulations on non-contestant campaigning were introduced, it is not known how widespread that such campaigning will be. However, a lesson to be learned from this process is that it is very important for parliaments to provide very clear guidance to oversight institutions on the intention of the regulations and on how parliament wishes the rules to be implemented.

## Considerations in regulating non-contestant campaigning

Below follows a discussion on issues that North Macedonian legislators will need to consider in establishing regulations on non-contestant campaigning.

### Avoiding the limitation of free speech and civil society participation

One of the biggest challenges is how to regulate campaigning by non-contestants without unduly restricting free speech or the involvement of people in election campaigns. As mentioned in the above discussion on standards, it is reasonable to require transparency around such campaigning, and to apply restrictions that apply to election contestants also to non-contestants. It is however not acceptable to ban or significantly restrict the activities of those not contesting elections from taking part in campaigning. This applies whether non-contestants are using the elections as a way of raising awareness around the issue that they care about, or to directly advocate that voters should support or not support a particular political party or candidates.

This means that regulations on non-contestant campaigning must not be excessively *restrictive*, as the spending limit of £5 (around EUR 6) for non-contestants was found to be in the *Bowman v. United Kingdom* ruling by the European Court of Human Rights.<sup>54</sup> In addition, it also means that any regulations in this area have to be particularly *clear*, since any confusion can easily have a chilling effect on the political debate.

This issue has been discussed above in relation to the regulations in Ireland. Another interesting illustration here concerns Canada, where campaigning such as taking out advertising on an “...issue [that] is clearly associated with a party or candidate” is covered by the rules on non-contestant campaigning, if the campaigning takes place during an election period.<sup>55</sup> This approach is entirely understandable from the perspective of seeking to close loopholes where non-contestants do not explicitly call on the electorate to vote for a particular political party or candidate, but instead highlight issues that such contestants focus on. However, it has also been argued that these provisions cause confusion among Canadian civil society actors. In one case, a former environmental commissioner of Ontario stated that a warning issued by Elections Canada that advertising focusing on climate change posted by environmental groups could constitute election campaigning was „... creating confusion and silencing environmental groups“.<sup>56</sup>

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<sup>54</sup> European Court of Human Rights (1998)

<sup>55</sup> Elections Canada (2024).

<sup>56</sup> CBC News (2019). Elections Canada has acknowledged this issue in its discussions regarding political finance regulations in the country. Elections Canada (2020).



The North Macedonian parliament must consider potential risks that regulations being introduced on non-contestant campaigning may have a chilling effect on the involvement of civil society actors in Macedonian elections.

### Coordination between non-contestants and contestants

Another important issue to consider in relation to non-contestant campaigning is whether the campaigning by non-contestants is done in coordination with campaigning by contestants. This issue is at the heart of efforts to use non-contestant campaigning to bypass regulations on the financing of political parties and election campaigns.<sup>57</sup> Where focus is on this issue, regulations have been adjusted accordingly. For example, the issue has long been central to regulations on this issue in the US, and from Table 2 above we can see that in Germany, non-contestants must give the political party they support the right to reject any advertising the non-contestant is seeking to place, while in Kenya, the party or candidate being promoted must approve any campaigning by non-contestants. The situation is the reverse in Czech legislation, which specifically defines non-contestant campaigning as activities carried out without the knowledge of the contestant – in case the candidate is aware of the activities, the involved financial transactions are required to be included in the financial reporting of the contestant. While in one sense being opposite, the German and Czech rules both focus heavily on the issue of considerations between contestants and non-contestants.

However, other countries use definitions of non-contestant campaigning that entirely disregard the issue of coordination with contestants. Examples from Table 2 would be Canada, Ireland and Monaco. The new legal provisions in Montenegro do not directly address the issue of coordination between political entities and non-contestants. There is a ban in the new provisions on non-contestants concluding „...a contract in its own name and on behalf of a political entity, whereby it would bear the costs or part of the costs of the election campaign of that political entity“, but there is no clarity on the cases in which a non-contestant should be found to „bear the costs“ of a political entity.<sup>58</sup>

Using a regulatory approach that does not take into account coordination between contestants and non-contestants risks missing attempts to bypass regulations on contestants, and would be seen as potentially damaging from the view that all uncoordinated campaigning by non-contestants should be seen as free speech.

However, there are other, potentially increasingly important, aspects to non-contestant campaigning, also if it is not coordinated with contestants. One crucial issue is foreign financial interference in election campaigns, which need not be coordinated with any particular contestant in order to be effective. Efforts to undermine public confidence in electoral processes do not require coordination with contestants, nor does campaigns to reduce the support of what is seen as establishment actors, or political parties or candidates not sharing the views of a foreign interest. Equally, wealthy interests within a country may for their own benefit seek to influence voters without coordinating their activities with any contestant.

The North Macedonian parliament needs to closely consider how coordination between contestants and non-contestants should be addressed in any legal provisions on this issue, to avoid building in loopholes, while also addressing potential challenges from uncoordinated non-contestant campaigning.

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<sup>57</sup> To avoid any confusion; this is separate from the issue of activities between institutions that are administratively connected, such as political parties and youth' wings or think tanks.

<sup>58</sup> Montenegro (2025) Article 49.5.

### Campaigning outside the country that may impact voting in the country

It is increasingly easy to carry out campaign activities outside of a country about to hold elections, and still influence voters in that country. Examples are targeted satellite television broadcasts and online advertising bought and posted outside a country, but accessible to voters inside that country.

Ignoring such campaign activities risks undermining the effectiveness of regulations on non-contestant campaigning. However, a significant challenge is that public oversight institutions in any country will find it especially difficult to effectively implement regulations on activities taking place in other countries. As an illustration, the newly introduced regulations in Montenegro ban foreign actors from carrying out non-contestant campaigning, but only if this takes place “on the territory of Montenegro”.<sup>59</sup>

The North Macedonian parliament should consider if there are any opportunities for Macedonian institutions to effectively engage non-contestant campaigning taking place in other countries that may influence Macedonian voters. Rather than legal provisions, it may be that cooperation between Montenegro and other countries may be more effective in countering campaign efforts taking place abroad.

### Recommendations for North Macedonia

This report does not urge the introduction of regulations on non-contestant campaigning in North Macedonia. However, in line with UNCAC Resolution 11/7 and the OSCE/ODIHR and Venice Commission Guidelines on Political Party Regulation, the Parliament of North Macedonia is urged to *consider* whether introducing regulations on non-contestant campaigning would be beneficial in increasing the integrity and transparency of money in Macedonian politics. Doing so would also be in line with recommendations from past OSCE/ODIHR election observation reports.<sup>60</sup> The discussions around regulating non-contestant campaigning must be connected to the wider context of political finance legal and institutional reforms, to ensure a comprehensive approach to achieving transparency and oversight.

#### Recommendations for the parliament of North Macedonia

- Evaluate the past experience of non-contestant campaigning in previous Macedonian elections, and the view of involved stakeholders concerning the probability of significant involvement of non-contestants in future Macedonian election campaigns.
- Based on this evaluation, consider regulating the participation of non-contestants in election campaigns, in line with existing standards by organisations such as OSCE/ODIHR, the European Union and the United Nations.
- Regulatory provisions to be considered in particular include:
  - *A clear definition of what constitutes non-contestant campaigning.* Such a definition should be comprehensive enough to avoid the use of non-contestant campaigning to

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<sup>59</sup> Montenegro (2025) Article 49.4.

<sup>60</sup> As early as 2021, OSCE/ODIHR recommended that „The legal framework for campaign finance should be revised to address existing gaps, including ... third-party financing.“ OSCE/ODIHR (2022) page 19. This recommendation has been repeated in reports from OSCE/ODIHR election observation missions in 2024 and 2025. OSCE/ODIHR (2024b) page 18f, OSCE/ODIHR (2025) page 14.

bypass regulations concerning political parties and candidates, and to counter challenges such as foreign financial influence. However, in defining non-contestant campaigning, parliament should also take into account the risk of regulations negatively impacting free speech and civil society activities.

- *Registration requirement for non-contestants.* Not all countries that regulate non-contestant campaigning require those who intend or who are running such a campaign to register with a public institution. Unless the oversight institution is able to create and maintain a register of those carrying out election campaigning, it will be challenging for the institution to carry out effective oversight. To assist the implementation of registration requirements, it is essential to have a clear definition of what constitutes non-contestant campaigning. It is also reasonable to have a threshold of who is required to register, so that the right of citizens to spend small amounts on making their views heard is not unduly limited.
- *Clear regulations on political advertising by non-contestants.* North Macedonia is in the unusual situation that media campaigning by contestants is solely funded with state resources. This fact must be taken into account in creating regulations for (especially online) advertising by non-contestant campaigners. Creating a parallel system for state-sponsored advertising by registered non-contestant campaigners would be in line with the system for contestant, though it may prove overly cumbersome to administer for the responsible institutions. Banning political advertising by non-contestants would be considered an undue restrictions on free speech, given that no such ban exists for contestants.
- *A requirement for all political advertising to carry imprints of who paid for them.* Such a provision would be in line with the EU 2024 Regulation on political advertising, and would assist Macedonian voters in knowing who is seeking to influence their views through political advertising.<sup>61</sup>
- *Donation and spending limits.* It is not as such necessary to have donation or spending limits for non-contestants. However, since North Macedonia uses limits on both the amounts that donors are permitted to give to political parties and candidates, and on how much that political parties and candidates are permitted to spend, strong consideration should be given to also applying such limits to others engaging in campaign activities. Not doing so risks opening loopholes for excessive donations and spending, which could make a mockery of the existing limits.
- *Financial reporting.* Transparency is key to public trust in the democratic system, and this includes information on who finances efforts to influence the views of the electorate. This principle is already well established in Macedonian legislation through the financial reporting requirements for political parties and candidates. It could assist

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<sup>61</sup> An expanded version of regulations to increase transparency around political advertising would be the creation of a repository of (especially online) political advertising. The information collected could be transferred to the repository which will be set up by the European Commission for political advertising in EU member states, once North Macedonia joins the European Union.

transparency in Macedonian political finance to extend these provisions to also cover campaigning by non-contestants, concerning transactions exceeding a set value.

- In all discussions about non-contestant regulations (not only in the definition of non-contestant campaigning), the potential risk for such rules having a chilling impact on Freedom of Speech and civil society participation must be considered. Macedonian civil society actors such as Civil Society Organisations and media should be closely involved in all discussions on this topic.
- The parliament of North Macedonia should carefully consider the role of coordination between contestants and non-contestants. If it is found that one, or the main, challenge with non-contestant campaigning in Macedonian elections is political parties seeking ways to bypass existing regulations on political party and campaign finance, then strict regulations on coordination are indicated. If concerns such as foreign financial interference or the impact of wealthy interests outside the political sector dominate, focusing on coordination may be less relevant.
- Much campaigning by non-contestants may take place outside of North Macedonia, while still impacting the views of Macedonian voters (with online campaigning being a particularly likely avenue for such campaigning). Effectively implementing regulations on such activities may be particularly challenging, and consideration must be given if there are any ways to effectively addressing this issue.
- In all its discussions, the parliament of North Macedonia should carefully consider how new regulatory provisions for non-contestants can be implemented effectively. There must be a clear plan on how compliance with the regulations should be monitored, and how potential violations should be investigated and as appropriate sanctioned.
- As part of the efforts to support effective implementation, the parliament of North Macedonia should make clear which institution or institutions should be mandated to oversee compliance with regulations of non-contestant campaigning. Roles and mandates in such oversight must be clearly defined, and sufficient additional resources must be provided to allow the appointed institution or institutions to effectively carry out the added mandate. Relevant aspects of the mandate currently given to different institutions must also be considered, such as the role recently assigned to the Agency for Media to monitor activities by social media influencers. Given the similarity between monitoring election contestant campaign finance and non-contestant campaign finance, existing mandates and experience in monitoring contestant campaign finance is particularly pertinent for institutions to take on the role of monitoring non-contestant campaigning as well.

### Recommendations for oversight institutions

- Ahead of potential legal reforms concerning non-contestant campaigning, oversight institutions (for example the State Commission for Prevention of Corruption, the State Audit Office and the State Election Commission) should include the issue in evaluation efforts concerning past elections and forthcoming electoral processes. This includes engaging with election observers and with election contestants, as well as with media and academics. Such

activities will make oversight institutions better equipped to make recommendations to parliament about relevant legal reform.

- Institutions are also recommended to consider the most suitable structure for oversight on non-contestant campaigning in North Macedonia. This includes whether the entire oversight mandate would most appropriately be handled by one institution or be divided over multiple institutions. Also, in the case the entire mandate would be given to one institution, cooperation with other entities would be needed to ensure effective enforcement, and modalities for such cooperation should be considered.
- Public institutions in North Macedonia have already developed guidance to political parties and candidates regarding their legal commitments on political finance. It must be acknowledged that non-contestant campaigning has a largely separate target audience, which may include private individuals or entities with no previous experience in participating in election campaigns, nor in complying with reporting requirements or similar provisions. In line with this, Macedonian public institutions should carefully consider what guidance that may be needed in relation to non-contestants, and the communication channels that may be particularly important for getting key messages across.

#### Recommendations for political parties

- Political parties in North Macedonia must recognise the importance of political finance integrity for popular trust in the democratic system, and in political parties. This consideration may require that regulations are introduced regarding non-contestant campaigning. In line with this, political parties should strive for legal amendments on non-contestant campaigning to be seriously considered by the Parliament of North Macedonia.
- Political parties in North Macedonia are recommended to proactively consider the integrity and transparency of Macedonian political finance, also in relation to non-contestant campaigning. This includes ensuring transparency in the finances of entities that campaign on behalf of the political party but that are not formally connected to the party. A practical example would be ensuring that political advertising by such entities is clearly labelled stating who has paid for the advert, also if legal requirements on such labelling has not (yet) been introduced in North Macedonia.

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## Appendix, legal provisions on non-contestant campaigning in Montenegro

### **Article 49, Third-party campaign**

A third party may conduct an election campaign under the conditions prescribed by this Law (hereinafter: third-party campaign).

Third-party campaign entails a paid activity, the value of which exceeds the amount of EUR 1,000, carried out during the election campaign by a third party, which is not legally related to a political entity, and which aims to positively or negatively influence the election campaign of one or more political entities.

State bodies, local self-government bodies and local government bodies, public institutions, other legal entities founded and/or majority or partially owned by states or municipalities are prohibited from conducting third-party campaigns.

On the territory of Montenegro, the campaign of third parties cannot be carried out by:

- other countries, foreign legal entities, foreign entrepreneurs;
- natural persons who do not have the right to vote in Montenegro.

A third party may not conclude a contract in its own name and on behalf of a political entity, whereby it would bear the costs or part of the costs of the election campaign of that political entity.

For the implementation of the campaign, a third party may receive payments and non-financial contributions.

A third party may not spend more than €10,000 for a campaign, i.e. more than the maximum amount allowed by this law for a particular election campaign.

If the value of received payments and non-financial contributions received by a third party exceeds the amount referred to in paragraph 7 of this Article, the third party shall be obliged to refuse to accept or return the surplus to the payer within 15 days from the date of receipt and notify the Agency thereof.

Expression of views on issues of public interest by non-governmental organizations, religious organizations, media or individuals shall not be considered as third party campaign.

### **Article 50, Obligations relating to third parties**

A third party who intends to conduct a campaign in accordance with Article 49 of this Law shall, before commencing the activity, open a special giro account with an institution authorized for payment transactions, and shall notify the Agency thereof within three days from the date of opening the account.

The Agency shall keep records of third parties.

Payments received for the implementation of the campaign may be received by a third party only through a special account referred to in paragraph 1 of this Article.

A third party is obliged to submit to the Agency a preliminary report on the funds collected and spent during the election campaign five days before the day of the elections.

The Agency shall publish the report referred to in paragraph 4 of this Article on its website within 24 hours.

Within 30 days from the date of the elections, the third party shall submit to the Agency a report on the origin, amount and structure of funds collected and spent during the election campaign, with accompanying documentation.

The report referred to in paragraph 6 of this Article shall be submitted in written and electronic form, on the form established by the Agency.

The Agency shall publish the report referred to in paragraph 6 of this Article on its website within seven days from the date of receipt.