



## **REPORT ON ELECTIONS**

### **FOR REPRESENTATIVES IN LOCAL AND REGIONAL COUNCILS**

**May 20, 2001.**

#### ***GENERAL INFORMATION***

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Citizens of Republic of Croatia voted on 20<sup>th</sup> of May for representatives in local and regional councils; 422 municipality councils, 123 city councils, 20 county councils and City of Zagreb council. Elections took place in 6430 polling stations in Croatia. Each municipality, city and county was one constituency. Election system used for these elections was at large (proportional) and threshold was 5%.

Voters register included 3 886 702 voters in Republic of Croatia.

160 international observers and 2 500 GONG observers located on polling stations and as members of 74 mobile teams monitored elections. Mobile teams covered 1 550 polling stations not covered by regular observers or where critical situation was reported, which gives a total of 60% of all polling stations in Republic of Croatia.

Observers were monitoring State Electoral Commission, all County Electoral Commissions and 118 Municipality and City Electoral Commissions.

**General assessment** of GONG is that Elections for representatives in local and regional councils were **mainly conducted in accordance with electoral law and mandatory provisions of State Electoral Commission, although there were some cases of worse organization and conduction compared to Elections 2000.**

#### ***LEGISLATION AND ADMINISTRATION OF ELECTIONS***

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##### ***Electoral law***

Unfortunately, "Electoral Law for representatives in representative bodies of local and regional self-government" was adopted just a month before Election Day, what is continuously repeating in Croatia in last 10 years. Further more, Electoral Law is very meager and is leaving a number of issues to be covered and regulated by State Electoral Commission (SEC). Although SEC is not a legislative body, it adopted 7 Mandatory Provisions that regulate concrete details in election process.

As mentioned before, citizens are not introduced to new "Law on local and regional self-government" that was adopted at the same time as Electoral Law, and that GONG recognizes of high importance for understanding of future functioning of self-governance in Croatia and therefore consequences of local elections.

According to law, in some municipalities, council will perform executive functions, what citizens were not informed about. As the law decreased number of councilors, some units had to change its statute in order to be compatible with new law, which also took place prior to the elections.

### ***Most important issues imprecisely covered by Electoral Law:***

Fair representation of ethnical and national communities or minorities as well as appropriate representation of Croats in units in which they are minority, is regulated in a way that is suggesting repeating of elections. According to available data, parties and candidates did not follow article 61 which recommends parties to structure lists according to structure of local communities. Re-election process is not regulated at all.

Refugees and relocated persons voting - not regulated at all

#### Structure of institutions for conducting elections

- Law brings changes to structure of permanent municipality and city election commission members, that now can be partisan - oppose to limitation on extended elections commission
- Regulation that only president of election commission has to be a lawyer directly influenced quality of administration of elections
- Polling stations boards structure are not regulated in order to follow partisan structures as in commissions
- Period of polling board members nomination of just 5 days prior election day directly influenced quality of their education and conduction of elections.
- Law does not regulate incompatibility of candidacy and membership in election conducting bodies

#### Lists of candidates

- Multiple candidacies is not regulated (candidacy on 2 different lists for same council),
- Multiple signing of nominating lists in one constituency is not regulated
- Death of candidate on the list that is not yet approved is not regulated.

#### Media

- Regulations concern exclusively local media, therefore leaves uncovered regulations for so called national media
- Sanctions for violations of pre-election silence by media or candidates were not imposed

Election monitoring - in spite standards reached by Parliamentary Electoral Law, this Law is not regulating election monitoring in details and transfers regulation to SEC

#### Results announcement

- Law does not stipulate announcement of results by polling station and this way is not contributing to transparency of process.
- Law does not prescribe the issuing copy of report for election body that was not observed and this way is not contributing to transparency of process

Campaign financing - except level of reimbursement, campaign financing, disclosure of contributions and transparent accounting are not regulated by a single rule

Protection of electoral right - right to object is given exclusively to parties and candidates, and leaves citizens and non-governmental organizations outside legal influence on correction of process.

As major numbers of regulations were transposed from previous Electoral law (adopted in 1992 and changed often) it is a fact that legislator did not implement standards reached in the last 10 years. Legislator did not accept objections and amendment proposals from non-governmental organizations and members of parliament.

### ***Administration of elections***

#### State Electoral Commission

According to Electoral Law, State Electoral Commission (SEC) is constituted as highest-ranking institution for administering elections and it's expanded membership is formed by representatives of parties. Because of brief Electoral Law, SEC regulated some sensitive issues with Mandatory Provisions such as voting of refugees as displaced persons. General assessment of provisions is positive. Limitation of number of observers that was regulated in first version is later corrected. All provisions were adopted in short period and SEC had good cooperation with parties and nongovernmental organizations.

#### County, city and municipality electoral commissions and polling station boards

Majority of *election administration was decentralized* and transposed to county, city and municipality commissions relating quality of elections directly to regions. By electoral law, only president of commission was mandatory lawyer.

Electoral commissions were mainly cooperating with GONG observers. Attendance on commission sessions was difficult because of the lack of meetings schedule. Some of the commissions were not acting transparent and they deprived copying of parties and candidates' objections to observers. This acting is based on lack of experience of cooperation with non-partisan observers that are institutionalized by law in 1998, after last local elections.

Some commissions received a high number of objections on the structure of polling boards, as board members were not appointed according to a partisan formula. In some cases members of the board were appointed from a single party, what was possible because of a brief and inexact electoral law. This brought insecurity and lack of confidence to voters.

A general assessment is that the quality of education of polling boards was acceptable, but lower than previous parliamentary elections. We assume that the reason is decentralization of administration of elections. This is proved by the fact that in some constituencies certain polling boards did not know the basics of Election Day process, and in spite of a memorandum for polling boards they were doing basic mistakes.

#### Other state institutions

Ministry of judicature, administration and local self-administration declined GONG's request to instruct offices for administration to inform voters on Voter Register by telephone. These way voters from remote areas could not verify themselves in voter register, except personally.

However, some offices for administration were informing voters by telephone and this has helped many voters.

#### Voting

Fairness of elections was challenged by not informing certain voter groups on way they can exercise their voting right. State did not inform citizens that vote could be cast exclusively on polling stations in their constituency and not in place of temporary residence, as it was case on parliamentary elections.

Large number of citizens did not exercise their voter's right, and this especially relates to refugees and displaced persons, students, soldiers, seamen on ships and patients in hospitals.

61 polling locations in Croatia were reserved for refugees and displaced persons. Although their travel expenses were reimbursed by Bureau for refugees, lack of public transport (+ considering elections day was Sunday) caused absence.

According to received complaints from voters, *some polling boards did not respond to requests of immobile voters*. Law stipulates "timeliness" requests, not defining deadlines and leaves possibility to polling boards not to respond to requests. This especially relates to polling boards in charge for refugee voters. They simply didn't have organizational ability to visit immobile voters.

### **ELECTION CAMPAIGNS**

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General assessment of parties and candidates campaigns is *positive*, however, depending on constituency as well as on parties/candidates. Some parties/candidates focused their campaigns on local issues. On the other hand, some campaigns were focused on national and ideological issues, general promises and attacks on opponents without analyzing local problems and suggesting concrete solutions. This multiplied abstinence of tired and disappointed citizens, and consolidated voters of left and right parties, as we can see it in results.

Campaigns were conducted peacefully and in tolerance with exception of some cases of individual misbehavior, related to destruction of promo materials. There were some isolated cases of violence at the end of campaign.

Campaigns mainly included combination of media campaign and constituency work, which increased because of nature of elections. There were not significant objection on acting of media. GONG assessed positively media intention to equally present all of the candidates, as it is stipulated in electoral law.

Because of large number of candidate lists, voters could not be introduced to all of the candidates on the list, but only with list holders. This way they could not estimate whether they find candidates qualified for positions they are running for, especially considering the new Law on local and regional self-government that gives some councils executive functions.

Campaign financing is again recognized as urgent issue to be dealt with, as non-transparent sources and spending is established as general way of acting. Considering difficult economic situation in the country, voters were confused, especially knowing for low amounts of reimburse for campaigns that is stipulated with Government decree. Transparent campaign financing would surely contribute to confidence of voters in parties/candidates and institutions in Republic of Croatia.

## **ELECTION DAY**

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### **General overview**

These elections brought some tensions; police had 19 interventions, 21 citizens violated public order. Conflicts, as verbal as physical, were based on ethnical and ideological intolerance and on fact that there were a large number of candidates, and according to that - large number of interests involved in elections.

Voter turnout varied from 39,80 to 55.50 % what can be related to insufficient knowledge on significance and consequences of local elections as well as latest changes in laws on local governing that expands range of functions and budgets of local governments. Low turnout was also result of disappointed citizens and inability to identify themselves with offered programs.

GONG finds State Electoral Commission performance positive as well as performance of other electoral commissions. Commissions on Election Day were acting in transparent manner and cooperative to GONG, candidates and media. In some cases there were some misunderstandings what contributed to some challenges in cooperation and organization of elections on field.

GONG Central Office had good cooperation with SEC and lower lever commissions as well as majority of polling boards. This contributed to successful solutions of some problems on the field.

## **VOTING AND VOTE COUNT**

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Polling stations working hours were mainly respected and polling boards received election materials. Usual election process was disturbed by isolated violations and conflicts on ethnical and party base and some alcohol consummations by polling board members, party observers and voters. However, majority of voters could exercise their right with dignity and in tolerant surroundings. Majority of polling boards acted professionally and in nonpartisan manner.

### **Usual violations of elections process during voting and vote count**

- Inaccurate voting registers, even if updated on previous elections, *some voters were not registered.*
- Relocation of polling stations without appropriate notice
- Multiple polling stations in one place (contrary to the law)
- So called "family voting" – voting for a family member or voting without prior identification
- Incomplete polling boards (2 members instead 3)
- Immobile people voting – neglecting requests or uninformed polling boards on immobile people voting
- Verbal and in some cases physical conflicts on polling stations or in surroundings
- Partisan agitations in surroundings of polling stations
- Lack of quality of education of party observers
- Illegal acting of polling boards toward GONG observers (they insisted on keeping Nomination of observer what is contrary to Mandatory Provisions of SEC)

GONG received about 30 reports on critical situations during Election Day.

### **Most serious violations of election rules:**

- A number of voters from Vukovarsko-srijemska County and Osijecko-baranjska County whose refugee status expired since last elections could not exercise their voter's right on polling stations reserved for refugees. GONG assesses that Bureau for refugees and other institutions in charge did not inform this group of voters on time. They could exercise their voting right exclusively in their official place of residence contrary to the right given on past elections to vote on special polling stations.

GONG assesses that legitimacy of elections held for mentioned counties is challenged and violated.

- Objections of refugees on number of polling stations (61 overall) as on declining requests of immobile voters

- Problems of displaced voters that did not respect deadline for registration of their status

- Change of candidate lists order on ballots relating to published candidate list
- Xeroxed ballots marked lists (p.s. 4, Bruvno, municipality Gracac)
- Stolen voting boxes (municipality Kastela – Prgomet, p.s. Trolokve)
- Intimidations of voters and physical conflict (Kistanje and Vocin)
- Physical conflict of party observers on polling station (municipality Poljana Biskupecka)
- Remote polling stations (Lika, west Slavonia)

Polling boards and voters from rural areas were evidently less informed and educated on election process what gives clear direction for state institutions and nongovernmental organizations to act.

**Usual calls from citizens:**

- Voters' lists issues
- Declination of requests from immobile voters
- Questions on voting of students, immobile voters, conscripts, police officers on duty, refugees, displaced persons and travelers
- Relocation of polling stations without appropriate notice
- Disturbing campaign or violations of pre-election silence
- Objections on work of polling stations (non educated boards)

All critical situations were reported to county, city and municipality electoral commissions. We informed State Electoral Commission, international observers and whoever was concerned. We would like to point out excellent cooperation with all mentioned institutions.

We are proud that citizens recognized GONG as relevant organization and were requesting help and informing us on violations.

We specially point out requests for help coming from high ranking elected officials, even on the level of minister.

**RECOMMENDATIONS**

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GONG recognizes importance of transparent and fair process of adoption of electoral law as crucial for building stable democratic society. Adoption of law on time and long lasting rules would contribute to higher level of voters' education and knowledge.

State Electoral Commission as crucial institution cannot administrate elections properly if not a permanent institution, so GONG urges for the law on SEC to be adopted.

GONG recognizes the need for improved Voter Register Law and Election Administration Law.

GONG finds unacceptable complete lack of campaign financing regulation.

As for ethic behavior of parties, candidates and media GONG recommends adoption of ethic code and distinction of public and private media duties and responsibilities.

GONG sincerely compliments adoption of ethic codes in some regions.

Well on time, public administration should inform citizens on elections rules as well as changes in political system of Republic of Croatia in order to prepare citizens for upcoming elections.

*!!! At the ODIHR press briefing May 21, Hrair Balian, Head of the ODIHR Elections Section indicated that he had personally attended the past four elections in Croatia and noted the significant improvement in the elections processes.*

***In his opinion, this in all likelihood, would be the last elections that ODIHR would monitor in Croatia, in part because of the remarkable work that GONG has done, both in these elections, as he said, by mobilizing 3000 volunteers but also in previous elections. "I wish I could say that in other countries in which ODIHR monitors elections, that domestic observers are as welcomed as they are here". The fact that they can work here and the quality of GONG's work is so high is one of the key reasons why international observers are no longer needed in Croatia.***