

# PRESIDENTIAL ELECTIONS, CROATIA

## 24<sup>th</sup> January, 2000, 1<sup>st</sup> round

Citizens of Republic of Croatia were electing for the third time their president on the elections held on January 24, on about 7000 pooling stations in and outside Croatia. The whole of Croatia was one electoral unit. Nine candidates were running for the president of which three were independent and six party candidates.

About 3,8 million of voters were registered in voters lists in Republic of Croatia, and 350 000 voters were registered in voters lists outside Croatia.

Almost 400 international monitors and about 5000 NGO monitors, most of them from GONG, monitored elections.

### INTRODUCTION

More than 4000 GONG monitors organized by 13 GONG regional offices monitored presidential elections. **About a hundred GONG mobile teams** visited 1200 pooling stations that were not covered by GONG monitors or on which problems occurred. GONG monitors also monitored elections outside Croatia in: Germany, The Netherlands, Italy, Austria, Australia, Slovenia, South African Republic and France.

On 5% of all pooling stations GONG also had so called "PVT monitors" who had to report results by phone by the agreed way after votes were counted and minutes done. The results were counted by the computer experts, statisticians and consultants in PVT Center and reported on the press conference held at midnight on January 24, 2000.

Interest for these elections showed by NGOs, media and International Community contributed to positive election's turnout of the citizens of Croatia. The citizens again showed the interest in political participation and maturity, which was seen through political culture and tolerance. State Electoral Commission also contributed by its organization, which was both transparent and open not only to political parties and candidates but also to NGOs and media. The only problem was very bad weather and snow in almost all parts of Croatia that prevented some voters to come to their pooling stations and vote (Lika and part of Dalmatia). GONG Central office maintained good relations with State Electoral Commission, Town and Municipality Electoral Commissions and with most of pooling committees. Electoral commissions and most of pooling committees helped us in solving problems on some pooling stations.

From the beginning, GONG was very well organized, without some big problems or mistakes, so that most of the monitors' reports arrived to our regional offices in the night of January 25. On January 24, at 22:30 GONG PVT Center had the elections results based on the results from 5% of pooling stations in Croatia.

This preliminary report is based on the reports that arrived from the regions during the night of January 25, and also on the phone reports about crisis situations from our monitors and other unanimous citizens. This preliminary report was written before the final overview of each report and the final report cannot be established until report from each pooling station is checked, and official results publicized and confirmed. The final report will be announced after the second round of the presidential elections, and it will contain detailed analysis of all data from all monitors.

## SUMMARY

**Gong's global overview** is that the elections were done correctly although some voters could not vote due to bad weather and inflexibility of governmental institutions. Furthermore the elections were not organized in most of the hospitals and majority of citizens were not informed about the deadlines for the registration in the voters lists. Some irregularities occurred which did not have an important influence on the elections procedure, and we received a small number of crisis reports.

Although confronted by many problems majority of election process' elements ranged from very correct to more than satisfying. Political campaign was conducted in a tolerant way. From the day of election calling, through Obligatory Instructions to the Election Day, election procedure was done very correctly and the work of electoral committees was transparent and independent. Obligatory Instructions explained some parts of the election procedure in much better way than the Election Law due to some outdated instructions from Election Law.

On the other side voters were not well informed about the election procedure which was the responsibility of the election institutions, media and presidential candidates who did not have enough time to deal with this very important question since they had only two weeks for their campaign. Therefore pooling committees were also not well educated. Changing and publishing of many instructions and rules, and bad public information resulted in confusion and legal uncertainty among voters.

General atmosphere and all elements of election procedure were correct. We hope that tolerance, legal regularity, free media coverage and citizens' political culture will be an integrative part of all future elections.

## GONG

GONG is a non- party, independent and nongovernmental citizen organization founded in 1997 with the aim of independent and non-partisan election monitoring in Croatia. GONG not only educates citizens on their election rights but also promotes the importance of election monitoring with the aim to ensure just election procedure, discovering of possible irregularities and manipulations, and strengthening of citizens' trust in the election procedure and election institutions and raising the political culture of the citizens of Croatia.

By now GONG has monitored eight local and state elections in Croatia, and five elections in other countries through which it gained the valuable experience in the preparation and education of the large number of monitors for parliamentary and presidential elections.

In 1997 GONG was not issued the permission from State Electoral Commission for the election monitoring inside the pooling stations on the elections for The House of Counties, for local government and presidential elections. Only in the October of 1998, after the court appeal to Constitutional Court of Republic of Croatia, due to the rejection of the permission for the monitoring of the elections for County Assembly of Dubrovačko- neretvanska County, was GONG given the permission for legal election monitoring. After the Constitutional Court recommendation, State Electoral Commission allowed non-party monitoring of all local elections in its Obligatory Instructions.

New Election Law made GONG aware of the possibility for the non-party monitors to become the legal subjects on the elections. After the campaign that lasted several months Gong's succeeded in the acceptance of Article 107 in the Act for the Parliamentary Election which regulates the rights and duties of the non-party monitors and which in fact makes  $\frac{3}{4}$  of the article by which GONG wanted to ensure election monitoring of non-party monitors. State Electoral Commission issued permission for the election monitoring to all interested NGOs, although The Act for Presidential Elections of Republic of Croatia knows only party election monitoring.

As a part of Gong's campaign "We, citizens monitor » for the Parliamentary Elections which began in June 1999, GONG opened 13 regional offices, which made him the only NGO in Croatia with the network that covers the whole region of Croatia, and event those regions without NGO presence. GONG participated in parliamentary elections with 5000 monitors who also monitored the presidential elections.

GONG has maintained good relation and was supported by many international organizations. GONG was financed by many organizations and institutions (USAID-OTI, EU, OSI, Westminster, Freedom House, NED, Embassies of Canada, Japan, Great Britain, The Netherlands, Norway, USA and Greece) and by the Office for NGOs of The Government of Republic of Croatia. GONG was financially also supported by many institutions and organizations in Croatia, private companies, local independent newspapers, radio stations and TV stations, rent-a-cars, shops, unions.

## **LEGAL FRAMEWORK AND ELECTION PROCEDURE**

Parallel to preparations for the parliamentary elections the process of election calling took place, which showed flaws in some instructions of Constitution of Republic of Croatia, which did not precisely define the condition of disability of the president.

### *Election Law*

Law for the Election of The President of Croatia from 1992 showed its flaws and the necessity for the new law which would give very detailed description of the election procedure, not only the outlines. The Law does not state where, how and who can collect the signatures for the presidential candidacy, which caused the inequality among candidates and had influence on the voters, especially on those employed by public institutions where some candidates collected signatures.

The Law states that election and pooling committees' members cannot be party members but since there is no evidence of the party membership it is almost impossible to check whether somebody is a party member. In that sense, The Law for The MP Election in Croatian Parliament created the multiparty election bodies which enabled just participation of political parties in elections' organization.

The Law enables the presence of party monitors, while the presence of nonparty domestic monitors is not regulated. The Law for The MP Election does not give the detailed description of the rights and duties of nonparty monitors, but it could be used as a good basis for the rule regulation, although I consider it has many flaws, so that State Electoral Commission is obligated to regulate this very important question by its Obligatory Instructions.

The Law does not ensure the result reporting for each pooling station, which lowers the election procedure transparency. Therefore all citizens and interested parties do not have the equal access to information. State Electoral Commission promised to report the election results for each pooling station, which is a very positive step in the updating of the instructions of the outdated Election Law.

### *Election procedure*

According to the Election Law State Electoral Commission was constituted as the highest body in the election procedure, in the same constitution as in the parliamentary elections procedure, but without the added part, which was constituted by the representatives of political parties.

State Electoral Commission showed in its work during the election procedure interest in the transparent and in that way free and just elections, despite the difficulties as the imprecise Election Law and short deadlines. Especially we have to mention The Coordination for Monitors that did everything to ensure the access to the pooling stations to all its monitors on time.

The pooling stations were known after the legal deadline and 13 of them were changed on January 23, 2000, which caused confusion and legal uncertainty among the citizens.

Foreseeing the importance of nonparty monitoring State Electoral Commission gave the right to NGOs to monitor elections in its Obligatory Instructions. Constitutional Court of Republic of Croatia disabled State Electoral Commission to restrict the number of monitors due to the size of some of pooling stations by giving the right to each NGO and political party to have at least one representative on each pooling station. This contributed to the higher transparency and trust in the election procedure.

State Electoral Commission accepted GONG objections on several questions. The most important was the issuing of the copy of a minute to all the monitors on each pooling station, which was one of the basic GONG goals for future election procedure.

In the election procedure, the legal uncertainty of the citizens was caused by the inability to vote, which was caused primarily by imprecise law regulations.

One problem was *inflexibility of some governmental institutions* cause by strict following of legal regulations which do not take into account unexpected circumstances such as the bad weather which prevented voters to return home on time to vote, and who in that way lost their voting right. The Act on Voters Lists played an important role in that.

According to the information received from some citizens, *some voting committees did not visit the old, ill or handicapped*, and the law leaves them the possibility not to visit those people if they do not inform the voting committee «on time». Due to the bad weather a number of old people were not able to come to pooling stations and the voting committees were not able to visit them all.

We also received the information from the ill people in hospitals who were not able to vote since *elections were not organized in hospitals*. Similar things occurred on the past elections.

A number of citizens employed by public institutions and private companies were not allowed to leave their working place in order to vote, by which *their right to vote was taken away*.

Additional insecurity was caused by the explanation given by State Electoral Commission that a person is allowed to vote without identification documents if two members of the voting committee can confirm his/her identity. When requesting written confirmation of that statement we were told that voting without identification documents was not allowed.

Although the voting committees should have been constituted from nonparty members, since it was not possible to discover their membership, number of members were party members.

State Electoral Commission published the Obligatory Instructions for voting outside Croatia by which it stated the documentation needed for voting. Their intention was to unable double voting, since those instructions were in contrast with the Act on Voting Lists. But it is important to keep the institutions responsible for voting lists open all day long during the election day, with the special attention to time differences between Croatia and other countries where voting is held.

## **POLITICAL CAMPAIGN**

The overall view of the presidential campaign is positive. Campaign was peaceful and tolerant with the exception of unacceptable behavior of some presidential candidates towards journalists. The major candidates agreed on the most important questions concerning the democratic development of Croatia. Economic issues were positively presented and civil freedom was put in front of the nationalistic issues, which often constituted the major part of previous campaigns. This political campaign was the first in which candidates treated the voter with respect and fought for each vote, since the parliamentary elections showed that the government that does not follow interests of its voters could be changed.

It is positive that all media tried to equally present all candidates. On the other hand this led to the presentation of the ideas that were not that important to the voters, while the most important candidates were not able to confront each other.

Some media did not obey the election silence causing the harm to the candidates, but what is disturbing is the appearance of the articles that were in contrast with journalist ethics and professionalism just before the beginning of the election silence.

Croatian radio- television, as a public TV station did not fulfill its duty to inform the voters on time about their rights, especially concerning the voting lists deadlines. By drastic changes in the way of reporting after the parliamentary elections, Croatian radio-television showed the objectivity that should be followed by every public television.

GLAS 2000, a coalition of NGOs that was to be a non-partisan coalition, crossed the line of the accepted behavior by publishing promotional material that can be understood as partisanship. "Check mate in the second round" can contribute to the loss of credibility of the previous coalition GLAS 99, which was according to that fighting for "Check mate in the first round". The same situation is with the phrase "Knock-out in the second round", which not only suppose, "Knock-out in the first round" but is also sending a violent message. This is very disturbing situation, which discredits the other organizations, and individuals that were working very hard on the perseverance of the non-partisan rule, among which is also GONG and the majority of others NGOs.

GONG supports the non-partisan attitude of the Catholic Church leadership towards all election participants. But some local priests continued to encourage voters to vote for a particular political candidate.

## **VOTING AND COUNTING OF VOTING PAPERS**

Due to the very large number of reports received from our monitors, we have not had enough time to make detailed analysis of them. Our monitors had any overall positive impressions about the election procedure and votes counting, and the atmosphere on the pooling stations.

This report is based on the regional offices', mobile teams' and anonymous citizen's reports.

### Some irregularities:

- incomplete pooling committees
- presidential candidates posters near the pooling stations
- pooling committees' suggestions to voters to vote for a particular candidate
- police presence inside and outside pooling stations
- incorrect behavior of some pooling committees and political parties monitors towards Gong's monitors
- inappropriate look of pooling stations (inadequate place, lack of screens, pictures on the walls...)
- incomplete election materials
- not visiting old and ill people after being notified
- group voting
- media breaking of election silence
- more voting papers in ballot boxes then the number of people who voted
- destruction of voting papers

### Most common irregularities

- voting without identification documents, which was considered, *by some pooling committees and electoral commissions considered as legal if the pooling committees know the voter.*
- Formaly the pooling committees on these elections were constituted of nonparty members, but since it was not possible to prove nonmembership, the part of them were party members (which was confirmed by many citizens and monitors)

- Outdated voting lists (dead people listed, people who immigrated...)

On these elections the majority of pooling committees showed much better understanding of election procedure, law and rules, and the majority of regional offices, except the offices in Split and Zadar, considers the pooling committees better organized and prepared on cooperation than on the previous elections. Croatian citizens living in rural parts were very poorly educated and informed about the election procedure and rules, which is very important information for the future work of governmental institutions and NGOs.

We received a small number of crisis reports concerning mostly the influence on the voters, a couple of voting papers more in the ballot boxes, circled voters on the voting lists who did not vote, police presence inside and outside pooling stations, incorrect behavior of pooling committees members and political parties' monitors. Stated irregularities could not influence final elections results, although they could have influence on the atmosphere on the pooling stations. Furthermore these crisis situations showed that a number of citizens still have not come to a required level of political culture, so they are the result of individual behavior.

We informed State and Town Electoral Commission on these crisis situations and reported irregularities. We also contacted The Ministry of Interior Affairs and all the other parties involved and we have to emphasize excellent cooperation with all stated institutions that is a great achievement if compared with the previous situation. We are very happy to inform that citizens again called, reported and commented, and we are especially happy to inform that we were contacted by the employees of public institutions and ministries.

## SUGGESTIONS

Changes in the Act for the Presidential Elections in Croatia are necessary for the democratic achievements.

Since we were not able to prove party membership and since party members were able to freeze its membership, the nonparty pooling committees come in question. Since State Electoral Commission considers these nominations legal it is necessary to ensure by the every future election law the equal presence of all political parties and independent candidates through multiparty bodies in the election's organization.

As some election law regulations are very closely related to the voting lists, by this we want once more to emphasize the necessity for the development of central voting lists' records. The voting lists should be based on the recent census and the nationality of the voters should not be the part of the voting lists because they threaten the right on privacy. The Act on the Voting Lists from 1992 requires urgent changes, and voting list should be public documents available to all political parties, candidates and NGOs registered for the election monitoring.

Most of the pooling stations have not been changed from the previous elections, therefore GONG thinks that pooling stations should be permanent so that voter could know where they are going to vote. If some changes occurred voters should be informed on time.

Political campaigns' and independent candidates' financing should be publicized and legally regulated in order to avoid manipulations concerning private donations and conflicts of different interests' groups. Foreign donations should be especially regulated by law and publicized.

The fact that the State Director's Office for the State and Local Administration closed the voting lists for the second round of the presidential elections together with the voting lists for the first round is very disturbing because it is contrary to the Act on the Voting Lists. That will again enable some citizens to vote. GONG will ask Constitutional Court and State Electoral Commission to comment on this decision.

We again appeal to the state institutions that participate in the election organization to dedicate themselves to better education and informing of the citizens and the pooling committees about their rights and duties.

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These elections are a very important step for Croatia and its citizens towards getting closer to the standards of the countries of Western democracy, and the upcoming elections, which depend mostly on the high quality laws and public information, will surely put Croatia side by side with the countries of Western democracy. Positive changes in the relation of the State towards its citizens could be a good example to the neighboring countries that have the same goal: entering European integration processes through democratic changes.

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