



GONG

**THE FINAL REPORT ON ELECTION OF REPRESENTATIVES TO
THE CROATIAN PARLIAMENT**

December 22, 2011.

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1. An Introduction and General Evaluation of the Election Process

The following report comprises an analysis of the election process as well as some recommendations for potential improvements that can be made for future elections.

Prior to the elections, GONG had again cast several warnings concerning the problem of imbalance with the number of voters within electoral districts that did not adhere to the previously established legislation concerning elections. Namely, the Bill on Elections for Members of the Croatian Parliament envisages that the discrepancy of the number of voters in electoral districts must not be greater than +/- 5 %. During the 2007 elections, the difference in some electorate districts was much wider and the same was expected for the 2011 elections. The same warning was issued by the Constitutional Court in a 2010 report. GONG made an appeal to the respective institutions to address amendments to the Bill immediately after the elections and to harmonize all of the applicable legislation.

The Call for Elections for the Croatian Parliament was made by the President of the Republic of Croatia on October 31, 2011. The elections were subsequently held on December 3, 2011 (abroad) and December 4, 2011 (in Croatia and abroad). 4,504,081 citizens had the right to vote (4,092,323 in Croatia; 411,758 abroad). 2,446,831 citizens voted, accounting for 54.32% of the total population.

6,873 voting places were opened in Croatia; 124 abroad. The elections were organized and conducted by the State Election Commission (DIP) and election commissions of the various electoral districts, town and municipality commissions, and electoral boards. The overall election process was monitored by the State Election Commission.

The elections were mainly conducted in a democratic atmosphere that enabled voters to practice their right to vote. The participants of the elections were generally informed about their rights and duties. The elections were organized and conducted appropriately within a pronouncedly short election period. A high quality of operation of the institutions in charge of elections was observed, apart from the Ministry of Public Administration, which was not actively involved in the election process to the degree expected from this institution. Media coverage of the election was observed to be inadequate and in need of further reform. The election campaign was more transparent with regards to financing, sponsors, and campaign costs due to the application of a new regulation on campaign financing and the proactive application of the regulations by the State Election Commission.

The conduct of the elections was regulated by a number of bills; the Bill on the Elections has undergone numerous changes and amendments over the last few years, though still requires systematic changes and improvements, accompanied by a number of compulsory directives by the State Election Commission. The State Election Commission initiated the creation of a cleansed text of the Bill on the Elections, which was adopted by the Committee for Legislation of the Croatian Parliament. Yet due to a number of imprecise and deficient bills, numerous situations were left unregulated, which allowed for competing legal interpretations. In some situations, the State Election Commission had to play the role of arbitrator in order to secure the legal safety of all participants within the election process. They did so by making *ad hoc* instructions and explications of regulations, which will be explained in greater detail in this report.

In the months of November and December, GONG responded to 371 e-mailed inquires from citizens and answered more than 500 telephone calls concerning the election process. A number of inquires were redirected to the State Election Commission due to the lack of precise regulations concerning the conduct of elections.

Our report shall address in detail the following: Election Administrations/Electoral Registries and Precedent Registration of Voters Abroad; the Candidacy Process and Media Coverage; Campaign Financing; the Course of the Elections and Protection of the Right to Vote; and the Announcement of the Election Results and Recommendations.

2. Elections Administration/Electoral Registries and Precedent Registration of Voters Abroad

The State Election Commission

In light of the election period's brevity, the wide range of activities therein, and the legal framework that did not regulate a number of issues, the State Election Commission organized and conducted the elections in a correct and transparent way, establishing higher standards, especially where it concerns the application of new regulations on campaign financing. As well, all of the meetings of the State Election Commission were public.

The State Election Commission brought about ten compulsory directives and issued more than twenty public announcements, both during the course of the election and in its immediate aftermath, on topics that include: the sequence of election operations; the procedure of candidacy; the transparency of campaign financing; voting among the members of national minorities; the election day; reports on temporary and unofficial election results; the repeating of elections; and the number of voters, etc. Additionally, the State Election Commission made public all of its rulings (28 total) regarding complaints filed in the course of candidacy and the overall election processes. Each one of the major inquires of the election process regarding the participants, the media, organizations of civil society, and citizens (46 in total) were answered, which points to an active approach taken by the State Election Commission during the elections; it should further encourage citizen trust in the overall election process. The State Election Commission also published two educational leaflets for voters on its webpage about electoral registries and the right to vote abroad (or outside the place of official residence in Croatia); however, it should be clarified that the leaflets require a wider distribution capability, i.e. for those voters who do not have internet access. It is important to note that these elections also lacked a systematic and comprehensive informational campaign, which was also reported by the Limited OSCE Monitoring Commission. The State Election Commission, however, regularly answered telephone calls and responded to written inquires by all interested parties.

Following are some of the positive decisions and activities taken by the State Election Commission:

- The creation of an application for establishing and sending of a candidacy as a aid for election participants;
- The creation of an application for monitoring campaign costs and making financial reports as an aid and monitoring tool for election participants;
- The organization of educational meetings for political parties before the elections were called to introduce them to new regulations concerning campaign financing;
- The provision of instructions to lower election commissions regarding the verification of poll locations and the orderliness of polls on the election day;
- The provision of instructions to electoral boards for those who cannot vote at a certain poll;
- an increase in the number of polling stations located in Bosnia and Herzegovina to 30, compared to the previous proposal of 17;
- An agreement with the Croatian National Bank regarding real time insight into the respective bank accounts of the political parties, political lists, and candidates for the purposes of monitoring campaign financing;
- The provision of instructions for issuing invoices for campaign financing to those responsible for advertising (invoices should be made to the political party/list/candidate that ordered the media advertising);
- The publication of an application immediately prior to the election that enables voters to search for their polling station according to their place of residence;
- A refund of expenses to deaf/blind persons' assistants to enable disabled individuals to come to the polling stations on the election day;

The State Election Commission also monitored campaign financing, which provided explanations of the proper legal provisions in order to increase the level of transparency. Additionally, the State Election Commission sent all potential violations of the stated regulations to the State Attorney's Office to commence with any of the respective procedures.

Following the elections, the State Election Commission published on its webpage the results according to each individual polling station that were, for the first time, made accessible to search by address. The State Election Commission also continued with its plan to monitoring campaign financing after the final election results were published.

The State Election Commission faces additional challenges in the future in order to establish itself as an independent, expert, and professional body that initiates and conducts electoral reform and increases

the level of education, trust, and participation of citizens during the election process. As well, the State Election Commission is expected to act proactively in the period when there are no elections.

Town and Municipal Electoral Committees and Electoral Boards

Prior to and during the elections, GONG had an effective cooperation with the electoral commissions and the majority of electoral boards. While GONG worked to address problems that appeared at some of the polling stations, members of the electoral commissions and the majority of electoral boards provided a satisfactory level of understanding and aid.

The State Election Commission created, published, and distributed a Reminder for the Operation of Electoral Boards in Croatia, as well as a Reminder for the Operation of Electoral Boards Abroad. Educational workshops were held for the presidents and deputies of higher electoral commissions and for some of the electoral boards working abroad. The higher quality of operation and education of electoral boards was a noticeable trend at polling stations in Bosnia and Herzegovina and Serbia as well. GONG's observers evaluated the operation of electoral boards in Croatia to be generally good and correct, with the exception of a small number of polling stations that were not properly organized and where electoral boards either did not know the correct procedures or violated them. Where it concerns the education of electoral board members in Croatia, one of the key challenges observed was when members nominated by the political parties changed at the last minute – some even on the day preceding the elections. In such circumstances, it was expected that some members of the electoral boards would not be sufficiently knowledgeable to fulfill their duties properly.

Despite the observed progress, in order to advance fully the level of professionalism and expertise of the lower bodies which conduct elections, the Republic of Croatia must legally regulate the prior nomination of members of electoral boards and more systematically address their understanding of standing electoral procedures.

Ministry of Public Administration and Electoral Registries

As in the case of previous elections, the problem of so-called fictitious residences was once again realized, i.e. those voters who do not live in the Republic of Croatia, which resulted in an unrealistic number of voters in electoral registries. An additional problem is the number of deceased voters found in the electoral registers of the so-called diaspora, which stems from the ongoing difficulty in obtaining the necessary documents and information about deceased voters abroad. Diplomatic and consular offices of the Republic of Croatia and the City Office for the General Administration of Zagreb have continued their joint effort to delete deceased voters from the central electoral registry. The problem, however, requires a more systematic solution.

The Ministry of Public Administration prepared the electoral registries required for conducting elections by sending circulars to the lower bodies. Additionally, citizens could, as in previous elections, verify data

already entered into the electoral registries on the webpage of the Ministry of Public Administration and/or via SMS texting through T-mobile and VIP operators (at the standard price for an SMS).

The degree of information on electoral registries provided by the Ministry of Public Administration was minimal. There was no significant means to educate or systematically inform voters, which is supported by the fact that numerous citizens sent their questions directly to GONG and the State Election Commission. Further, according to information that GONG received from citizen inquiries, the general administration offices were sufficiently knowledgeable about the procedure for voting outside established places of residency; however, their conduct in practice was inconsistent and, in some cases, they cut short the procedure to help voters. GONG fielded numerous complaints from citizens dissatisfied with the complicated and slow procedure; often prospective voters had to send claims for certificates to one office, wait for a receipt of certificate, and then send the certificates to yet another office. All of this occurred despite the fact that the general administration offices are networked and the procedure can be minimized by establishing a direct intranet connection between these offices. This issue must be given top priority as soon as changes are drafted for the Bill on Electoral Registries.

GONG did not receive a response from the Ministry of Public Administration on its inquiry concerning how many individuals inside Croatia are registered for voting outside their established place of residence.

Prompted by numerous discussions regarding the authenticity of electoral registries, GONG publicly asked the Ministry of Public Administration, the respective authorized body, why electoral registries in Croatia are operated and maintained by two different companies, how this arrangement may affect the real updating of electoral registries, and how this guarantees the sufficient safeguarding of private, personal data.

Dating back to 1998, the Ministry of Public Administration made an agreement with the private company MCS, Ltd. to maintain records on the personal state of citizens for procedures concerning tender invitations. This agreement comprised all of the registry offices except the city of Zagreb, Velika Gorica, Zaprešić, and Samobor, which were at the time managed by the former City Office for Data Computing, now known as APIS-IT (the Agency for Support of Information Systems and Information Technologies, Ltd. – owned by the state and city of Zagreb). In January 2009, the government of the Republic of Croatia brought forth a Conclusion awarding the above-mentioned information services to APIS-IT, which was regarded to have adequate expertise and capacity. The Ministry of Public Administration made an agreement within a public tender with APIS-IT to conduct and maintain the electoral registries. The agreement envisaged the full transfer of the system's maintenance to this company, in conjunction with the implementation of the newly created recordkeeping system. APIS-IT subsequently subcontracted the maintenance of the electoral registry to MCS, Ltd. until the time when the new system would be implemented. In 2010, however, the Ministry of Public Administration, without offering a public tender and failing to provide publicly accessible publications of the contract's negotiations, made an agreement concerning all data processing for the control of signatures collected

in the trade unions' initiative for a referendum with MCS Ltd. Similarly, in the course of 2011, the Ministry made another non-publically tendered agreement with MCS Ltd. on the improvement and information support for the implementation of board and representative elections for national minorities for the 2011 electoral registries; a final agreement allotted the company 800,000.00 HRK for support services, monitoring, and supervision of the 2011 parliamentary elections. At the beginning of 2011, the Ministry of Public Administration received a motion for the development of a new system for the electoral registry, state registry, and registry of citizens (file of personal statuses of citizens) by APIS-IT in the amount of 19,364,000.00 HRK (not including VAT), which was rejected due to a lack of funds in the state budget.

GONG obtained copies of all the agreements made in 2010 and 2011 between the Ministry, APIS-IT, and MCS, Ltd. from the Ministry of Public Administration in a procedure warranted by the Bill on the Right to Access to Information. The above-mentioned agreements do not provide a clear insight into why two different companies conduct and maintain the electoral registry, how such an arrangement may influence the future maintenance of electoral registries in real time, how personal data will be safeguarded, and why agreements are made with one of the chosen companies outside the procedure of tenders for public services, which is in direct violation of the procedures promulgated by the government of the Republic of Croatia.

An analysis of the collected data and an evaluation of the operation of the Ministry of Public Administration prompt a disturbing suspicion on whether there is any real willingness within the institution to address ongoing problems, establish new and better standards in conducting elections, and utilize all the available technologies that would facilitate the transfer of information for the benefit of voters. Consequently, there is a realistic concern that similar problems will appear in the next elections, unless there are significant changes to the legal framework and its implementation.

Zagreb City Office for General Administration

The city office that maintains the central registry of voters with residence abroad worked transparently and proactively. Additionally, this office developed and enacted technological solutions in cooperation with APIS-IT, Ltd. Such solutions improved and accelerated the procedures connected to prior registration and the issuing of certificates to voters on the day of the election.

7,988 deceased voters who died in the period between November 8, 2009 and November 19, 2011 were deleted from the central registry of voters.

Ministry of Foreign Affairs and European Integration and the prior registration of voters abroad

For the third consecutive election, the Ministry of Foreign Affairs and European Integration, as well as diplomatic-consular offices conducted the procedure of prior registration for voters living outside their established place of residence. These institutions were additionally tasked with informing voters outside

Croatia about the possibility of prior registration. Additionally, diplomatic-consular offices were responsible for issuing voting certificates on the election day and for closing and verifying registry voting lists at polling stations after voting closed.

The Ministry of Foreign Affairs and European Integration cooperated as professionally as possible regarding the fulfillment of operations within its authority. The main webpage of the Ministry lacked instructions concerning the procedure of prior registration; however, some diplomatic-consular offices published instructions and forms for prior registration on their webpage. The Ministry, in collaboration with the State Election Commission, additionally educated the respective diplomatic-consular offices on their authorities and responsibilities.

GONG evaluated whether the prescribed procedure for prior registration was respected, if information for prior registration was readily available to all citizens, and whether the education and professionalism displayed by diplomatic-consular clerks was adequate. In the period allotted for prior registration, GONG fielded inquiries from citizens who wanted to prior register, and asked citizens to inform GONG about any difficulties and irregularities noted in the registration process. There were a total of 16,231 voters who prior registered abroad. The process of prior registration was executed without any major problems and diplomatic-consular clerks were generally familiar with the procedure. Yet as there were a number of voters unaware of the prior registration system, which subsequently prevented them from voting, there remains a continued need to educate voters systematically about prior registration procedures.

A total of 16,231 voters were prior registered for voting abroad; most of them living in Germany, Bosnia and Herzegovina, and Switzerland.

Ombudsman for Individuals with Disabilities and the realization of the right to vote for individuals with disabilities

The Ombudsman for Individuals with Disabilities, in cooperation with the State Election Commission and the Ministry of Health and Social Welfare, suggested organizing polling stations in social welfare homes, which would ease the voting procedure for persons with disabilities. While some social welfare institutions managed to conduct all the necessary operations to secure their users the right to vote at such homes, these elections again were marked by the absence of a significant number of sick and disabled persons in infirmaries, hospitals, or nursing homes. In most of these institutions, voting was not organized, and their occupants could not travel to polling stations.

As well, according to the Bill on the Electoral Registry, individuals who have been deprived of business capacity by a final and binding court decision cannot be registered in the electoral registry, and as such, cannot practice their right to vote.

The right to vote is guaranteed not only by the Constitution (the provision on the general and equal right to vote to all Croatian citizens over the age of 18), but also by the International Convention of the United Nations on the Rights of Individuals with Disabilities, ratified by Croatia, and is in accordance with constitutional provisions and considered above the law in its legal power. Due to such legal anomalies, GONG, together with the Association for Self-Representation, began a legal battle to register one person deprived of business capacity to be entered into the electoral registry. At the European Court of Human Rights, the case *Alajos Kiss v. Hungary* claims for the first time that the discriminatory seizure of the right to vote exclusively based on the decision of depriving a person of business capacity without an individualized court evaluation, cannot be considered to be in accordance with the legitimate reasons for limiting the right to vote. Additionally, GONG pleaded with the Constitutional Court to evaluate the constitutionality of the above-mentioned provisions from the Bill on the Electoral Registry that automatically deprive the right to vote for persons totally deprived of their business capacity.

3. Candidacy Process and Media Coverage

The period of time allocated for the official election campaign was brief and, similar to previous parliamentary elections, noted for its poor media coverage of the election participants – a fact clearly due to inadequate regulations. Citizens have little opportunity to obtain quality and clear information about the programs of the election participants; further, there were little confrontation by the media to the prospective candidates. Outdated media regulations provided equal media coverage to all parties and candidates, regardless of their representation in the Parliament or support by the electorate. Alongside the rules regulating the strict equality of media coverage, the relaxed conditions for a party to enter the election, and the existence of so-called independent lists, there was again an absurd number of lists which commandeered media space only to display “circus-like” appearances by some candidates. This served to undermine the very purpose of the campaign, i.e. qualitatively informing voters and opening space for proper public debate.

The election campaign was marred by the corruption scandal connected to HDZ financing, the indictment of HDZ as a legal entity, and the public spectacle tied to the trial against former-Prime Minister Ivo Sanader. HDZ, in attempting to mobilize its electorate, partly based its campaign on the tired and irrational “fear of communism” in lieu of offering an explanation for the troubling and uncertain situation the country faces after years of HDZ rule.

The Kukuriku Coalition, on the other hand, ran a positive campaign with conciliating relations to the ruling HDZ; it repeatedly stated that it did not want to rejoice over HDZ's apparent demise. The campaign was marked by meetings with citizens in debates that presented the coalition's Plan 21.

Before the deadline for candidacy lists, the State Electoral Commission issued an opinion concerning the political party HDSSB's potential nomination and/or naming the bearer of an election list a person who was validly sentenced for war crimes. GONG requested the authorized institutions, specifically the Constitutional Court, to fill in the legal gaps and assume responsibility by providing a timely reaction that would send a message that political decisions cannot be made by individuals and organizations which do not accept and respect the constitutional order and basic values of the political community. The State Electoral Commission expressed its standing that the particular individual can be the bearer of an election list but not a candidate on the list, due to the provision in the Bill on Elections that prevents a person who has been sentenced to prison for more than six-months from gaining a parliamentary mandate. The Constitutional Court, however, decided that the respective person cannot be the bearer of the list, nor a candidate on the list, referring to the basic values of the Croatian constitutional state, quoting that, "from the aspect of influence upon voters and the whole election process – the bearer of the list has a stronger legal and factual position than the candidates themselves on the day of elections because the names of candidates, as opposed to the name of the bearer of the list, do not appear on voting papers." This case stressed again the absurdity of the Croatian electoral legislation, which does not clearly prohibit the candidacy of individuals sentenced for the most serious of crimes.

In a legally binding term, the State Electoral Commission announced 313 valid candidacy lists, and 56 candidates of national minorities. Again, the validity of signatures was checked electronically upon their submission; double signatures were eliminated. The State Electoral Commission refused candidacies that did not fit the stated legal criteria. The body did allow for the change of a candidate on one list after the deadline, but before their public announcement. The Constitutional Court approved the State Electoral Commission's decision.

A handful of decisions by the government of the Republic of Croatia connected to the allocation of property or money to certain groups immediately before the elections caused a public controversy. For example, a few weeks prior to the elections, a special commission of the government of the Republic of Croatia and the Croatian Bishop's Conference was set to decide the reimbursement of property seized from the Catholic Church. It was agreed that the government would reimburse a party whose property was confiscated in communist Yugoslavia for all properties that cannot be given back in nature. Additionally, at one of the last meetings of the government, a decision was adopted to transfer 16 million HRK from the budget to finance education, culture, scientific and health programs, and projects in Bosnia and Herzegovina. 373 claims were adopted and the Catholic Church received a majority of the funds.

The Council for Electronic Media conducted a routine monitoring of the operation of publishers. Further, it sent publishers and media members a standard recommendation on operation procedures during election campaigns.

The Ethic Commission operated in full accordance with the law and adopted an Election Ethic Code, which included 28 statements concerning particular aspects of election campaigns and the behavior of election participants. All of the decisions were published on the State Electoral Commission's webpage. The Ethic Commission, however, did not play a significant public role during the election.

Election silence was evenly violated by major and minor parties in various ways. GONG was notified about putting billboards on the city info center, handing out leaflets, putting leaflets in mailboxes, and texting and Facebook activities, each of which provided instructions on how to vote, as well as telephone calls playing an automatic message that suggested voting for a particular political option. Additionally, there was a warning about one case of canvassing a representative of the Catholic Church during a Mass in an eastern Croatian town.

In sum, the problem of outdated, imprecise, and incomplete provisions within the legal framework connected to campaign media coverage remains, as well as many ambiguities of what is condoned and prohibited during campaigns. The regulations in place do not satisfy the needs of the election participants, nor the voters, such that they may be qualitatively informed to bring forth informed decisions on the day of the election.

4. Financing of the Election Campaign

In February 2011, the Croatian Parliament brought forth the Bill on Financing Political Activities and Election Marketing; subsequent changes and amendments were made to it in May, 2011.

In adopting the Bill, certain improvements were made towards achieving internationally recognized standards, as well as the improved regulation of this issue. Among the many positives are the detailed regulation of campaign financing, the introduction of a wider spectrum of sanctions for violation of the Bill, the introduction of limits to election costs (however, it must be noted that the 500,000.00 HRK sum for the Zagreb mayoral election and the 1,500,000.00 HRK sum for the European Parliamentary election were unrealistically low), and the limiting of legal donations to campaigns, a suggestion made by both the European Council and GONG.

It is important to note that in the preparation of the Act, the Code of Counseling Interested Parties in the Procedures of Adopting a Bill was not respected, despite being introduced by a government that promoted it as a foundation for adopting legislation transparently with the quality cooperation of the public in the legislative process.

The 2011 parliamentary elections were the first test of the Bill's implementation, whereby the State Elections Commission monitored campaign financing for the first time.

Prior to the official election campaign, GONG and Transparency International Croatia (TIH) requested political parties, bearers of election lists, and candidates to respect all of the provisions detailed in the Bill on Financing Political Activities and Pre-Election Campaigns in the coming election cycle, and:

1. To send to the State Elections Commission by November 26 preliminary financial reports on donations and expected costs of their respective campaigns, and to publish such reports on their webpage by November 28;
2. To publish final reports within 15 days after the official election results were posted;
3. To make public the Financial Report on Campaign Financing, including data on income generated, sources of financing, and costs, no later than 30 days after the date of the election;

GONG and TIH asked the State Elections Commission, as the primary monitoring body, to oversee the effective implementation of the Bill, set high standards in its operation, and adequately and timely sanction any and all violators. GONG and TIH also monitored the costs of TV advertising. The calculation of TV advertising costs did not include donated advertisements by private companies or persons. The quantity of advertisements was monitored from the beginning of the official campaign, November 17, through the end of the official campaign, December 2.

After monitoring political party financing and analyzing the sent reports, GONG notes that the political parties made considerable improvement with regard to the transparency of financing; however, price lists and advertising discounts suggest a possible “grey area.” GONG and TIH warned that the reported amounts do not represent the total amount that political parties and independent lists actually paid for advertising during the campaign and that it is possible that the reported amounts do not detail all of the many discounts awarded (including the publicly announced discounts /HDZ and HSL/ and the mean values of discounts). The non-transparency of price lists and discounts make it impossible to assess the given data and disables quality assurances necessary to monitor campaigns. In sum, it allows for the possibility of varying interpretations.

Almost all of the election participants respected the established legal deadlines for sending and publishing financial reports, both before and after the date of the election, particularly where it concerns the final campaign financial report, which established a higher level of transparency during the elections process.

A comparison of GONG and TIH evaluations of the data obtained from the official “early” reports notes discrepancies in the stated advertising costs of the two major political parties, while for other parties/independent lists, there were no major differences between what they reported and the official reports.

Following are possible factors that may account for the differences in advertising costs:



- The party/coalition received large discounts due to the quantity of the ads;
- There is no data accounting for special conditions, nor price lists for buying ads, nor information on prices and discounts that were agreed upon;
- The difference between the market value of the ads and their reported values in the official reports was paid for by a third party.

It is in the best interest of political parties to publish price lists, conditions, and discounts in advertising in order to ensure that all parties receive equal media access, and that major discounts are transparently displayed as donations.

Mistrust among the political parties lead to mistrust in the overall political system, and indirectly to the functioning of public administration bodies; this, of course, has eventual negative consequences for all citizens.

5. The Course of the Elections and Protection of the Right to Vote

GONG monitored the day of the elections utilizing a statistically defined pattern of polling stations. All of the election day reporting, vote counting, and processing of information were conducted according to the internationally accepted “quick count” method. Over the course of the election day, GONG collected SMS reports from observers (three times). After counting votes at the polling stations, GONG conducted a parallel vote tabulation (PVT).

The 2011 parliamentary elections were monitored by 527 GONG observers:

- On December 3 and 4, elections were monitored at polling stations outside Croatia: Bosnia and Herzegovina (19 observers), Serbia (3), the Netherlands (2), and one observer each in Switzerland, Germany, and Canada.
- On December 4, elections were monitored by 60 observers in mobile teams that visited polling stations in Croatia; 443 stationary observers monitored 443 polling stations selected on the basis of GONG’s statistically chosen pattern.

GONG based its election day observations on the reports provided by the observers rather than anonymous reports made by citizens.

Overall, the election day in Croatia was peaceful, conducted in a democratic atmosphere, and lacked any major incident. The primary irregularities involved national minorities and the realization of their right to vote, and misprinted data in electoral registries, although this data were correctly imputed in previous elections. Other problems concerned the violation of election silence, a handful of unprepared and/or disorderly polling stations, and one case where an individual was denied the right to vote

abroad. One recurring problem in the Croatian election system concerns the inability to realize the right to vote for those in hospitals, nursing homes, and other stationery institutions. It remains unclear why voting procedures cannot be organized at the above-mentioned institutions, when they are routinely organized in prisons and on ships.

Members of national minorities experienced continued problems on the day of the election, which suggests an inadequate level of education among members of the electoral boards and the voters themselves; many assume that they can vote only for the general or minority lists. There were many reports by members of minority communities who were embarrassed at their respective polling stations because they had to identify their affiliation publically. Citizens reported to GONG that they did not understand how the system of voting for minorities functioned, why they were to be found on separate lists, why they had to sign in if they transferred from the minority to general electoral list, why those who were on the general list could not vote for minorities, and why their national affiliation was noted despite not asking for it. GONG also fielded complaints that SDSS were sent to town electoral commissions in Rijeka and Opatija, where GONG did not have observers, and which concern seven different voting procedure violations for members of national minorities.

In addition, there were numerous data entry mistakes concerning voter information in the electoral registries and cases where polling stations lacked electoral material, e.g. voting papers. In one case, the voting list for members of national minorities was missing.

In the majority of cases, polling stations opened on time (97% of cases, according to reports from GONG observers). Observers, however, reported some irregularities, which mostly concerned inadequately prepared materials at polling stations, improperly sealed ballot boxes, unmixed voting papers, and cases where voter secrecy was not properly secured. GONG observers were told at a few polling stations that they could not copy the minutes that detailed the operation of work by the electoral boards. Such minutes enable an additional independent control of the results of each polling station if they were not been previously controlled at a higher level. The problem was solved upon the intervention of the President of the State Elections Commission. GONG also observed a high quality of operation among electoral boards in Bosnia and Herzegovina and Serbia.

Telephone calls to GONG by citizens mainly concerned their being uninformed about the procedure to vote outside their established place of residence, data entry problems with electoral registries, and violations of election silence.

Violations of election silence were recorded in only a few instances throughout Croatia; such violations usually included hanging posters, sending SMS messages, placing telephone calls, and distributing leaflets on car windshields.

Although Mandatory Direction No.8 issued by the State Elections Commission rules that a citizen who cannot come to the polling station due to illness, feebleness, or a disabled state but still wants to vote,

can inform the electoral board to come and make him/her vote, the electoral board need not do so if the voter is not available to the board. On the day of the election, there were numerous citizen reports of electoral boards, which did not timely organize their visits to sick and feeble citizens who wanted to exercise their right to vote.

The State Elections Commission received eleven complaints during the candidacy procedure and seventeen connected to the procedure of elections, all of which were solved by the legally imposed deadline. Additionally, the Constitutional Court resolved nine appeals connected to controls within the election process, mainly refusing applicants on the basis of formal reasons (the applicants were not authorized to begin the procedure). The decisions by the State Elections Commission and the Constitutional Court connected to complaints and appeals were expected and did not provoke any major reactions among the public.

Upon the conclusion of the elections, GONG assessed the election material from several polling stations in Bosnia and Herzegovina. There were only a small number of deceased voters found in the electoral registries, which suggests the continued improvement of electoral registry maintenance, i.e. the erasing of deceased voters. Additionally, there were a large number of voters' addresses that did not have a house number, but rather just the town/municipality and the number 00 or 000.

6. Announcement of Election Results

The State Elections Commission published the final election results for members of the Croatian Parliament on December 13, 2011. Out of the total 4,504,081 registered voters, 2,446,831 casted a vote, which accounts for 54.32% of the total population.

After the polling stations closed, the exit poll results were announced. As opposed to the exit polls which serve only to predict the results, the PVT methodology allows for the collection of official results at polling stations, which ensures a verification of the official results.

The parallel collection and processing of votes is a strong and reliable mechanism for verifying official results and detecting election fraud. The procedure is completed in collaboration with the electoral boards and electoral commissions; the data collected at particular polling stations are calculated into mandates, i.e. the number of seats won in the parliament. Data processing includes statistical methods for projecting results, margins of error, the stabilization of data, and the selection of polling stations, etc.

At 10:30pm on the night of the election day, GONG announced on its webpage the PVT results collected at 443 statistically processed polling stations. That information may be found on the following link <http://www.gong.hr/news.aspx?newsID=3721&pageID=222>.

7. Recommendations

As in the case of every report it publishes, GONG has itemized several recommendations for the improvement of electoral legislation and election processes. Unfortunately, the following recommendations have changed little in the ten years GONG has monitored elections. The new government should immediately begin improving the legal framework that concerns transparency, legal security, and the expansion of democratic standards in the execution of elections.

GONG's foremost recommendation is to integrate all of the respective electoral bills, particularly those that concern electoral registries, into one unique electoral legislative bill that would result in the harmonization of technical rules and procedures in order to facilitate the implementation and improved organization of elections. Additionally, it is necessary to incorporate the content of the mandatory directives stipulated by the State Elections Commission into the electoral legislation and fill in all legal gaps that have been recorded during previous election cycles.

On the right to vote:

- It is necessary to amend the Bill on Electoral Districts as soon as possible; it violates the equality of the right to vote among Croatian citizens due to the discrepancies found in the existing number of voters for each district.
- It is necessary to abolish the passive right to vote held by individuals sentenced for felonies until the end of their respective rehabilitation, and especially while they are actively serving prison time.
- It is necessary to mandate that the bearer of an election list is a person who is not a candidate on the list in that particular electoral unit, and that the candidates on the list must reside in the electoral district in which he/she is a candidate.
- It is necessary to enable individuals deprived of business capacity the right to vote; this is in accordance with the Convention on the Rights of Individuals with Disabilities.

On the electoral administration:

- It is necessary to professionalize fully the State Elections Commission. This will better enable the body to organize and conduct elections in accordance with internationally recognized standards, as well as fulfill other legally binding authorities, especially during times when there are no elections (informing voters, candidates, and the media; working toward improving election legislation; gaining control of voter registries; publishing analytical reports and data connected to elections; maintaining authority over campaign and party financing regulations). Further, due to the complexity of the election processes, other experts outside the legal profession should be added to the State Elections Commission. These should include but not be limited to political

scientists, sociologists, and economists, etc. Additionally, the State Elections Commission should be authorized to issue opinions connected to the elections process that should be respected and implemented by the various public agencies. The State Elections Commission should also be given control over the content of campaign advertising and the possibility to begin legislative initiatives.

- It is necessary to establish a functional system that would educate the lower bodies that conduct elections by the State Elections Commission, both before the elections and during non-election periods.
- It would be useful if the authorized bodies conducted additional education programs for election participants about democratic standards and the protection of their rights in the election process.

On electoral registries:

- It is necessary to establish a single state registry of citizens together with accompanied changes to the Bill on Residence and Permanent Residence and the Bill on the Registry of Voters, which would resolve the ongoing problems associated with permanent residency and the registry of voters.
- All institutions included in the organization and execution of elections should actively consider using modern computer technologies in order to facilitate the conduct of elections, thereby easing citizens' right to vote.
- It would be useful to simplify the voter registration procedure for those living outside their established place of residence, particularly for voters in Croatia.
- A large number of deceased individuals remain on the electoral registries of the diaspora community, i.e. Croatian citizens without residence in the Republic of Croatia. Therefore, it is necessary to erase systematically such voters from electoral registries and decrease the possibility of election manipulation.

On election campaigns and advertising:

- It is necessary to prescribe in detail the rules, content, obligations, and rights of both the candidates and members of the media where it concerns campaign advertising. A distinction must be made between private and publically-owned media, due to the different functions they serve. Provisions should be made to maintain an equal level of access to all media for all candidates during the elections; this does not exclusively entail allowing equal time and length for presenting campaign platforms. Such recommendations would keep with internationally recognized means of candidate representation.

- It is necessary to revise the rules concerning election media coverage, particularly those that heighten the protection of editorial freedom and responsibility.
- It is necessary to increase significantly the number of signatures necessary to be a candidate on an independent list.

On campaign financing:

- It is necessary to prescribe by law in clear terms all of the costs and donations accumulated in pre-campaigns; these must be paid from separate accounts, rather than the usual ones.
- All financial reports must be detailed, and in particular, contain all of the amounts and type of costs associated with advertising as well as the length of advertising. For example, the reports should have a separate section for advertising costs and subsections that include:
 - Costs of advertising on television, radio, print, internet, which detail the duration of each ad in hours, minutes, and seconds according to the type and name of media, i.e. the number of ad appearances.
 - Costs of outside advertising – *billboards, citylights, signs*, and other ways of advertising, that detail the costs of rent, length, and price.
- It is necessary to publish as a donation the amount of actual discount received for any media advertising associated with election marketing. This includes discounts according to the type of media/advertising and the length of advertising, as well as a price list, which states the agreed upon price, in order to establish whether all parties received the same proportion of discounts.
- Media, and especially media agencies, national TV, radio, and newspaper publishers must aid in the transparency of campaign financing, particularly where it concerns publishing the profits they earned during election campaign, i.e. the overall costs paid for campaign advertising for each political party, bearers of election lists, and candidates, together with the agreed upon discounts.

The day of the elections

- As political parties are directly interested in the fair and transparent conduct of elections, they must be legally enabled to monitor elections and parliamentary elections.
- It is necessary to enable citizens in health institutions (particularly those in long-term care facilities), nursing homes, and other stationary institutions, the ability to practice their right to vote.
- It is necessary to provide any and all means of support to individuals with disabilities at polling stations.