



GONG

THE FINAL REPORT ON ELECTION OF REPRESENTATIVES TO THE CROATIAN PARLIAMENT

November 25, 2007

GENERAL INFORMATION

The election of representatives to the Croatian Parliament in the Republic of Croatia took place on Sunday, November 25, 2007, at 6,707 polling stations. Croatian citizens were also able to vote abroad at 265 polling stations set up in 53 countries on Saturday and Sunday, November 24 and 25, 2007.

Fourteen members of Parliament per constituency were to be elected in the 10 constituencies in the Republic of Croatia. Eight representatives were elected by members of national minorities, while voters without permanent residence in the Republic of Croatia elected 5 representatives in a special constituency (so-called Diaspora).

Voters could choose among 3,585 candidates in total (251 candidate lists in the Constituencies I to XI, and 72 candidates for representatives of national minorities). The total of 5,665,010 ballots was sent out to polling stations. Also, 6,972 polling stations were set up and the same number of polling commissions was appointed. Thirty-four foreign observers applied to monitor the election, alongside 5,061 observers from Croatian non-governmental organizations.

From the total of 4,478,580 voters eligible to vote at the election, 2,560,554 voters cast their votes (according to the number of ballots). There were 37,732 invalid ballots, i.e. 1.49 percent.

The election was called on October 17, and the final official results were published on December 24, 2007.

GONG'S GENERAL ASSESSMENT

The election day went by in the atmosphere of democracy and tolerance at the majority of polling stations, with only a small number of irregularities noticed in the Republic of Croatia and somewhat greater number of irregularities recorded in B-H. A part of the electorate was deprived of their right to vote, especially the voters in hospitals, the sick and the infirm staying at home, members of national minorities who were not allowed to choose between the lists and voters who did not get their voting cards in B-H on time. One of the problems noticed was that the polling commissions showed different levels of education and professionalism. The election process was more transparent than in the

previous elections, thanks to the institutions, which were open in their work and more active in informing voters, and to political parties, which made the sources and amounts of donations and campaign costs public for the first time ever, even though it was not required by the regulations.

The election process needs to be further improved with regulations which will make the elections more transparent and accessible to all groups of voters, and special attention has to be given to educating polling commissions to carry out the election procedure even more professionally. Institutions involved in the administration of the election should be more pro-active in relation to the public and voters in the future.

LEGAL FRAMEWORK

The legal regulations that contain provisions on the election of representatives to the Croatian Parliament are the following:

- Constitution of the Republic of Croatia – final draft, Official Gazette of the Republic of Croatia, No. 41/01
- Constitutional Act on the Constitutional Court - final draft, GO No. 49/02
- Constitutional Act on the Rights of National Minorities, GO No. 155/02
- The Act on the Election of Representatives to the Croatian National Parliament - final draft, GO No. 69/03, 19/07
- Act on Constituencies for the Election of Representatives to the House of Representatives of the Croatian Parliament, GO No. 116/99
- State Election Commission Act, GO no. 44/06, 19/07
- Act on Financing Political Parties, Independent Lists and Candidates, GO, no. 1/07
- Voters' List Act, GO No. 19/07
- Code of Electoral Ethics, GO No. 115,07
- Criminal Code, GO No. 110/97, 27/98, 50/00,129/00, 51/0, 111/03, 105/04, 71/06, 110/07
- Mandatory Instructions of the State Election Committee
- Regulations on the Conduct of Electronic Media with State Concession during Election Campaign GO No. 165/03; Decision on Amendments to the Regulations on the Conduct of Electronic Media with State Concession during Election Campaign, GO 105/07
- Regulations on the Rights and Duties of Observers from Non-Governmental Organizations, GO no. 109/07

The Act on the Election of Representatives to the Croatian Parliament and the Constituencies Act

Under the valid Election Act, all Croatian citizens over 18 years of age, except the persons proclaimed legally incompetent, elect members of the Croatian Parliament on the basis of universal and equal suffrage.

Elections were conducted at polling stations in the Republic of Croatia and in Diplomatic and Consular Offices of the Republic of Croatia abroad.

Fourteen members of Parliament per constituency were elected in the 10 constituencies in the Republic of Croatia. In accordance with the Constitutional Act on the Rights of National Minorities, members of national minorities elected a total of 8 MPs to the Croatian Parliament in a separate constituency - Constituency XII, in the following way: members of the Serbian minority elected 3 members, and members of the Italian, Hungarian and Czech and Slovak minority elected one member respectively, while the Austrian, Bulgarian, German, Polish, Romany, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Wallachian and Jewish minorities combined elected one representative, and one was elected by the Albanian, Bosnian, Montenegrin, Macedonian, and Slovenian minorities combined. Voters without permanent residence in the Republic of Croatia elected up to 14 MPs in the Constituency XI, in such a way that a representative had to get almost the same number of votes as was the average in Croatia.

The Act stipulates that the number of voters in individual constituencies in the Republic of Croatia (I-X) must not differ by more than +/- 5%.

Election administration bodies that were formed after the election was called were the Constituency Election Commissions (CEC), Municipal or Town Election Commissions (MEC, or TEC) and Polling Commissions (PC). Their task was to administer the election, to ensure the regularity and legality of the preparations and the conduct of the election and the election campaign, and to declare results. Candidates, parties, a group of 100 voters or 5% of the voters of a constituency were entitled to file objections regarding violations of election regulations in the process of candidate nomination or election to the SEC not later than 48 hours after the disputable event occurred. Electoral rights could also be protected by appealing the decisions of the SEC to the Constitutional Court within 48 hours of receiving the decision.

Voters' List Act

Voters assume their right to vote on the basis of registration into the voters' lists. Voters' lists are public records kept in general administrative offices of every city or municipality corresponding to voter's place of permanent residence. General administrative offices are responsible for registering, deregistering, and amending voters' data based on the information received from citizens or competent administration offices: police station/department delivers the data on, among other things, registration and deregistration of the place of permanent residence and about citizens who are coming of age; general register offices report on voters who die, and municipal courts on the loss of legal competence.

General administrative office is obligated to deliver excerpts of the closed and verified voters' lists to the municipal or city electoral commission no later than 24 hours before the polling stations open.

Voters who were absent from the place of their permanent residence on the election day had the opportunity to vote in the place of their temporary residence if they delivered a certificate confirming that they were listed in the voters' list to the general administrative office in their place of temporary residence and registered into the local voters' list temporarily, no later than 14 days before the election day.

Croatian citizens who had the right to vote, and were not registered in the excerpts of closed and verified voters' lists delivered to the polling stations, were able to prove their right to vote by showing a certificate issued by a competent body. The certificates were issued in police stations (for proof of permanent residence) and general administration offices.

Voters who have the place of permanent residence in the Republic of Croatia but happened to be abroad on the election day or were staying abroad voted on production of a proof of Croatian citizenship, proof of identity and a certificate for voting abroad issued by the local general administrative office in Croatia or they registered to vote at the local diplomatic and consular office before the election. They voted for the constituency in which they have permanent residence in the Republic of Croatia.

Voters without permanent residence in the Republic of Croatia voted on the basis of a voters' list kept in the General Administrative Office of Zagreb which was delivered to all diplomatic and consular offices where polling stations were set up. Voters who voted outside their place of permanent residence stated in the voters' list had to register for voting abroad beforehand, stating where they would be on the election day. Such voters voted in the Constituency XI.

All parties and candidates in a constituency had the right to obtain a list of voters from the voters' list for the constituency in which they were running, as provided by the Act. The data available to parties and candidates included voters' first and last name, and address.

Act on Financing Political Parties, Independent Lists and Candidates

Regulations concerning regular financing of political parties, independent lists and candidates apply during the election campaign as well, although the Act does not contain any special provisions on funding in an election campaign, or any requirements to deliver any special reports on the funding of an election campaign. The only provisions referring indirectly to the election campaign period are those banning the use of offices, vehicles and office equipment of administrative bodies, and units of local and regional self-government units for the purposes of election promotion, with the exception of

persons covered by special regulations on protected persons, and those requiring holders of independent list and independent candidates to open separate accounts for financing the costs of election promotion.

The rules on regular financing of political parties, independent lists and candidates include a ban on anonymous donations, donation limits (donation of an individual to a political party must not exceed HRK 90,000.00 in a calendar year, and donations by companies must not exceed HRK 1,000,000.00 in a calendar year), banned donors (state-owned companies, foreign citizens, associations and religious communities, etc), state budget funding provisions, and limited pecuniary sanctions.

Mandatory Instructions of the State Election Commission

Mandatory Instructions (MI) are rules established by the SEC after the elections are called which interpret in closer detail the legal provisions for administering elections. Up to the election day, the State Election Commission issued 10 Mandatory Instructions: The Sequence and the Timetable of Election Activities (MI I), Forms for Nomination Procedures (MI II), Nomination Procedures (MI III), Forms for Election Procedures (MI IV), Rights and Duties of Foreign Observers (MI V), Compiling the List of Candidates in Constituency XII (MI VI), Voting of Persons Serving in the Armed Forces of the Republic of Croatia, on Maritime or River Ships Under Croatian Flag and Imprisoned Persons (MI VII), Voting of Physically Disabled Persons, Illiterate Persons and Persons Who Are Not Able to Come to Polling Stations (MI VIII), The Set-up of Polling Stations (MI IX) and Forms for Election Procedures (MI X).

The Criminal Code

Provisions that stipulate sanctions for particular violations of election rules and regulations are found in Articles 116-121: Violations of Voter's Freedom of Decision (Article 116), Denying the Right to Vote (Article 117), Abuse of the Right to Vote (Article 118), Violation of the Secrecy of the Vote (Article 119), Destroying Election Material (Article 120), and Election Fraud (121).

Regulations on the Conduct of Electronic Media with National Concession during Election Campaign

On the last day of the session of the Croatian Parliament, October 12, 2007, a decision on the amendments to the Regulations on the Conduct of Electronic Media with National Concession during Election Campaign was adopted.

According to the Regulations, Croatian Radio and Television and other electronic media with national concession in the Republic of Croatia had the obligation to ensure equal access to their broadcasts to all political parties, party coalitions, holders of independent lists, and candidates for representatives of national minorities, during the election campaign period, which starts with the declaration of compiled constituency lists and ends 24 hours before the election day.

In presenting election activities on their programs, broadcasters with the national concession in the Republic of Croatia had the obligation to ensure journalistic independence, professionalism and competence, consistent adherence to the code of journalism ethics, to the widely-accepted rules and principles of the democratic world, especially the fundamental principle of the freedom of expression protected by Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms. No political party or candidate can have a privileged position in the programs to the disadvantage of other parties or candidates who participated in the election process. Candidates who were also government officials were not allowed to have a privileged position over other participants in the election process and it was not allowed to use their everyday activities for the promotion of their party

The new decision reduced the time of the required presentation of political parties, independent lists and candidates on the public and private TV and radio stations during the election campaign (10 minutes on public, and 5 minutes on commercial stations). The public broadcaster was required to organize debates for every constituency, in 50-minute programs. Also, electronic media publishers were given the opportunity to broadcast other content, besides the legally required content set down by the Regulations.

No later than 48 hours before the start of the election campaign, radio and TV stations were required to make public the price lists of their marketing services during the election period, which applied equally to all parties, lists and candidates.

Regulations on the Rights and Duties of Observers from Non-Governmental Organizations

Together with the Mandatory Instructions, the State Election Commission adopted the Regulations on the Rights and Duties of Observers from Non-Governmental Organizations, which govern the procedure for obtaining the license to observe the election and specify observers' rights and duties. Some of the essential rights of observers include undisturbed election observation, warning against irregularities and filing official objections to the protocols on the work of the observed electoral body and acquiring a copy of the protocols of the observed body. Observers are not to disturb the election procedure, communicate with voters or make either sound or video recordings of the work of the electoral body.

The Code of Electoral Ethics

On November 6, 2007, the Ethics Committee of the Republic of Croatia passed the Code of Electoral Ethics with the aim of promoting the fundamental values of democracy in the election period and establishing the rules of conduct for the election participants.

The Code of Ethics contains provisions on the acceptable conduct of election participants, equality of participants in the media and in their election presentation. Ethics Committee's Code also invited observers not to express their opinions on the parties and candidates and not to influence voters' decisions in any way.

ADMINISTRATION OF ELECTIONS

State Election Commission

The new Act on the State Election Commission (SEC) established the SEC as the highest and permanent body for administering elections in the Republic of Croatia. It is made up of non-partisan members appointed by the Croatian Parliament for the term of 8 years. In accordance with the Act, the Croatian Parliament appointed 6 members among distinguished lawyers, (3 members proposed by the party in power, and 3 by the opposition) and 3 members – the president and deputy presidents – among judges of the Supreme Court at the beginning of 2007. The president of the Supreme Court is ex officio also the president of the SEC, and the two deputies are appointed by the general meeting of the Supreme Court of the Republic of Croatia on the proposal of the president of the Supreme Court. The SEC has 9 members in total.

The SEC issued 10 Mandatory Instructions for the elections, therewith regulating the issues of election administration arising from the imprecise provisions of the election legislation and the Regulations on the Rights and Duties of Observers from Non-Governmental Organizations. During and after the election, the SEC issued the total of 34 public statements concerning the sequence of the election procedure, the nomination procedure, the publishing of funds spent on the election campaign, the role of the Ethics Commission, early election registration, the election day, voter turnout, two reports on the preliminary and unofficial election results, repeated elections, number of voters, and decisions regarding objections filed.

The SEC responded to the questions posed by political parties, candidates, the media, non-governmental organizations and others, and most of the information was available at the SEC web site www.izbori.hr. For the first time, the SEC published and distributed an educational leaflet for voters containing 10 most frequent questions asked about the elections. The leaflet was published on the SEC web site and it was also distributed in daily newspapers.

Supported by the UNDP, and in cooperation with GONG and Bosko Picula from the Faculty of Political Science, the SEC printed and published a Reminder for Polling Committees in Croatia and a Reminder for Polling Committees Abroad, which is a step forward in education of election

administration bodies, which should be given more attention in the future. Also, educational training was conducted for the employees of the diplomatic and consular offices in Zagreb, and for representatives of constituency electoral commissions in Zagreb, Osijek and Split.

From its very establishment, the SEC and GONG had very good cooperation, and the SEC was open to most of GONG's questions, proposals and demands concerning SEC's operation, the election process and the insight into the election material. GONG also attended the training of electoral commissions and the staff of the diplomatic and consular offices organized by the SEC.

However, one cannot help feeling that the members of the SEC did not completely understand the role of GONG as an independent organization observing the election process and reporting to the public about the election process, and the role of the SEC as an independent body responsible for administering the election. Although both institutions act with the aim of raising public confidence in the election process, GONG has an obligation to report all irregularities to the public and to react. Such practice in no way intends to reduce the public confidence in the election process, but its purpose is to warn about the problems, especially in those parts of the election process that are not much exposed to the public eye, in order to spur improvements of the election process. However, the SEC tried to publicly justify or reduce the importance of several GONG's reports of irregularities, instead of providing support by firmly and concretely condemning such irregularities, which would boost the confidence into SEC's work and the SEC would thus show its resoluteness in solving all possible electoral irregularities and act preventively. Furthermore, in the course of cooperation with the SEC, we got the impression that not all members of the SEC understood their role in the Commission in the same way, since some of them were distinctly more engaged than the others. Also, the coordination of the tasks of various institutions involved in the administration of elections (Ministry of Foreign Affairs and European Integration – MFAEI, the Central State Administrative Office for Public Administration and others) is a challenge for the SEC, since the coordination did not work completely on several occasions in this election. For example, MFAEI and the SEC interpreted the procedure for issuing voting cards on the election day in B-H differently five days before the election, and they harmonized their opinions only following GONG's written demand.

The SEC should also be more resolute concerning the possible partisan influence, as well as in its relation to the public institutions involved in the elections, all in order to ensure better synchronization and coordination in the administration of the elections, but to build up its own capacities.

Considering the working conditions, the scope of work, short deadlines, new composition of the SEC and the new regulations that were implemented for the first time, it is our opinion that the SEC organized and administered the election in a fair and transparent way. The SEC is facing many challenges in the coming period in which it should establish itself as an independent, expert and stable body that manages and implements the overall election reform and lifts the level of confidence and participation of citizens in the election process.

Constituency Election Commissions, Municipal and Town Election Commissions, and Polling Commissions

Constituency Election Commissions (CEC), Municipal and Town Election Commissions (MEC and TEC), and Polling Commissions (PC) had an important role in the organization and administration of the election. GONG cooperated well with the CECs, MEC and TECs, as well as with most polling commissions. When solving problems at some polling stations, GONG met with understanding and assistance of election commissions and most polling commissions. However, it is inexplicable that GONG's observers were denied access to several polling stations in Croatia even though they had valid accreditations and the relevant legislation has been in power for 8 years already. Thanks to the successful cooperation with the competent MECs and TECs, the said polling commissions allowed the elections to be observed, and decided to comply with the legislation.

The successful cooperation with the CECs, MECs and TECs continued also after the election when GONG asked the election commissions of the constituencies I, IV, VI and IX to allow insight into the election material from polling stations and conducted an inspection of the material (see GONG's post-election activities and analysis).

One of the recurring problems in every elections is the determining of locations for polling stations. Constituency election commissions once again assigned over one hundred unsuitable locations for polling stations, so some of them were once again set up in private houses and catering facilities, even in Zagreb and other bigger cities.

It could be assessed that the election commissions performed well on the election day. However, considering the discrepancies in the work of some election commissions, their performance ranged from unsatisfactory to excellent. It has been noticed that there were many last-minute appointments of members of the polling commissions, since most of the members are nominated by parties. Also, there were some cases when some of the appointed members of polling commissions did not even show up at the polling stations on the election day or they did not have the Reminders for Polling Commissions, they did not read them or they did not actively participate in the work of the polling commissions. According to the reports filed by GONG's observers, some partisan members of polling stations engaged in phoning voters who had not come to the polling stations, inviting them to come to cast their ballot. Such unprofessional behavior is a violation of election silence, a violation of voters' freedom of choice and an instance of abuse of personal data of voters.

Considering the problems noticed in the election, a better education system for polling commissions has to be devised and legally regulated, while the level of education of members of polling commissions has to be increased considerably, since it directly affects the legal administration of the election, but also their behavior to voters, especially members of national minorities, the infirm and the sick, and all others who have problems in exercising their right to vote.

Central State Administrative Office for Public Administration and State Administration Offices

Central State Administrative Office for Public Administration (CSAO) performed its duties well, meeting the deadlines, especially regarding the issuing of instructions to subordinate offices concerning voters' lists and control of their work. The role of the CSAO was especially significant since the new Voters' List Act was being implemented for the first time.

CSAO informed the public about voters' lists in a timely manner and in greater extent than in earlier elections. With the aim of informing and educating voters, the CSAO published a leaflet on early voter registration, and it informed voters about the opportunity to check the voters' list and the voting procedure for voting outside one's place of permanent residence via the media.

GONG forwarded all questions and reports concerning voters' lists to the CSAO, whose staff responded in a timely manner, resolving voters' problems, especially those concerning the www.uprava.hr web site where voters could check their status in the voters' lists, as well as problems concerning the procedure for voting outside one's place of permanent residence, caused by some uninformed officers in state administration offices.

One of the novelties of the new Voters' List Act was that the voters' lists became public so that every valid candidate, that is, a political party, could get a list of voters containing their first and last names and the address. Such availability of the voters' list is one of the mechanisms of additional verification of voters' list and it is an important element of the transparency of the election process. The Voters' List Act states very clearly that the lists of voters can be obtained only for the purpose of checking voters' lists, and that special attention should be given to the secrecy of personal data. However, there have been cases when voters' lists were used for election marketing purposes. Introduction of new democratic mechanisms, such as public voters' lists, also means that parties, candidates and voters should be educated about the purpose and intention of the mechanisms. Before the parliamentary election, GONG asked the competent institutions (CSAO and the Croatian Personal Data Protection Agency) for a formal statement of the purpose of public voters' lists, but we never received an answer.

An addition challenge are the so-called voter registration slips, i.e. the information stated in the voters' lists, sent to the home address of every voter before the election, in order for the voter to check whether the data was correct and, if necessary, correct or amend them. GONG would like to warn that some illogical legal provisions, or collisions, concerning the sending of the voter slips, should be resolved. The Act on Election of Representatives to the Croatian Parliament stipulates that the voter registration slips be sent to voters no later than 8 days before the election day, but voters cannot correct or amend the data in voters' lists 8 days before the election because the deadline for

corrections and amendments expires 14 days before the elections, according to the Voters' List Act. The Voters' List Act, however, establishes that all voters in the Republic of Croatia shall be delivered the voter registration slips 14 days before the election so that voters could correct and amend their personal data on time.

Furthermore, GONG received a great number of calls by voters who received a voter registration slip in which their nationality was entered as *unknown*, and many also received voter registration slips for persons who were registered at their address, but have not been living there for a long time, or whose landlords never gave them their consent to register at those addresses (which is actually the problem of the so-called fake permanent addresses, that GONG already warned about). The said issues fall within the responsibility of the Ministry of the Interior, which made no statements during the elections, although the Act on Permanent and Temporary Residence (GO 53/91 and 11/00) and Ordinance on the Forms for Registering Permanent and Temporary Residence (GO 149/02) are closely connected to the said problems. The Ordinance no longer requires that citizens state their nationality when registering their permanent address, so the nationality is registered as *unknown* in voters' list records. In other words, since the Ordinance came into effect in 2002, the Interior Ministry has no longer been delivering the data on nationality to general administrative offices, and they have not been copying the information from earlier records for voters who have come of age or who changed their permanent address since 2002, and instead just put the nationality in as unknown. Such practice causes problems to members of national minorities in exercising their election rights on the election day, and some citizens of Croatian nationality also find that insulting since they cannot understand why the information has been changed, and a solution has to be found so the problem would not come up again in the future elections.

GONG has also invited the competent institutions on several occasions to amend the Permanent Residence Act after the elections in order to resolve the problem of fake permanent addresses and thus sift the data in voters' lists.

Checking the early registration into the voters' list in Croatia

According to the Voters' List Act, voters who were not in their place of residence on the election day were able to register early into the voters' list in the place where they were on the election day. Since the procedure required that two general administration offices perform their duties no later than 14 days before the election, GONG decided to check whether the early registration into the voters' list of the place of temporary residence on the election day was done in compliance with the prescribed procedure, and checked the level of informedness and professionalism of the staff of competent institutions, as well as the availability of information on the provisional registration. In October, a telephone probe was conducted to test the work of 21 state administrative offices (across Croatia) with GONG activists acting as citizens asking information about the elections (mystery call technique).

The following problems were noticed when trying to obtain information on early registration/deregistration:

- Some state administrative offices did not inform voters on the final deadline for completing the whole procedure (the office in Knin, for example), and after an explicit inquiry about the deadline, offices in Beli Manastir and Pakrac provided inaccurate information.
- Some general administrative offices provided inaccurate information about the delivery of the certificate of registration into the voters' list. Although the certificate could be either collected in person (in one's place of permanent residence) or it could be delivered by post, the offices in Delnice, Vukovar and Daruvar demanded that voters collect the certificates in person.

Even though the majority of offices (11 out of 21) provided accurate and complete information to voters, it is possible that a part of the electorate was unable to exercise their right to vote, either because the deadline in which they were supposed to conduct all the requirements for early registration or because the officials in the state administration offices incorrectly explained the procedure to them. GONG sent the results of the survey to the heads of the CSAO also and made them public at its web site.

The procedure for early registration into the voters' list proved to be complicated for voters, and it is quite uncanny that the procedure for registering to vote abroad was simpler than the early registration into the voters' list in the Republic of Croatia. GONG also received a great number of reports made by

voters who were dissatisfied with the state administration offices whose staff did not know how to issue or send the certificate, and it should be said that some voters never received the certificates. Furthermore, great confusion arose the day before the deadline for submitting the certificates because the public administration offices had different interpretations of the validity of certificates delivered by post after the deadline but with the date of the expiration of the deadline stamped by the post on the envelope. The Central State Administrative Office issued an instruction to take such certificates also into account, but it is impossible to say if all state administrative offices did so.

Ministry of Foreign Affairs and European Integration and diplomatic and consular offices of the Republic of Croatia

The new Voters' List Act assigns a much greater role in the organization of the election abroad to the Ministry of Foreign Affairs and European Integrations (MFAEI) and diplomatic and consular offices (DCO) of the Republic of Croatia. The MFAEI and the DCOs were responsible for participating in the process of early voter registration, for issuing voting cards on the election day and for closing and validating the List of Voters from the polling stations after the end of the voting process. Also, MFAEI and DCO had the responsibility to inform and educate voters outside the Republic of Croatia on the opportunity to register early.

MFAEI was very open to cooperation with GONG, trying to fulfill the tasks falling within its competence in the most transparent and professional way possible. On several meetings, GONG was acquainted with the course of education of the DCOs concerning the early registration of voters, organization of DCOs during the election days, technical equipment, human resources, etc. However, it should be pointed out that the MFAEI was trying to find a way for a long time to organize the issuing of voting cards on the election day abroad, both in technical terms and in terms of logistics. This was of key importance especially in B-H due to the great increase in the number of polling stations, and the conditions for issuing voting cards differed significantly among polling stations abroad.

Checking early registration abroad

Voters with permanent place of residence in the Republic of Croatia who were abroad on the election day, or who have been staying abroad for a longer period, as well as the voters who changed their place of permanent residence abroad or who intended to vote in other cities abroad, had the opportunity to register before the election in diplomatic and consular offices. Voters were able to register early by phone, fax, e-mail or in person at DCOs no later than 14 days before the election, GONG investigated whether the prescribed procedure for early registration was followed and probed the education and professionalism of DCO officers, as well as the availability of information on early registration. In October, a phone survey was conducted in 9 different DCOs, with GONG activists acting as voters trying to obtain information about the elections (mystery call method).

The survey covered 9 DCOs: Tel Aviv (Israel), (Belgrade) Serbia, London (Great Britain), Vienna (Austria), Novi Travnik and Mostar (Bosnia and Herzegovina), Bern (Switzerland), the Hague (the Netherlands) and Washington (USA). The total of 21 voters participated in the research, and they were to contact the DCOs more than 2 times in order to conduct early registration. The procedure was not violated for the most part.

In all countries where the survey was conducted, voters were able to register by phone, e-mail or fax, except in the DCO in Belgrade, where only one of 5 voters succeeded in registering by phone, while others were made to come in person, while in Novi Travnik, B-H, nobody answered the phone even after several calls. Also, in some countries, voters could register early by coming in person even on the regular, so-called *consular*, days, for example in Austria in Salzburg and Linz, in Freiburg and Mannheim in Germany, in Novi Travnik, Usora and Odzak in Bosnia and Herzegovina (www.mvpei.hr). However, additional consular days were organized only in Bosnia and Herzegovina (Grude, Siroki Brijeg, Neum) considering a greater number of voters, even though they were never officially announced on the web site of the Ministry of Foreign Affairs and European Integration. In Serbia, where there was also a rather big number of voters, there were no consular days.

Furthermore, DCO had the obligation to inform voters on the opportunity to register early. Checking the web sites of the DCOs in the above-mentioned as well as some other countries, we have determined that all DCOs that have their own web sites published the information on registration. The

DCO in the Hague was the first to publish the information on registration, already on May 21, and the DCO in Belgrade was the last, putting up the information on October 23. MFAIE staff showed a satisfactory level of education and professionalism, except those in Belgrade and Washington, which failed to provide accurate and full information.

General Administration Office of the City of Zagreb organized several educational trainings for all DCO staff. The education/counseling was organized by the Ministry of Foreign Affairs and European Integration. An HDZ representative attended one of the trainings in Munich, while representatives of other parties did not attend the training and were not invited to the training, because it was organized for the purpose of educating MFAIE staff, and not party representatives. For that reason, GONG condemned such practice at one of the press conferences organized during the election campaign.

Education of the DCO staff is no less important than the systematic education of the polling commissions. For that purpose, the cooperation and synchronization of the state institutions responsible for educating DCO staff should be better.

Ethics Commission

The State Election Commission sent a letter to all parliamentary parties on October 27, reminding them that they were entitled to send a proposal of members of the Ethics Commission to the Supreme Court, in accordance with the Article 91 of the Act on Election of Representatives to the Croatian Parliament. Based on the nominations delivered, the Constitutional Court appointed the members of the Ethics Commission, all renowned public figures who were not candidates in the elections and were not members of any political party. The Ethics Commission held the first meeting on November 5, 2007, establishing its mode of operation and the text of the code of ethics. Also, the Commission expressed dissatisfaction concerning the late appointment of its members, which made it impossible for the Commission to announce the Election Code of Ethics within the legal deadlines, as well as to present its way of operation and the procedure of reporting on the behavior it considers violations of the Election Code of Ethics to parties – election participants, holders of independent lists and non-governmental organizations in a timely manner.

The Ethics Commission does not have the power to sanction, and during its spell, it issued 5 releases after meetings where they discussed and adopted decisions on the 23 reports and announcements made by parties, candidates and the media, largely on the content of the promotion material. The Commission was to work on promoting and implementing the principles of ethics and democracy in the elections, but some of its decisions raised doubts in the public concerning the impartiality of the Commission, and it was even questioned whether some decisions were in compliance with the Election Code of Ethics, such as the decisions on HSP's video Riva (The Waterfront), the paid advertisement of the football club NK Dinamo, the observing of the election by the organization Elekta and others.

ELECTION CAMPAIGN AND THE MEDIA

Nominations

The deadline for submitting nomination lists and nominations for the election of representatives to the Croatian Parliament expired on October 31, and the State Election Commission received 251 nomination lists and 71 nominations for representatives of national minorities. In total, 251 nominations were received in the constituencies I to XI, submitted by 55 political parties and 16 independent candidates. Political parties submitted 189 individual nomination lists, and 46 coalition lists. In the Constituency XII, where 8 representatives of the national minorities were elected, 71 nominations were put forward. There were 20 candidates for the three representatives of the Serbian national minorities; 5 candidates for one representative of the Hungarian national minority, 3 candidates for the representative of the Italian minority, 9 of the representatives of the Czech and Slovak minorities. Twenty-two nominations were delivered for the representative of the Austrian, Bulgarian, German, Polish, Romany, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Wallachian and Jewish minorities, while 12 nominations were submitted for the one representative of the Albanian, Bosnian, Montenegrin, Macedonian and Slovenian national minorities.

In total, 2,585 candidates were nominated, 2,512 men (70.07%) and 1,073 women (29.93%). The average age of candidates was 43.41 years (44.70 for men, and 40.40 years for women). The youngest male candidate was born in 1989, the same as the youngest female candidate, while the oldest male candidate was born in 1924 and the oldest female candidate in 1918.

The media

Obligations of the media are governed by the election legislation and the Regulations on the Conduct of Electronic Media with State Concession during Election Campaign, which had been amended right before the elections were called.

The media followed the campaign and reported about the election rallies and events, and political parties, independent lists and candidates had the opportunity to present the fundamentals of their platforms within the legally set time (10 minutes on the public TV station HTV, and 5 minutes on the commercial TV and radio stations). Also, the special afternoon broadcasts on the HTV featured debates by constituencies.

Going beyond the set legal framework, the media for the first time organized debates of the strongest parliamentary parties on certain burning issues.

Even though the media met their legal obligations, the existing Regulations and the legal provisions do not ensure an informed choice and right to information from relevant parties and candidates to voters. This election was also marked by cacophony of various platform and list presentations, as well as a series of identical questions that made further distinction of peculiarities of individual platforms impossible. Such campaign is tedious and boring to voters and it ignores the very essence of the campaign – the right of voters to make an informed decision.

Besides, apart from the scandals and mutual accusations among the parties, the media mostly focused on opinion polls and projections of results, which culminated in the night of the election. While during the election campaign the media provided space in their reports for the election process, establishing excellent cooperation with election administration institutions and non-governmental organizations, thus contributing to the education and informing of the public, on the very day and the night of the elections, the TV stations, especially the HTV, only analyzed polls and results for hours, ignoring the election process. What is more, the exit poll results caused great confusion among citizens, since the media, especially the HTV, failed to educate and inform their viewers, in a suitable and understandable way about this method, which was new to Croatia, and the media itself obviously did not understand it well either. Specifically, mistakes happened in estimating the winner of the elections, when the quite correct information on the percentages of vote won by each party were turned into seats, since d'Hondt method is very sensitive to the smallest differences in percentages, which in effect created great confusion in the general and partisan public. Such situations do not contribute to the raising of the political culture of citizens or their confidence into the election process, and they can raise doubts about the official results of the election.

Croatia has been witnessing a trend of *infotainment* over the past few years, and, consequently, serious topics covered and presented systematically and credibly find less and less room in the media; however, the public TV station is expected to cover all aspects of the election process, and have an informative and educational effect on the public, and be credible and clear, which was not the case in this election.

Apart from adopting the new regulation needed to govern the coverage of election campaigns in the media, it is also necessary to regulate the conducting of opinion polls during the campaign, and their interpretation.

Election campaign

Election campaign started on November 3 and ended on November 23 at midnight. No serious incidents took place, except in Donji Kukuruzari where two young men were taken to the police station because they behaved inappropriately standing at a bus stop, in the close vicinity of an HDZ rally. The Ministry of the Interior and the State Prosecutor's Office, as well as the OSCE Mission to Croatia have

been acquainted with the said incident which has been recorded in an mp3 audio clip by one of the young men and delivered to the media and GONG.

Comments of the President of the Republic with indirect messages to voters, as well as the messages sent out to voters by the Catholic Church, attracted the attention of the public, parties and the media and they largely met with a negative response, since both institutions should have been above politics during the election.

Since GONG has been conducting a project of analysis of informational content of political messages of parliamentary parties on the national level during the election campaign, together with the final year students of the Faculty of Political Science attending the Political Marketing course, we are able to provide an assessment of the campaign based on concrete findings.

The analysis focused on the HDZ, the SDP, the HNS, the HSS-HSL-PPS coalition, the HSU and the HSP election campaigns, analyzing their posters and videos, as well as the presence of the said parties in articles published in 4 dailies. Detailed analysis of the parties' campaigns by weeks, have been published on the GONG web site.

It can be concluded in general that the parties' campaign agenda consisted of mutual accusations, sportsmen's engagement, use of national symbols, foreign heads of states, and similar, and the issue of the right to vote of the Croatian Diaspora became the burning issue of the campaign. Economic issues did not succeed in making their way into the campaign agenda and voters were not sufficiently informed about the key aspects of the political parties' platforms concerning the major social problems. This was certainly underpinned by the conduct of the HTV which broadcast the debates on the topics of corruption or economy, and similar topics, on Friday night at 11pm. Also, putting the panel show *Otvoreno*, which was a forum for discussion of important social issues on the public broadcaster, off the air for the duration of the election campaign, was not very helpful in informing the citizens on current issues and problems.

Although the analysis did not aim to determine the quantity of bought advertising space (on TV stations, in the press, advertisements), it is nevertheless possible to say that the party in power, the HDZ, dominated the advertising and media space. The HDZ thus released the total of 19 videos and reminders in the three weeks of the campaign, while, in comparison, SDP released 7 videos, HSS-HSS-PGS coalition released 6 videos and reminders, HSU 2 videos, and HNS released 18 videos, which were rather short and simple in terms of production. Furthermore, the number of articles about the HDZ, or in which the HDZ is mentioned, surpasses the number of articles about other parties by far (202 articles about the HDZ, 154 about the SDP, 66 about the HSP, 68 about the coalition, etc.). Naturally, this cannot be attributed only to the editorial policy, but also to the activities of the party and the fact that the HDZ made up the working Government that had to function regardless of the election fever.

In principle, 1/3 of the messages sent out by the two biggest parties – the HDZ and the SDP - via the media in the three weeks of the campaign were negative. The coalition HSS-HSL-PPS had the most articulate campaign in terms of its topics, excluding the issue of the election right of the Diaspora. The coalition achieved in focusing on the issues of the Ecological and Fisheries Protection Zone (EFPZ), pensions, rural development, and decentralization.

The campaign revealed an urgent need to regulate the election campaign in such a way to include the following elements: a) financing, control and limits for campaign spending, b) the form of election (especially TV) promotion, and c) content of paid political advertisements. Also, the need to redefine the mode of presentation of political parties in the Croatian media, especially on the public broadcaster, has been identified.

Financing the election campaign

There can be no transparent financing of the election campaign without transparent election process. Since the financing of the election campaign has not been governed well by the Croatian legislation, and with the aim of ensuring the transparency of the election campaign funding despite the inadequate legislation, GONG and Transparency International Croatia (TIH) invited all political parties,

independent lists and candidates for the representatives of the national minorities, on October 29, 2007, to:

- make public the amounts of money they are planning to spend on the election campaign by the beginning of the official campaign, November 3, in accordance with the election legislation;
- make public the preliminary reports on the amounts and sources of the campaign funds and the names of the donors by November 20;
- make public the final reports on the amounts and sources of campaign funding and the names of donors no later than 30 days after the election day.

GONG and TIH drew up a sample form for financial reports and published them on their web sites, and offered them to parties, lists and candidates for their use.

All leading parties revealed their campaign cost estimates over the following few days: HDZ – HRK 19.5 million, SDP – HRK 15.8 million, HNS – HRK 9 million, HSS–HSLs–PGS - HRK 8 million, HSP – HRK 7 to 8 million, HSU – HRK 2.5 million.

GONG and TIH monitored the quantity of advertising via Promocija Plus agency, recording the quantity and duration of TV and radio videos on all national and several local TV and radio stations and advertising on the leading national internet portals, print media and outdoor advertising across Croatia. Since all the media were required to make their election campaign price lists public, it was easy to make the calculation. A press conference was organized several days before the election, on November 21, where GONG and TIH revealed the agency calculation of the advertising costs of the election campaigns over the first two weeks and invited political parties and candidates once again to publish preliminary reports on the amounts and sources of campaign funds and the names of the donors before the election day. The media were informed about the data that was not used in the calculations (around 50% of total costs), and then the journalists themselves asked the parties to comment the calculations and parties confirmed that the rough calculations were true.

The following parties made public the reports on the costs, amounts and sources of funds on their web sites before the election day:

- HNS (www.hns.hr) – the published report includes the names of donors
- SDP (www.sdp.hr) – the published report includes the names of donors
- DC (www.demokratski-centar.hr) - the published report includes the names of donors
- HDZ (www.hdz.hr) – names of donors were published later on
- HSU (www.hsu.hr).

The holder of an independent list Slaven Letica delivered a report with the names of donors and donation amounts to GONG, but did not deliver the data on the costs of the campaign.

The following parties and a candidate announced also their income and expenditure plan.

The following parties made public only their income and expenditure plan by the election day:

- HSS-HSLs (www.hsls.hr)
- Istrian Democratic Assembly (IDS) (www.ids-ddi.com)
- Croatian Party of Rights (HSP) (www.hsp.hr)
- Democratic Union of Medjmurje (MDS) (www.m-d-s.hr)
- HDSSB (www.hdssb.hr)
- Independent Democratic Serbian Party (SDSS)(faxed to GONG)
- Zdenka Cuhnil (faxed to GONG)
- SDA Croatia (faxed to GONG).

The only parliamentary party that did not publish any information on its web site was the PGS.

In December, on December 11 to be precise, GONG and TIH presented their final estimates of advertising campaign costs, which account for around 50% of total campaign costs. In order to calculate the real total costs of the campaign, other campaign expenses, the VAT and expenses created outside Croatia should be added to the cost of advertising. The analysis showed a great discrepancy between the HDZ's real and reported costs, with the estimated HDZ's costs being 3 times higher than the estimates announced before the election.

Furthermore, GONG monitored the transparency and legality of campaign funding, reacting to the reported irregularities or irregularities published in the media.

For example, although the use of offices and funds of the state administration, city, municipality and county administration and public companies whose majority owners are public administration bodies, for campaign purposes is considered abuse of public resources, the media reported several such cases. Also, the use of offices of the Croatian Post for advertising purposes by several parties gives great cause for concern, even though the advertising was paid and organized by a marketing agency that leased the advertising space in the post offices of Croatian post.

GONG asked the state-owned company Croatian Forests for a copy of invoices and the price list for its transport services since the company participated in the HDZ's election campaign by transporting HDZ members and supporters to the HDZ rally in Jastrebarsko. GONG received the requested documents and it has been determined that Croatian Forests usually provide transport services at the set prices.

During the campaign, the spokesperson of the Ministry of Agriculture, Forestry and Water Management was engaged as the HDZ campaign spokesperson, and GONG demanded a formal explanation from the Ministry on the spokesperson's employment status. It has been determined that the spokesperson was on holiday during the election campaign.

Even though it was not directly connected to campaign funding, the reports that the Government earmarked additional HRK 71 million for the Catholic Church several months before the election on closed sessions, and the fact that the decisions and data were never made public, attracted the attention of the public. Such non-transparent actions of the Government in allocating funds from the Budget caused suspicion in the Government's motives, as well as the motives of the statements made by Church officials before the election.

VIOLATIONS OF ELECTION SILENCE

On November 24 and 25, GONG recorded numerous violations of election silence across Croatia, of which it informed the public in statements issued on both days.

The day before the election was marked by SMSes sent to citizens largely by the HDZ, but also the SDP, the HSS-HSLS, the HSP. Promotional material was also distributed that day across Croatia, mostly into mail boxes, either directly or by post. Also, HDZ's and HSS-HSLS coalition's promotional videos were broadcast in post offices in all parts of the country throughout the day. Although all parties were rather active in violating the election silence, the HDZ and the HNS were the most active according to the reports we received.

People were reporting the SMSes they received from the HDZ, but also the SDP and the DC even during the very election day. Posters were put up and campaign material distributed mostly by HDZ activists, but also by SDP's and HSU's. It was reported that HNS activists were canvassing in front of a polling station, while HDZ activists were canvassing door to door, and a van was driving around Osijek (where also the local election was taking place) inviting people to come to a concert whose name was the same as the HDSSB slogan.

Election silence was violated by the media as well. Observers reported that dailies Slobodna Dalmacija and Vecernji list violated election silence in their foreign editions the day before the election and on the election day. In Croatia, the bulk of the reports of the violations of election silence referred to the portal Indeks.hr (a video clip implicitly calling voters to vote for the "third" option, and a piece of news about the HNS), and to the national broadcaster HTV which broadcast a concert by Miroslav Skoro, an HDZ candidate. Also, the agriculture minister Petar Cobankovic was a guest at the national radio station Narodni radio on the election day.

EVENTS OF THE ELECTION DAY

The election of representatives to the Croatian Parliament were monitored by the total of **1500 observers, 117 of them abroad, and 83 of them stationed at the polling stations** in B-H (60) and Serbia (10) and 13 in other countries: Australia (1), USA (4), Germany (2), Belgium (1), Switzerland (1), the Netherlands (2), Sweden (1) and France (1).

Furthermore, by 7pm, **65 mobile teams in Croatia** visited 725 polling stations, and **17 mobile teams in B-H** visited 206 polling stations (several visits were made to some polling stations).

ELECTION DAY IN CROATIA

General assessment

The Election was conducted in an atmosphere of tolerance and democracy in most of the polling stations in Croatia. However, a great number of members of national minorities contacted GONG, and GONG observers also reported about the frustration of members of national minorities caused by the voting procedure at polling stations, while some polling commissions violated the Penal Code by denying members of the national minorities the right to vote for general lists. In general, voters in Croatia showed an understanding of the election process. Professionalism of the polling commissions ranged from poor to excellent. GONG's cooperation with polling commissions, election committees and the NEC was very good, although polling commissions did not cooperate with GONG observers in several polling stations.

Problems of GONG observers

GONG observers were not allowed entrance to the polling stations 14, Slakovec (Nedelisce) and 62, Travno (Zagreb), and only following an intervention by the City Election Commission were they finally allowed to observe the election. At the polling station 37, Zagreb Center, the president of the polling commission refused to sign an objection by the GONG observer and to communicate with the observer, which was contrary to the regulations. Outside the polling station 3 in Caglin (Rusevo), several drunken persons offended and threatened GONG observers. The police were called in. At the polling station 46, Sibenik – Boraja, GONG mobile team found an observer without an accreditation or an Appointment Decision who presented himself to the members of the polling commission as a GONG observer, and after GONG's mobile team arrived, he said he was an Elekta observer.

Violations of election procedure reported by observers

A member of the polling commission at the polling station 7 in Osijek tried to deprive a voter of the right to vote and on the insistence of the voter, she was found on the voters' list of members of national minorities and she voted.

At the polling station 22, Sibenik, a voter was given a ballot even though he was not listed in the voters' list and he voted.

Voters with expired identification documents not allowed to vote at the polling station 14, Varazdin, contrary to the recommendation of the NEC.

At the polling station 1 in Donje Ladanje, 5 in Vidovac and 1 in Prelog-Cirkovljani, some voters were voting without documents proving their identity.

A voter was already marked when he showed up at the polling station no. 27 in Zagreb, and the same occurred at the polling station 11 in Varazdin and polling station 2 in Korenica.

Cases of family voting were recorded at polling station 59 in Samobor, and voting was halted for a while at the polling station 4 in Biograd while the polling commission tried to prevent a voter from

depositing several ballots (for his family) into the ballot box. The voter was finally stopped and the voting continued.

A member of the polling commission at the polling station 194 in Zagreb – Knezija told an observer that a voter got 4 ballots and that the polling commission entered an argument, and GONG informed the SEC.

At the polling station 125 in Zagreb, polling commission handed out 3 extra ballot papers based on the voter slips, although voters were not included into the voters' list.

At the polling station 23 in Bol, a voter who showed up with a yellow voting card was given a ballot paper and the polling commission said that they were instructed to do so by the competent election commission, although the voter should have submitted the voting card to the state administration office by November 10 and vote at a separate polling station.

Polling commissions in Virje, Koprivnicki Bregi, Kalinovac, Novigrad Podravski did not receive the entire election material – they lacked stickers and screens and observers from Slavonia reported that polling commissions had not received a sufficient number of copies of the protocols and that the polling commissions would not be able to give them a copy.

At a number of polling stations, ballot papers were not arranged correctly.

An extra ballot paper was reported by observers at the polling stations 7 in Sveti Ivan Zabno, 75 in Zagreb and 1 in Negoslavci.

Other

There were around 15 voters who were not registered in the voters' list although they received voter registration slips on time and showed them to the president of the polling commission Polling station 5, Kastel Gomilica. The voters were directed to obtain voting cards.

The incident that was reported by the organization Elekta from the polling station 16 in Licki Osik on the election day did not in fact happen at the polling station, but at the bar Tony, 500 meters away from the polling station, after a voter attacked the SDP member of the polling commission claiming that he had been distributing SDP's leaflets in Licki Osik the night before. The SEC did not get any reports on the incident at or close to the polling station, and neither did the Gospic police department which confirmed that the only intervention they had was in the said bar.

Reports by citizens

Citizens reported a great number of problems regarding the voting of national minorities.

Polling commissions at the polling stations 2 in Djevske (Kistanje), 3 in Skradin (Sladici) and 257 in Markusevac did not inform voters that they were able to vote either for minority or for constituency lists. At the the polling station 32, Gruz-Dubrovnik, the president of the polling commission did not allow a voter who was listed as a member of a national minority to vote for the constituency list even though she explicitly asked to do so. At the polling station 108 in Tenja and polling station at Velika Gorica, a voter was not allowed to choose whether he would vote for the minority or general list, and the same happened to 4 voters at the polling station 18 in Glina. At the polling station 23, Botinec-Zagreb, a voter was disconcerted by another voter because she was a member of a national minority.

Polling station 3 in Rogoznica was opened with a delay, after 7.15 am.

At the polling station 15 in Zagreb, the polling commission allowed voting with only a certificate of nationality, without asking for any additional proof of identity.

At the polling station 14 in Krizevac, a nun brought 4 elderly inmates from the nearby retirement home and after they were given ballot papers, she voted instead of them at the polling station. At the polling station 109, in Zagreb – Kozjak, a voter reported that another voter voted for himself and his wife.

At the polling station 22 in Cakovec, the president of the polling commission was telling voters to vote for the HDZ.

At the polling station 222 in Zagreb and polling station 3 in Kastel a voter was already marked in the voters' list when they came to the polling station and was allowed to vote under a different name. At the polling station 94, Zagreb, a voter was already marked in the voters' list when he came to the polling station, and the same happened to a voter at the polling station 17 in Zadar.

There was not enough ballot papers for the general constituency list at the polling station 2 in Punitovci which were delivered from the election commission afterwards. However, some voters were not able to vote.

At the polling station 188 in Zagreb – Gredice, no identification documents were required for voting, and the polling commission at the polling station 135 in Zagreb brought the ballot paper and an envelope to a disabled person, but they demanded that the person signs the envelope so they would know who voted. The person refused to sign and did not vote.

The polling commission in Veprinac, Tumpici 1, marked the names of voters in the voters' list with a pencil.

Some polling commissions did not make it possible for sick and infirm persons to vote at home (reports from Slunj, Karlovac, Zadar...).

Ship Liburnija, owned by Jadrolinija, reported that they did not get the ballot boxes and did not vote at all.

A voter from the polling station 16 in Netretic reported that a member of the polling commission came to his home uninvited and tried to talk his wife and him into voting for the HDZ. A citizen reported that an elderly person from the polling station 7 in Sunja received an unexpected visit of an HDZ candidate, who took her ID and said that a police officer would come in the afternoon and bring a ballot paper and that she had to circle number 8 (HDZ). After 5pm, two members of the polling commission came, brought back the voter's ID and a ballot paper, and the voter voted.

Also, GONG received many anonymous reports by voters - members of national minorities who felt humiliated or who were not offered the choice of voting for the general lists, and some were even deprived of the right to vote for those lists.

GONG received hundreds of inquiries concerning the locations of polling stations, voting of national minorities, voting of the sick and the infirm, violations of election silence, etc. Once again, it proved necessary to organize voting for persons in hospitals and elderly living in retirement homes because, the same as in the previous election, GONG received a great number of discontented voters who suggested that a solution be found as soon as possible to ensure that the said categories can exercise their right to vote.

ELECTION DAY ABROAD

The Election was conducted in an atmosphere of tolerance and democracy in most of the polling stations. However, a certain number of voters abroad, especially in Bosnia and Herzegovina (B-H), were unable to exercise their right to vote because they failed to register for voting abroad. Also a smaller share of voters in B-H who had the right to ask for a voting card at the polling station, failed to obtain one due to slow procedures and technical difficulties.

Crowds were reported at polling stations across B-H on the second day of the election. However, most polling stations closed on time. Also, the process of sealing ballot boxes and material at polling stations was conducted according to regulations and without difficulties on both election days.

At a limited number of polling stations the counting of the votes started immediately after the closing. To be precise, problems appeared at polling stations with to the voters whose voting cards were not issued on time, so the question arose (quite reasonably) whether the voters' rights were denied. In result, the SEC issued an instruction via the DCOs that the counting of the votes be suspended. Some polling commissions did not get the instruction, while a certain number of polling commissions which already opened the ballot boxes and started the count, ignored the instruction. All this created confusion at a great number of polling stations, and some doubts arose about how to proceed. Around an hour and a half later, the SEC issued another instruction, asking the polling commissions to continue the voting procedure, which created even greater confusion at some polling station which received both instructions simultaneously. The situation normalized only after 9pm.

In regards to the performance of the polling commissions, a number of unclear procedures were noticed as well as a lack of education of most polling commissions, especially regarding the filling in of forms, such as lists of voters, protocols and excerpts. Specifically, certain polling commissions did not complete the lists of voters for every constituency, which they are required to do by law, and there were also cases when voters were given ballot papers for a constituency they did not belong to.

During both election days, and especially in the end of the second day, technical problems kept appearing in the delivery of data and voting cards to DCOs and the SEC by fax. Specifically, it was impossible to receive voting cards from the DCOs due to congestion of communication lines on a number of occasions. The problem culminated when the polling commissions were required to deliver election results (excerpts from the protocols, to be more precise) to the DCO and the SEC by fax, which many of them could not do and alternative solution had to be found.

The level of professionalism of the polling commissions abroad ranged from poor to excellent, and GONG's cooperation with polling commissions, election commissions, consulates and the SEC was largely good.

Problems of GONG observers

At the polling station 5 in Hobart, Australia, GONG's observer was forced to leave the polling station for reporting on the irregularities that took place at the polling station and which GONG made public the day before.

Florijan Boras sent an objection against GONG observers to the NEC on behalf of HDZ's Election Commission, claiming they were preventing the polling commissions from doing their job and they were canvassing for the Lijanovic list at the polling stations 50, 51, 51, 53 and 54. GONG denied such claims in a statement by GONG's mobile team and 5 GONG observers that was observing the polling stations in question and all 5 GONG observers. The statement has been put up on GONG's web site and sent to the SEC.

Polling commission at the polling station 1 in Sarajevo did not accept objections made by GONG observers and did not allow insight into the election material.

At the polling station 13 in Travnik, a GONG observer was not allowed to observe the election despite the fact that he had a valid Decision on Observer Appointment.

Violations of election procedure reported by voters

A voter physically assaulted the members of the polling commission and the representative of the diplomatic and consular office at the polling station 93 in Banja Luka after he was denied the right to vote since the polling commission determined that the voter's permanent residence was in Sibenik, and he failed to register for voting abroad on time. Security guard and the police intervened on the request of the polling commission, which also drew up an official report.

It was reported from several polling stations that the president or vice president of the polling commission was a member of a political party, which is against the law: polling station 55 in Capljina (president and vice president were members of the HDZ, and they were replaced during the day), polling station 50 in Siroki Brijeg (the president was a member of the HDZ), polling station 44 in Mostar (the president was a member of the HDZ B-H), polling stations 79, 80 and 81 in Stolac (at the station

81 the president and vice president nominated by the HDZ, and there were 6 HDZ members in all polling stations), polling station 11 in Travnik (member of the polling commission from the HNS, was also a candidate at the Lijanovic's Independent List in the constituency XI) and polling station 5 in Hobart, Australia (the president and the vice president were HDZ members).

Polling station 114 in Orasje opened with a delay of half an hour.

At the polling station 50 in Siroki Brijeg, polling commission listed all voters into one voters' list on the first day of the election.

At the polling station 44 in Mostar, the president of the polling commission did not allow a member of the polling commission to write an objection into the protocols, but on GONG's insistence eventually she allowed it. Violations of election silence, and cases of family voting and violations of the secrecy of the vote were also reported at that polling station, and the violations of the secrecy of the vote were reported also from the polling station 52 in Siroki Brijeg, and a number of other polling stations in Herzegovina.

At the polling station 70 in Grude, violent voters took control of the polling station at one point, security guard was summoned but he was overpowered, and the police came to maintain order.

At the polling station 46 in Mostar, the polling commission allowed voting on presenting a certificate of nationality, without asking any additional IDs.

There were other violations as well. At the polling stations 118, 119 and 120 in Domaljevac – Samac, the security guard, i.e. a person in uniform, lingered at the polling stations despite the warnings made by the observers to the president of the polling commission.

At the polling station 115 in Orasje, and polling stations 118, 119, 120, 121 and 122 in Domaljevac, ballot papers were not put up on the ballot boxes.

At the polling station 5 in Hobart in Australia, the polling commission was not informed about the voting procedure.

At the polling station 110 in Tuzla, one and the same person assisted the elderly, the illiterate and the poor-sighted vote. According to the observer's report, the same person also voted for 4 other persons who asked for assistance in voting.

Only 3 members of the polling commission were present at the polling station 113 in Orasje, despite the SEC's recommendation that there should be 5 members.

At several polling stations polling commissions kept only one list of voters, instead of keeping several lists, one for every constituency, which was corrected after observer's warning. At the polling station 55 in Mostar an empty protocols of the polling commission disappeared after the first day of the election.

At the polling stations 64 ,65 and 66 in Tomislavgrad, voting was not organized for the old and the infirm.

Organized transport of voters to polling stations (in vans and busses) by the HDZ, the HSP and Lijanovic list. Two persons reported that the Lijanovic Independent List was buying votes in Grude in such a way that the voter shows a picture of the filled ballot paper on their mobile phones (Capljina, Stolac, Jajce...), and observers reported that members of polling commissions at some polling stations had been offered money to deposit ballot papers into the boxes after the closing of the election (most reports concern Lijanovic).

Process of issuing voting cards and problems with early registration in B-H:

A number of reports on dilemmas, irregularities and problems concerning the issuing of voting cards were received on both election days. Some polling stations in B-H had fax machines and issued the cards, while others did not have fax machines, and voters had to be directed to DCOs. Furthermore,

the fax machines of the Mostar DCO were completely blocked several times due to jamming of the lines, and, in accordance with the SEC's instruction, polling commissions and the DCOs had to communicate by phone. Consequently, a number of voters had to wait for several hours for their voting cards to be issued, while others left their contact details, on the request of the polling commissions, and went home, while polling commissions promised to call them if they receive their voting card or any information that the voters had the right to vote. Also, no representatives of the consular office were present at the polling station 71 in Ljubuski, which was a legal requirement, and the president of the polling commission was not informed about the procedure of issuing voting cards.

GONG received several reports by voters who registered early but were not included into the lists of early registered voters, nor were they listed in the voters' list. Since these were persons who deregistered their permanent residence in Croatia, and were thus removed from the voters' list in Croatia, it was determined that the DCOs were responsible for the mistake in a large number of cases since they failed to list the voters into the record of early registered voters. Also, at the polling station 101 in Derвента, a GONG observer received the statement on voter's early registration even though the voter claimed he had not applied for it, but that a DCO employee from Banja Luka did so on his behalf (and allegedly on behalf of voters from Plehan). The voter refused to vote even though he had the right to do so. Voters from Krusevo near Stolac were incorrectly registered as being from Krusevo near Mostar so they were unable to vote at the polling stations 79, 80 and 81 in Stolac. The polling commission at the polling station 61 in Livno did not inform voters about the possibility to obtain the voting card in the afternoon, but told them it was too late for that.

Polling stations 33 and 34 in Fojnica were closed on time, but the consulate sent an instruction that all voters who should have received a voting card should be phoned, asked to return to the polling station and allowed to vote. The SEC issued an instruction after 8pm on the second day of the election that voting should be allowed to voters in Herzegovina who were waiting for their voting cards (for hours) in the polling stations, while some polling stations in Sarajevo were informed that voters who already went home to wait for their voting cards should be phoned and asked to come back and vote (polling stations already closed).

Contradictory instructions issued by the SEC and the consulate created confusion at some polling stations, and a part of polling commissions did not even get the SEC's official instruction, while others ignored the instruction. Some polling commissions received both instructions at the same time, so they did not know how to proceed. The counting of the votes continued around 9:30pm, but not at all polling stations, since not all of them received the instruction at the same time. GONG's mobile teams and stationed observers had no greater objections to this part of the process, except that some polling commissions showed hostility to observers. However, most polling stations had an open and professional communication with observers

OBJECTIONS AND COMPLAINTS

According to the election law, an objection concerning irregularities noticed in the nomination procedure and the election procedure can be filed by any political party, holders of independent lists, candidates for members of Parliament, at least 100 voters or at least 5% of voters from the constituency where the election is conducted, and the objection is filed to the SEC. The SEC makes a decision on the objection within 48 hours, and the complainant has another 48 hours to appeal the decision to the Constitutional Court. The Constitutional Court decides on the appeal also in the next 48 hours.

In total, the SEC received and made decisions on 79 objections filed by parties and candidates, 2 reports and 110 questions. Objections largely concerned the following: nomination procedure, voters' list, election campaign costs, locations of polling stations, election procedure for candidates of national minorities, voting procedure and determining the results of the vote, election procedure for general lists, legal demarcation of constituencies, voting of the deceased, etc. The objections were filed by the HDZ (for violations of election silence) and GONG (for voting of the deceased).

Based on a GONG's report of the voting of a deceased voter, the SEC filed criminal charges to the competent state prosecutor's office.

The Constitutional Court denied all 17 appeals to SEC's decisions during the election procedure. Two of the 17 appeals were denied as being late, and others were denied for their content. The SEC also made 10 corrections of results of the voting, for the city of Stuttgart and for the municipality Caglin.

REPEATED ELECTION

Following SEC's decision, elections were annulled in 5 polling stations, and they were repeated on Decembr 9, 2007. The elections were annulled due to the irregularities noticed after the polling stations closed, when it was determined that there were more ballots in the ballot boxes, then there were voters marked in the list as having voted. New polling commissions were appointed at the repeated elections.

Repeated elections took place in:

- city of Zadar, at the polling stations 39 and 6 for the lists of the Constituency XI
- municipality of Draz at the polling station 2 (Batina) for the election of representatives of the Hungarian national minority to the Croatian Parliament (Constituency XII),
- municipality of Negoslavci at the polling station 1 for the election of representatives of the Serbian national minority to the Croatian Parliament (Constituency XII),
- municipality of Mursko Sredisce at the polling station 3 for the election of representatives of the Austrian, Bulgarian, German, Polish, Romany, Romanian, Ruthenian, Turkish, Walachian, and Jewish minority to the Croatian Parliament (Constituency XII).

The repeated election of the Serbian minority candidates in Negoslavci caused dispute over the SEC's interpretation that the election should be repeated exclusively in the constituency where the irregularity had been determined, and not in the complete polling station. Thus, the SDP appealed to the Constitutional Court demanding that the election be repeated for the whole polling station so that members of minorities could choose between voting for the general list and the minority candidate at the repeated election as well. However, the Constitutional Court, adopted the same stand as the SEC, deciding that the elections be repeated only in the constituency where irregularities had been found (in this case, Constituency XII), and explaining that the repeated elections in the whole polling station might affect the results of the election. The explanation was completely unnecessary since the Constitutional Court should use exclusively legal arguments in its explanations, and not political arguments.

GONG observed the repeated elections with the total of 16 stationed observers, who did not notice any significant irregularities.

GONG'S POST-ELECTION ACTIVITIES AND ANALYSES

GONG asked the competent election commission for insight into the election material from Croatia and abroad after the election, in order to collect additional information on the implementation of election procedures and the level of competence of polling commissions to administer the election.

Also, GONG collected and processed reporting forms from its observers. The results of the said procedures were used for the purpose of more detailed reporting on the election, as well as to bring the attention of competent institutions to certain technical problems in the administration of the election.

Checking the election material from polling stations in Croatia

During and after the election day, a great number of voters – members of national minorities contacted GONG reporting their frustrating experiences and describing how the polling commissions would not allow them to vote for the so-called general list or it failed to inform them that they had the option to vote for the list, and how some polling commissions behaved inappropriately to members of the

national minorities, questioning the secrecy of the data on voter's nationality publicly, at the polling station. GONG's observers also reported similar problems.

Based on the reports by citizens and its observers, GONG asked for insight into the election material from 15 polling stations in the Republic of Croatia in order to check whether the voters – members of national minorities were able to exercise their constitutionally guaranteed right to vote and vote for the so-called general lists, instead of the minority lists.

GONG inspected the election material from polling stations in Zagreb, Osijek, Velika Gorica, Knin, Skradin, Donji Lapac. (see Table 1).

Table 1. Voting of members of national minorities for so-called minority and general lists

Constituency	Polling station	Number of voters – members of national minorities who voted for minority lists	Number of voters – members of national minorities who voted for so-called general lists
I	No. 191 and 192, Zagreb	10% voters voted for so-called minority lists	90% voters voted for so-called general lists
IV	No. 7, Retfala, Osijek	11 voters	40 voters
IV	No. 108, Tenja	78	65
IV	No. 57, Osijek	1	59
VI	No. 1, Velika Gorica	10	15
IX	No. 8, Knin	3	131
IX	No. 9, Golubic, Knin	7	209
IX	No. 11, Strmica, Knin	25	135
IX	No. 15, Polaca, Knin	12	111
IX	No. 4, Vrbnik, Biskupija	6	209
IX	No. 5, Kosovo, Biskupija	6	123
IX	No. 2, Devrske, Kistanje	8	205
IX	No. 3, Plastovo, Skradin	19	17
IX	No. 2, Donji Lapac	242	18

The results show that the majority of members of national minorities decided to vote for the general lists, which brings to the conclusion that they were informed about the option. However, this does not deny the fact that some members of national minorities were denied the right to vote for the so-called general lists at some polling stations, or that there were attempts to deny them that right, which was noticed at the 2003 parliamentary election as well.

Polling commissions should know the voting procedure for members of national minorities well, and pay attention to the secrecy of their personal data on nationality, and also to their professional conduct towards voters, which was not the case at some polling stations.

Checking the election material from polling stations abroad

After the election material from abroad started arriving, GONG inspected the material (voters' lists, voting cards, protocols) from 68 polling stations abroad, 30 of which were polling stations in Bosnia and Herzegovina. The polling stations that GONG inspected were selected based on various data (great voter turnout, observers' reports on irregularities, citizen reports, no GONG observers present at the stations, etc.).

The election material from the following cities was looked into:

- Kabul (Afghanistan), Canberra, South Melbourne, Adelaide, Hobart, Terry Hills, Edensor Park, Summer Hill, Fig Tree (Australia), Graz, Feldkirch, Salzburg, Klagenfurt (Austria), Brussels (Belgium), Podgorica (Montenegro), Rome (Italy), Mississauga, Windsor, Winnipeg (Canada), Stuttgart, Munich (Germany), Auckland (New Zealand), East Lake, San Jose (USA), Zemun, Janjevo, Petrovaradin, Beograd (Serbia), Geneva, Massagno, Zurich (Switzerland), Caracas (Venezuela), Sarajevo, Usora, Travnik, Zepce, Vitez, Vares, Fojnica, Mostar, Livno, Siroki Brijeg, Capljina, Grude, Prozor/Rama, Cazin, Velika Kladusa, Sanski Most, Tuzla, Seonjaci/Brcko, Odzak (B-H).

Although the general impression after looking into the material was that there was no systematic violation of election regulations, problems were noticed at a number of polling stations which could be said to have been caused by inadequate education of some polling commissions. To be more precise, the different level of education of polling commissions was noticed, since some polling commissions completed their work well, while others could hardly find their way in the legally determined procedures for conducting elections abroad. It should be pointed out that the procedure for this election was somewhat more complicated, and the new Voters' List Act was implemented for the first time.

The most common problems that were noticed are the following:

- voting for the wrong constituency – for example, voting only for the Constituency I or XI, regardless of the constituency to which the voters actually belong (noticed at 4 polling stations and around 50 voters);
- irregular administration of the election, incorrectly completed forms and election material (lists of voters, protocols) at polling stations (37 polling stations);
- no voting cards were submitted although it can be seen in the election material that voters did vote (around 15 voters at 5 polling stations).

While looking into the material, we once again noticed the problem of outdated voters' lists abroad, that is, a great number of voters included in the lists were actually deceased, and, according to our estimates, the deceased make up at least 20% of the lists. This is supported by the notes of some polling commissions, who marked the names of deceased persons in their voters' lists (in the USA, B-H, Serbia). However, the Zagreb City General Administration Office, which is responsible for keeping the voters' lists for voting abroad, cannot obtain the information on the deceased Croatian citizens who do not have a permanent address in Croatia and their death certificates, and it is not authorized to remove voters who may have died from the list without such information and certificates. Thus, it is necessary for the Republic of Croatia to find a way to update the voters' lists. GONG informed the public on all findings of the inspection of the material from abroad.

Abuse of the voting rights

Having noticed a great number of very old voters in the voters' lists abroad, and especially in B-H, in the course of its inspection of the election material from polling stations abroad, GONG looked into the possible abuse of voting rights, as it did after the 2005 presidential election.

The following has been determined for the 9 randomly selected elderly voters (marked as having voted) from polling stations 15 and 16 (Kiseljak), 82 and 83 (Prozor/Rama), 99 (Bihac) and 121 (Odzak):

- one voter born in 1915 was listed in the List of Voters and marked as having voted (polling station 83 Prozor/Rama), although, according to GONG's findings, the voter died 2 years ago;
- at the polling station 82 (Prozor/Rama) it was determined that a voter born in 1919 was listed in the List of Voters and marked as having voted, but the voter confirmed in a telephone conversation with GONG that she did not come to the election because she was old and ill.

The remaining 7 voters who were phoned said that they did exercise their right to vote. GONG informed the SEC on its findings, and invited the competent institutions to press criminal charges. Unlike in the 2005 elections, GONG decided not to press criminal charges itself, and thus rouse the competent institutions to action.

After GONG's report, the SEC also determined that the voter born in 1915 died two years ago and filed criminal charges against an unknown perpetrator. The second voter signed a statement later on in which she claims that she did vote with the help of her grandson.

In conclusion, after this election, GONG conducted a much wider examination of the election material from a much greater number of polling stations and the findings were much better than in the 2005 presidential election.

However, one could not say that the administration of election abroad was satisfactory. Institutions of the Republic of Croatia should start solving the problem of voters' lists for foreign countries as soon as

possible, and pay more attention to the education of polling commissions, but also work on better coordination of all institutions in charge of administering elections.

ANNOUNCING THE RESULTS

The state election commission announced the first preliminary results on November 25, 2007 at 9:00pm, and the results were updated regularly at the SEC web site. The official results of the election were published in the Official Gazette on December 24, 2007.

GONG'S RECCOMENDATIONS

State Election Commission

The Act on the State Election Commission of the Republic of Croatia has to be amended so that all members of the SEC become professional members (without the Supreme Court judges), not necessarily lawyers, who would dedicate all of their working hours to performing the SEC's legal duties and who would assume the leading role in initiating a reform of the election legislation and in educating all election participants.

Act on Election of Representatives to the Croatian Parliament

The election process for parliamentary, as well as all other types of election, have to be governed by one single election code in order to avoid various provisions on the same (technical) aspects of election administration. For example, local elections for one city and two municipalities took place simultaneously with the parliamentary election this year and they had to be administered by different polling commissions (with the recommendation of the SEC that the election be organized at different polling stations because of different election regulations), and all of the above created unnecessary additional expenses and confusion among voters due to the unaligned provisions of the two election laws.

The election code should include the following:

- the right of parties and candidates to observe the vote at all types of elections and referendums;
- enabling persons in hospitals and the elderly in retirement homes to vote;
- all mandatory instructions
- extended deadlines of election procedure in order to ensure enough time to conduct all election activities and comprehensive education of all members of polling commissions;
- amended procedure of nominating (partisan) members of polling commissions to ensure their mandatory education;
- it should consider a new system of vote for members of national minorities and it should certainly change the system of separate excerpts of voters' lists for members of national minorities because members of national minorities feel discriminated when they are listed separately, when they are identified publicly and their names copied from the special excerpt to the general excerpt of the voters' list;
- sanctions for violating election silence (body, deadline, procedure for filing objections);
- it should regulate the publishing of election surveys and exit polls after the closing of polling stations.

Constituency Act

The current division of constituencies in the Republic of Croatia disrupts the territorial organization of the country, and the number of voters per constituency does not fit into the legally required +/- 5% electorate margin between constituencies. This violates the equality of the right to vote, which is guaranteed by the Constitution, and the borders of the constituencies have to be changed in order to be brought in compliance with the legal provisions and territorial organization of the Republic of Croatia.

Voters' lists

The new Voters' List Act resolved some of the problems regarding voters' lists. However, the procedure for obtaining the voting cards and registration into the voters' list in the place of temporary residence should certainly be simplified for voters who will be outside their place of their permanent residence on the election day. Since the state administration and voters' list systems are networked, this could be resolved in a much simpler and efficient way.

Also, there is a great number of deceased persons among the voters without a permanent residence in the Republic of Croatia registered in the voters' list, and it is necessary to urgently find a system, that would ensure that the competent bodies remove the deceased persons from the list on time.

The procedure of keeping the voters' list in the Republic of Croatia should be such as to ensure that the data on voters' nationality is automatically copied from the voters' list when the voter changes his place of permanent residence (despite the fact that the voter does not state his/her nationality when registering the change of the address) because this would ensure that the data in the voters' list remains correct and the voter would not be denied the rights that he could exercise based on the data on his/her nationality.

Furthermore, it is necessary to determine the mechanisms in the Act on Permanent Residence that would allow for voters who permanently moved from the Republic of Croatia to be removed from the voters' list in Croatia.

Election campaign financing

The new Act on Financing Political Parties, Independent Lists and Candidates is a step forward compared to the previous regulations governing the financing of political parties, but the issue of financing election campaigns remains open. Among other things, it is necessary to introduce a legal obligation of submitting detailed financial reports, especially for campaigns:

1. preliminary report (several days before the election), on the amount and sources of funds collected for the costs of the campaign,
2. final report on the amounts and sources of funds spent, loans, revenues from property.

Furthermore, financial operation of political parties and reporting should be controlled by an independent body, such as the SEC, and not by the State Audit Office and the Ministry of Finance. The caps on donations, i.e. the maximum amounts that can be donated, are rather high (HRK 90,000.00 by individuals, and HRK 1 million by companies per year) and it will continue to be possible that a person or a company finances the complete campaign of a party or a candidate.

Financing of election campaigns in the Republic of Croatia has not been regulated yet (except partly and superficially for presidential elections), and it is precisely for the funding of their election campaigns that political parties and independent candidates ask and get the most money from donors since, as a rule, political parties spend more in the election years, than when there are no elections.

If the issue of financing election campaigns is not resolved urgently, the election process will not be fully transparent in the future, and the public will remain uninformed on who financed the election campaigns of political parties and independent candidates and with what amounts of money.

The media

It is necessary to change the existing Regulations in order to ensure that the candidates and platforms are presented in a dynamic and interesting way, acknowledging the recommendations of journalist professionals and other expert public, respecting the principle of equal access to the media but also the real balance of forces in the political arena. It is necessary to include sanctions for violations of election campaign regulations and appoint a competent body for dealing with violations and the deadline for resolving appeals.

Code of Electoral Ethics and Ethics Commission

The Croatian Parliament has to adopt a Code of Electoral Ethics, since the document puts an obligation on all participants in the elections to behave ethically during the election campaign. Also, the said Code should apply to all types of elections, just as the authorities of the Ethics Commission. Apart from issuing public reproofs, the Ethics Commission should be required to initiate misdemeanor proceedings for violations of election campaign regulations because a public reproof in itself carries little weight as a sanction. It is necessary to find an appointment system for members of the Ethics Commission which would make the body largely independent of the influence of political parties in its decision-making processes.

CONCLUSION

A reform of the legal framework and an active role of institutions (chiefly SEC) are the only way to modernize the election process, make it fairer and to contribute to the democratic development of Croatia. It is necessary to make an additional effort so that the biggest possible number of voters would be able to exercise their right to vote, so that the voters would be fully and objectively informed and that all feel dignified while exercising their right.

We appeal to the SEC, the Croatian Parliament, the Government of the Republic of Croatia and other competent institutions to continue and implement the remaining part of the reform of the election legislation which will both substantially and deeply, and not only superficially, improve the overall election process.

January 2008