



## **ELECTION REPORT**

### **ELECTIONS FOR REPRESENTATIVES AND MEMBERS OF NATIONAL MINORITIES' COUNCILS IN LOCAL AND REGIONAL SELF-GOVERNMENT UNITS**

**May 18, 2003**

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

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By Croatian Government's decision, members of national minorities in Croatia had the right to vote for members of 471 councils (in 17 counties, 38 towns and 80 municipalities) and 141 representatives (in 15 counties, 14 towns and 1 municipality) on the total of 872 polling stations during the elections for representatives and members of national minorities' councils in local and regional self-government units. Out of 471 councils, candidacies were submitted for 220 councils (which results in about 46,91%), and for 140 representatives of national minorities, candidacies were submitted for 40 representatives (which results in about 28,57%).

Due to the shortage of candidacies for councils, elections did not take place in 3 counties, 42 towns and 103 municipalities, while due to the shortage of candidacies for representatives of national minorities; election did not take place in 6 counties, 25 towns and one municipality. One self-government unit (the area of county, town and municipality) was treated as one electorate, and elections were held based on the simple majority system.

The right to vote on the elections for members of national minority councils on the county level was granted to 319 141 voters, on the town level to 130 730 voters and on the municipality level to 88 085 voters. The right to vote for national minorities representatives on the county level was granted to 4 944 voters, on the town level to 1 375 voters and on the municipality level to 116 voters. This information was indicated in the closed voter's lists prior to the election day.

Elections were monitored by 21 GONG mobile teams that visited 418 polling stations, resulting in about 48% of all polling stations visited in Croatia. Mobile teams visited county, town and municipality election commissions on the Election Day.

GONG's general assessment of the election for members of councils and representatives of national minorities in local and regional self-government units is that elections were conducted in accordance with the Election law and mandatory rules. However, bearing in mind the inexperience in organizing and conducting this kind of elections and the sensitive situation with national minorities in Croatia, the political decision to conduct these elections should have been reached in cooperation with national minorities' organizations. However, as this had not been the case, the stronger involvement of state institutions would have helped in better perception and public recognition of importance of these elections.

## **LEGAL FRAMEWORK**

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### ***Constitutional Law on Rights of Members of National Minorities and Amended Law on Elections for Representatives of Local and Regional Self-government bodies***

The legal framework of election for councils and representatives of national minorities is proscribed by Constitutional Law on Rights of Members of National Minorities-Heading III. (Croatian Official Gazette 155/02) and Amended Law on Elections for Representatives of Local and Regional Self-government bodies-Heading VIII.a (Croatian Official Gazette 45/03).

The right of national minorities' representation in local community is achieved through councils and national minority representatives.

According to the above-mentioned laws, councils of national minorities are non-profit legal entities consisting of national minority representatives living in the local self-government units (towns and municipalities) or regional self-government unit (counties) with the goal to fully participate in community development and local affairs.

Government of Republic of Croatia announces election for members of councils and representatives of national minorities by special decision based on the statistics in the latest census. The Government announces elections for councils in local self-government units with over 1,5% of specific national minority members living in the unit, in towns and municipalities with more than 200 members of national minorities living within their boundaries and for counties with over 500 members of national minorities. The Government also announces election for representatives in cases when all the requirements for the elections are not fulfilled, but there are at least 100 members of national minorities living in the area. National minority organizations as well as at least 20 members of national minority in one municipality, 30 in one town or 50 in one county can submit candidacies for national minority representatives.

National minority members who are residents in local or regional self-government unit (county, town, and municipality) where the election is taking place have the right to vote.

Members of national minorities' councils and national minorities' representatives are elected for the four-year period by direct and secret vote.

Members of national minorities' councils are elected in a manner that one area of local/regional self-government represents one electorate. For the municipality national minorities' councils, 10 members are being elected, for the town councils 15, and for county national minorities councils 25 members are being elected. Election list consist of all lawfully represented candidates in the alphabetic order.

The members of national minority councils who win the most votes of all voters are the elected ones, depending on the number of members that can be elected in each unit.

The election conducting bodies are municipality, town and county election commissions.

### ***Other Regulatory Acts***

On April 10 2003, Croatian Government reached a decision to announce elections for members of councils and representatives of national minorities in local and regional self-government units (Croatian Official Gazette 64/03). The Election Day was set on May 18, 2003 and the election process has begun.

Croatian Constitutional Court appointed members of State Election Committee on April 14 2003 (Croatian Official Gazette 64/03).

Adopted amendments to laws regulating elections for members of councils and representatives of national minorities were rather imprecise, leaving huge areas to be regulated by State Election Committee. State Election Committee, although not a legislative body, had to deliver seven mandatory rules in the very short period of time: on the timetable of election activities and election deadlines (Mandatory Rules I), on candidacy forms (MR II), on candidacy procedures (MR III), on rights and duties of observers (MR IV), on organizing the polling stations (MR V), on illiterate, disabled or sick citizens' right to vote (MR VI) and on forms for election procedure (MR VII). All those Mandatory Rules were published in Croatian Official Gazette 64/03, 68/03 and 71/03.

## ***ELECTION CONDUCT***

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### **State Election Committee**

According to the Election law, State Election Committee (DIP) was appointed as the highest election conducting body. Due to the imprecise election law, DIP had to regulate numerous election procedure issues by delivering Mandatory Rules.

A positive cooperation between DIP and GONG was based on exchange of information about all election stages that GONG passed on to interested parties.

### **County, Town and Municipality Election Committees and Polling Station Commissions**

The election conduct is decentralized and based upon county, town and municipality election committees, similar to conduct of regular local and regional self-government representatives' election.

In some areas, polling station commissions were appointed only three or four days prior to elections which was a violation of legal deadlines.

Election committees, as well as polling station commissions were in most cases very cooperative to GONG observers by providing necessary information and distributing educative brochures produced by GONG to voters.

### **Other State Institutions**

Ministry of Justice, administration and local self-government issued guidelines to all regional offices of administrative affairs to respect Muslim voters' requests that were not in the voters' lists to declare themselves as members of Bosnian national minority. The guidelines were issued thanks to many requests coming from the Bosnian minority organizations. Even though other national minority organizations requested the same treatment by pointing out that information in voters' lists might be incorrect, they were not successful even after the official deadline was prolonged to May 5, 2003.

## ***ELECTION CAMPAIGN***

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Considering the fact that these elections were held in Croatia for the first time, the national minorities' organizations had an opinion that election deadlines were too short for all necessary preparations. Without sufficient financial means to support campaigns, the campaigns, if actually happened, were rather unnoticeable and very limited to occasional media promotion and local flyer distribution.

Moreover, according to the Decision announcing the elections for national minorities councils and the Decision announcing the elections of national minority representatives in local and regional self-government units, the election was not regulated by the Decision determining the amount of expenses for election campaigns that was corresponding to the regular election for local and regional self-government units (Croatian Official Gazette 35/2001). As a result, the financing of election campaigns was entirely left upon financial abilities of national minorities' organizations.

As national minority candidates were not sufficiently familiar with the candidacy procedure, the result was the lack of candidacies submitted in many local units.

Out of 471 councils, candidacies were submitted for only 220 councils (which makes around 46,91%), and for national minority representatives, candidacies were submitted for 40 representatives (which makes 28,57%).

Italian Union, as the leading Italian minority organization considered the entire elections unnecessary and not useful, inviting their members to boycott elections by not submitting their candidacies or voting.

Candidacy deadlines were as usually set on 12 days after the election has been announced and were not prolonged, in spite of numerous objections that they were taking place during the religious holidays.

Poor respect of the law coming from the majority of the media on presenting candidates and reporting on the election resulted in both the public and members of minorities being not well informed.

## **ELECTION DAY**

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### ***Voters' Lists***

Even though GONG has been warning about voters' lists difficulties for years, this elections proved to be no different, as voters' lists were not updated, making it impossible for some citizens to vote. Many problems occurred because the information about certain nationality was incorrect in administrative records in areas of voters' residence. Zagreb's State Administrative Office pointed out that these voters' lists were created according to the database of information about voters' residence gathered by the Ministry of Interior. Voters who did not make the choice about their nationality in those records or their nationality was reported incorrectly were the one with biggest problems as on the Election Day they were not regarded as members of the national minority they felt they belonged to. Obviously, this was not a mistake of administrative bodies, but the citizens themselves who did not undertake necessary changes to the voters' lists on time.

Once again we point out that all year round citizens have a chance to check their status in voters' lists, up to 14 days prior to the election. The final deadline members of minorities had to check their status in the voters' lists was May 2, 2003. Exceptionally, that deadline was moved to May 9, 2003. Offices of general administration were open even on Saturdays, inviting citizens to check their status. Unfortunately, the majority of citizens were not familiar with their options, as well as the fact that keeping voters' list updated is not solely upon the administrative bodies.

Voters who previously declared themselves as Muslim national minority were not registered in voters' lists as this population was not recognized as a national minority prior to the Constitutional changes. Therefore, on the Election Day they were allowed to declare themselves as Bosnians by obtaining verification from the general administrative offices and exercise their voting right.

GONG observed the following facts:

- Irregularities in voters' lists were linked to the fact that voters were not registered properly, as their national preferences were registered incorrectly in the records of their residence areas.
- On a few polling stations, GONG observers noticed names of citizens who passed away still being in the voters' lists.

### ***Educating and Informing Polling Station Commissions***

Education of polling station commissions on these elections was fair but not satisfactory as education deadlines were very short. This situation has been confirmed by reports that some commissions did not understand the basic operations on the Election Day and have made serious mistakes in spite the guidelines on their duties.

In some cases, the following problems have been reported:

- There was only one member of the commission present at the polling station
- Inexperience in regards to the methods of determining election results
- Cheering for individual candidates by commission members
- Approval of family voting

Nevertheless, we assess commissions' cooperation with GONG as excellent.

### ***Informing the Citizens***

As with all previous elections, it was proved that well-informed voters are crucial to the turnout results. It was noticed that voters were inadequately informed about the meaning and the way the election was to be performed, as well as about the location of their polling station, hence the numerous phone calls received by GONG and election committees.

The reasons for lack of information among the voters can be found in the following:

- Insufficient financial means to support national minority organizations and candidates' election campaigns
- Media not applying the law in terms of candidates' representation and election coverage
- This being the first ever elections of the kind, citizens were not familiar with the meaning of councils and national minority representatives.

## **General Atmosphere and Voter Turn Out**

The election was conducted in a democratic and tolerant atmosphere.

The voter turnout differed from one national minority to another, but on average it was low compared to other elections in Croatia. This was mostly the result of the lack of interest coming from the citizens, members of national minorities, but also as a result of lack of information about the meaning and necessity of this election. Further, this result is also due to the broad misunderstanding and lack of knowledge about the purpose and competence of councils and national minority representatives in local and regional self-government units.

Despite smaller omissions by the election committees and polling station commissions, according to GONG observers the atmosphere on the majority of polling stations was positive and tolerant with members of the commission doing a professional and impartial job.

### **Elections for Members of National Minorities Councils\***

<b>Self-government units</b>	<b>Registered voters</b>	<b>Voted</b>	<b>Percentage</b>
counties	320793	37752	10,21%
towns	132991	14422	10,48%
municipalities	88615	19607	22,13 %

### **Elections for Representatives of National Minorities**

<b>Self-government units</b>	<b>Registered voters</b>	<b>Voted</b>	<b>Percentage</b>
counties	4992	790	15,83%
towns	1444	353	24,45 %
municipalities	115	27	17,42 %

*\*The difference in numbers from the closed voters' lists is due to the issued certificates for voting.*

## **VOTING, COUNTING THE BALLOTS AND VALIDATION OF ELECTION RESULTS**

Having in mind the new voting procedure that enables voters to choose more than one candidate up to the legally determined number, validation of results was a bit slower from the previous elections.

### **Gravest Breaches of Election Laws**

- Incorrectly determined polling stations (Sibensko-kninska County, polling station no. 4, Mokro polje in Municipality of Ervenik, was based in the area of a pub where voters were served alcohol on the election day; Bjelovarsko-bilogorska County, polling station no. 1 in Nova Raca, during the election and between 2 and 6 pm there was a motocross race and voters were not able to access the station as they had to walk across the race track to get to the station; Medjimurska County, polling station no. 1 in Trnovec, Romany settlement Parag I, polling station was not opened on time because there were not enough chairs for the polling station commission members).
- Lack of education on the part of polling station commissions (incorrectly sealed voting boxes, inappropriate delivery of voting materials, lack of understanding of the ballots counting process, not visiting old and disabled citizens, approving family voting, presence of only one member of the station commission to perform elections and allowing citizens not registered in voters' lists to vote without the official certificate).

### **Most Frequent Problems Observed During the Voting Process**

- Voters being uninformed about the address of their corresponding polling stations
- Family voting or voting instead of a family member
- Problems with out of date voters' lists
- Not all members of the commission being present during the Election Day (there was a single member present on a several polling stations)
- Not visiting old and disabled citizens when there was all necessary conditions fulfilled to do so, but also lack of information about the way those groups of citizens can exercise their voting right.

### ***Most Frequent Phone Calls GONG Received***

- Complaints about the voters' lists
- Not having the information about the corresponding polling station
- Not having the knowledge about the purpose and the election procedure
- Incorrectly systematized polling stations

According to our information, delivery of election materials was undertaken without any major problems. In a few cases, polling station commissions showed low level of education in regards to election laws and procedure, which should serve as a guideline for the future work of state institutions and non-governmental organizations.

Upon receiving information about irregularities or critical circumstances, GONG informed county, town and municipality election committees, as well as the State Election Committee. We would like to point out that the cooperation with all above-mentioned institutions was excellent. We were pleased to once again receive numerous phone calls from the citizens who wanted to learn more, make comments or pose questions. Moreover, we were pleased to have employees of different public services and ministries turning to us with their questions.

### ***GONG's CAMPAIGN***

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By creating and distributing 30 000 educative brochures, organizing 21 educational radio talk shows, enabling citizens to use an open phone line and producing video clips to be emitted on Croatian and Open TV, GONG contributed to education and information of national minority members.

Our campaign, that was primarily addressed to better inform and educate citizens, members of national minorities and then to observe elections on the Election Day, was financially supported by OSCE Croatia.

Bearing in mind that these are the first national minority elections, we hope that activities and achieved results from this generation of elected minorities' representatives shall encourage more voters in the future.

### ***RECOMMENDATIONS***

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Creating and adopting laws or amendments on time and civic education are the grounds for a stabile and democratic society.

It is necessary to create specific laws on State Election Committee in the Republic of Croatia, appointing it as a permanent body, as well as a high quality Law on Voters' Lists.

GONG strongly recommends the creation of a detailed law addressing all aspects of election procedure and referendum in the Republic of Croatia.

In order to have better organized elections in the future, state institutions should make a significant effort to inform voters about all election related laws, as well as provide information about political system in Croatia.