

**OSCE/ODIHR**  
**Limited Election Observation Mission**  
**Parliamentary Elections Croatia 2007**  
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## **INTERIM REPORT**

### **31 October – 14 November 2007**

#### **I. EXECUTIVE SUMMARY**

- On 15 October 2007 President Stjepan Mesić called elections to the *Sabor* (Croatian Parliament) for 25 November 2007, following the expiration of the 4-year mandates of the representatives elected in November 2003.
- The elections are being conducted for the first time by a permanent State Election Commission (SEC) constituted under the 2006 Law on the SEC (amended in 2007). The SEC is not yet operating with a full-time Secretariat, and is depending on staff and premises loaned to it by the Parliament.
- Under the new Law on Voter Lists (2007) the system of voter registration has been computerised, which allows for cross-checking and correction of lists. A system is in place to facilitate voters that will not be in their place of permanent residence on polling day.
- The campaign to date has been bipolarised and taking place in a generally calm environment, focusing occasionally on personalities rather than the programmes of the two main political parties (the ruling Croatian Democratic Union [HDZ] and the main opposition Social Democratic Party [SDP]).
- Efforts to increase access to polling stations for Croatian citizens in Bosnia and Herzegovina have become politicised during the campaign due to the influence that the number of mandates elected in the *diaspora* constituency may impact on the formation of the next Government.
- The electronic and print media are generally covering the election campaign in line with the legal framework and procedures for media coverage of the elections.

#### **II. INTRODUCTION**

On 15 October 2007 President Stjepan Mesić called elections to the *Sabor* (Croatian Parliament) for 25 November 2007, following the expiration of the 4-year mandate of the Parliament. Following the invitation of the Croatian authorities, the OSCE/ODIHR established a Limited Election Observation Mission on 31 October 2007. The OSCE/ODIHR LEOM is headed by Mr. Vadim Zhdanovich and consists of 10 international staff based in

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Zagreb and 10 long-term observers deployed to Split, Rijeka, Osijek, Zadar and Sisak. In view of the OSCE/ODIHR's past findings, the presence of short-term observers is not deemed necessary. The OSCE/ODIHR LEOM does not intend to carry out systematic observation of the voting, counting and tabulation on polling day, but the observers plan to visit several polling stations across the country to follow procedures.

### III. THE ELECTION SYSTEM AND THE LEGAL FRAMEWORK

The primary legal basis for parliamentary elections in Croatia is the 1999 Act on Election of Representatives to the Croatian Parliament (PEL, as amended in 2003 and 2007).

Members of Parliament are elected in three ways: 140 mandates are awarded through closed-list proportional representation (PR) elections in 10 geographical constituencies, each of which elects 14 representatives (using the D'Hondt method). The constituencies are not political entities, and although some follow established administrative and territorial borders, others cut across administrative boundaries. Eight further members are elected by national minority voters through majoritarian elections for candidates from their groups – three representatives for the Serb minority and the remainder for the other 21 constitutionally-recognized minorities. Additional representatives are elected through PR elections (also using the D'Hondt method) in a special constituency for voting by Croatian citizens who permanently reside abroad. The number of mandates awarded (up to 12) is based on the turnout of *diaspora* voters.<sup>1</sup>

Other election-related legislation includes the 1999 Law on Constituencies, which details the electoral constituency boundaries, the 2006 Law on the State Election Commission (amended in 2007), the 2007 Law on Voters Lists and the 2006 Law on the Financing of Political Parties, which replaces the related provisions of the amended 1993 Law on Political Parties.

The SEC Law has legally established the SEC as a permanent body, but the SEC is still operating on a temporary basis during these elections, using facilities and staff provided by Parliament.

Under the Law on Voters Lists, municipal authorities continue to be responsible for compiling voter lists, although the system is now computerized, which allows for cross-checking and correction of lists under the supervision of the Central State Administration Office (CSAO) and its local offices. The Law establishes new procedures for “pre” registration of voters for out-of-country voting (OCV) and “temporary registration” for other voters voting away from home in Croatia.

The Law on Financing of Political Parties provides a basis for financial regulation of political parties by restricting the amounts and sources of donations. Financial reports of the parties, as well as independent candidacies, are due on an annual basis; so information covering the current electoral period would not be submitted until next year. Participants in parliamentary elections are required only to announce prior to the campaign how much they *anticipate* spending.<sup>2</sup>

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<sup>1</sup> Constitution of the Republic of Croatia, Article 71 (“*The Croatian Parliament shall have no less than 100 and no more than 160 members.*”)

<sup>2</sup> PEL, Article 31.

Complaints concerning election administration may be submitted to the SEC, by parties, candidates or 100 voters,<sup>3</sup> but electoral appeals may be taken only to the Constitutional Court.<sup>4</sup> Although the Constitutional Court is composed of 13 members, there will only be 10 members during the period during which election cases could be before the Court, due to the expiration of a number of mandates on 7 December.

During parliamentary elections, an Ethics Commission is established to deal with campaign issues.<sup>5</sup> The President of the Croatian Academy of Arts and Sciences serves *ex officio* as President of the Commission, and six other members are appointed by the Constitutional Court based on nominations by the governing party and opposition political parties. Once again for these elections, the parties were slow to nominate members to the Commission, until the SEC President warned them of a potential violation of election law. The Commission was then established in time, readopted its electoral code of conduct, and to date has been more active than previously receiving a number of petitions.

#### IV. THE ELECTION ADMINISTRATION

All elections at national, county and local levels (including state and local referenda) are administered by a hierarchy of election commissions headed by the State Election Commission (SEC). The President of the Supreme Court is, *ex officio*, the President of the SEC. Constituency Election Commissions (CEC) established in each of the ten geographical electoral constituencies oversee the work of Municipal and City Election Commissions (MEC/CiEC). In addition, special Constituency Commissions have been established in the City of Zagreb to oversee Constituency 11 (the constituency for all *diaspora* voting, for which Croatian Embassies and Consular Offices are responsible for the conduct of polling), and Constituency 12 (the constituency to elect national minority representatives). Although the SEC was reconstituted as a permanent body under the 2006 Law on the SEC, all other election commissions and voting committees are established only for the period of a specific election. The law affords opportunities for the “majority parliamentary party” and, by agreement among them, the parliamentary opposition parties and coalitions, to have representatives in the expanded membership of all lower level commissions and voting committees. For these elections, the opposition parties have found it difficult to agree on the distribution of the places on the lower level commissions.

#### V. PARTY AND CANDIDATE REGISTRATION

All parties entered into the Registry of Political Parties in Croatia by the date of the announcement of the elections are eligible to submit candidates’ lists to the SEC. The approved lists and candidates for each constituency were announced on 2 November 2007. 237 candidate lists were submitted for Constituencies 1-10 within Croatia, and 13 for Constituency 11 designated for *diaspora* voting. Altogether 3,586 candidates were registered. Two lists were rejected on the basis that one could not be found in the Registry of Political Parties, and the other had not submitted a full list of 14 candidates. Among the six national minority groupings, a total of 72 candidates will appear on the various ballots. There is no requirement that a candidate have residency in the constituency in which his or her name is included in a candidate list.

<sup>3</sup> PEL, Articles 84 and 85.

<sup>4</sup> PEL, Article 83; Constitution, Article 128 and Constitutional Court Law, Title IX, Articles 87-96.

<sup>5</sup> PEL, Articles 90-93.

Groups of voters may also submit “independent” candidate lists if the signatures of at least 500 voters registered in the constituency accompany their submissions. The ballots for Constituencies 1- 10 and Constituency 11 contain the names of the party and coalition lists competing (as under the closed list system each voter votes for a party, coalition or independent candidate list). However, since minority candidates in Constituency 12 are elected by a majoritarian system, candidates are listed individually. A separate ballot listing individual candidates is created for each of the six designated minority groupings.

## VI. VOTER REGISTRATION

While the SEC has overall responsibility for the conduct of elections, preparation of the voter lists is vested in the Central State Administration Office (CSAO) and its branches in the municipalities and cities. Lists are based on data from citizenship, residency and other civil records maintained by the Ministry of Interior and municipal and city administrations, as well as information on emigration and travel documentation obtained from the Ministry of Foreign Affairs and European Integration.

Voters can request a ballot for the constituency they are eligible to vote for, based on their permanent residence (or status as a minority voter) no matter where the voter will actually be voting on election day (even if they are voting abroad). These rules create complex procedures for compiling the voter lists.

In previous elections, concerns were expressed that there were insufficient safeguards to control the transfer of voters from one voter list to another, in addition to the frequent addition of voters to voter lists at the polling stations on election day. New safeguards have been put in place to address these issues. Under recent statutory amendments a voter may only request to change polling stations up to 14 days prior to the election.

Under the new rules, a *diaspora* voter that is not expected to be at his or her permanent residence on polling day has to “pre-register” to have his or her vote transferred to the city or country where (s)he would be on polling day. This pre-registration is facilitated by embassies and consulates which forward the information to the CSAO office for Zagreb City where the changes are made to the relevant voters lists. Likewise, voters with permanent residence in Croatia have to apply for “temporary registration” through the relevant municipal and city branches of the CSAO. Unlike with *diaspora* voters, however, in-country voters are responsible to ensure that their registration is mailed or otherwise delivered to the CSAO branch in the new community 14 days before the election.

## VII. OUT-OF-COUNTRY VOTING

405,230 voters are registered to vote in 263 polling stations in the *diaspora* based on permanent residence abroad, representing approximately 10% of the total electorate. 284,078 of these voters are registered in Bosnia and Herzegovina (BiH) of whom only about 1,500 have permanent residence in Croatia. The lists also include 38,234 voters in Germany and 23,717 in Serbia, with much lower figures registered in the 49 other countries where voting will take place.

One of the major changes in the planning for *diaspora* voting is the significant increase in the number of polling stations being established in BiH, from 30 used in BiH for the 2003 elections to 124 to be used in 2007, whereas the number of registered voters is expected to have stayed more or less the same (turnout of BiH Croatian citizens in 2003 was 19.8% of registered voters). The number of stations in Serbia is also being increased from 3 to 15. These efforts to facilitate easier access to polling stations for Bosnian Croats have become a political issue in the campaign due to the relationship between the turnout of out-of-country voters, particularly in Bosnia and Herzegovina, and the number of mandates awarded in that constituency.

A concern facing registration officials is that the *diaspora* voter lists are compiled from data acquired at the time of the person's last contact with Croatian officials. In the meantime many have moved or have temporarily taken up residence in another city or country. For example, it is estimated that of the 286,000 voters registered in BiH, as many as 110,000 may actually be working in Germany. Unless they have "pre-registered" they will remain on the lists for BiH based on their last claimed residence. Should they present themselves at the Embassy or one of the Consulates in Germany, they will not find themselves on the voter lists and will not be able to vote there. This may cause some confusion among *diaspora* voters on Election Day.

The SEC has developed new training manuals for voting committees within Croatia and abroad to ensure consistent application of the rules.

## VIII. THE CAMPAIGN ENVIRONMENT

The official campaign period started on 3 November. The campaign to date has been bipolarised and taking place in a generally calm environment, focusing occasionally on the personalities rather than the programmes of the two main political parties (the ruling Croatian Democratic Union [HDZ] and the main opposition Social Democratic Party [SDP]). The mainstream political parties support Euro-Atlantic integration. However these issues, as well as the main economic and social questions facing Croatia, have not been evidently visible. The controversial issue of *diaspora* voting has figured prominently so far in the campaign. The HDZ campaigning in Bosnia and Herzegovina has led to concerns among the opposition parties that the number of mandates secured by HDZ among the *diaspora* voters (4 in the last *Sabor*) could be influential in forming the next Government. The SDP argue that the party or coalition which gains the most votes in Croatia should form the government, a position shared by some other opposition parties.

Interventions by the Roman Catholic Bishops, issuing guidance on issues such as protecting war veterans and the families of those that died in the war, have become politicized and interpreted by the opposition parties to be partisan.

## IX. MEDIA

The legal framework for media coverage of the campaign includes the relevant provisions of the PEL,<sup>6</sup> as well as the rules of procedure for electronic media adopted by the Parliament on 12 October 2007. The rules provide all electoral contestants with an equal right to ten minutes of free airtime on public Croatian Radio and Television (HRT) and five minutes on

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<sup>6</sup> Article 28.

the national private TV and radio broadcasters. HRT is also required to equally cover a pre-established number of campaign activities for each registered list in a special programme outside the regular news programmes. Furthermore HRT is required to air debates with candidate list representatives at the constituency level.

The OSCE/ODIHR LEOM has been conducting analysis of selected media outlets since the official start of the campaign on 3 November. The monitoring activities focus on the four national TV stations as well as on daily newspapers.<sup>7</sup> Preliminary TV monitoring results indicate that, outside the highly regulated special election programmes, the news coverage is focusing mainly on the campaign forms, the administrative aspects of the elections, and the involvement in the campaign of both the Catholic Church and the President. Outside of the national electronic media, parties have been placing political spots in the national print and regional electronic media. To date, paid political advertising in the monitored TV channels and newspapers was predominately used by the HDZ.

Two TV channels, HTV and the local station OTV, declined to air the Croatian Party of Rights (HSP) TV spot negatively targeting the HDZ. The SEC's Ethics Commission was requested to assess the content of the spot in order to assess its compliance with the Election Ethical Code. On November 10, the Commission stated that the disputed spot is in violation of the Code and it is therefore unacceptable.<sup>8</sup>

## X. DOMESTIC AND INTERNATIONAL OBSERVERS

The electoral framework provides for international and domestic election observation. To date, the SEC has accredited approximately 1,700 domestic observers from 8 organizations including over 1,500 from GONG (the leading domestic observer group). In addition to observation in Croatia, GONG is also planning to deploy some mobile teams to observe out-of-country voting in Bosnia and Herzegovina.

## XI. OSCE/ODIHR LEOM ACTIVITIES

The OSCE/ODIHR LEOM has established regular contact with the Ministry of Foreign Affairs and European Integration (MFAEI), the State Election Commission and the lower-level election commissions, the Constitutional Court, the Central State Administration Office (CSAO), political parties, civil society, academics and media outlets. The Head of Mission has met with the State Secretary of the CSAO, Chairperson of the SEC and the Assistant Minister of the MFAEI. The OSCE/ODIHR LEOM's long-term observers have maintained contacts with the relevant electoral administration bodies, political parties and other interlocutors at the regional level. On 8 November, the OSCE/ODIHR LEOM held a briefing for representatives of the diplomatic community. On 19 November, following agreement with the Ministry of Foreign Affairs, the OSCE/ODIHR LEOM has visited the Croatian Embassy in Sarajevo, Bosnia and Herzegovina, in order to discuss preparations for voting by the Croatian *diaspora* in BiH.

<sup>7</sup> The OSCE/ODIHR LEOM is monitoring the public broadcaster *HTV* (two channels) and the privately-owned *NOVA TV* and *RTL*. The LEOM is also monitoring the daily newspapers *Jutarnji List*, *Vecernji List*, *24 Sata*, *Slobodna Dalmacija* and *Vjesnik*.

<sup>8</sup> Decision number 59900701.