

CROATIAN EXPERIENCE IN THE CONDUCT OF ELECTIONS FROM POST-WAR CHALLENGES TO RECENT CRISES. LESSONS LEARNED AND PERSPECTIVES



Analytical overview

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ANALYTICAL OVERVIEW

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(2017-2021)

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Croatian experience in the conduct of elections from post-war challenges to recent crises. Lessons learned and perspectives

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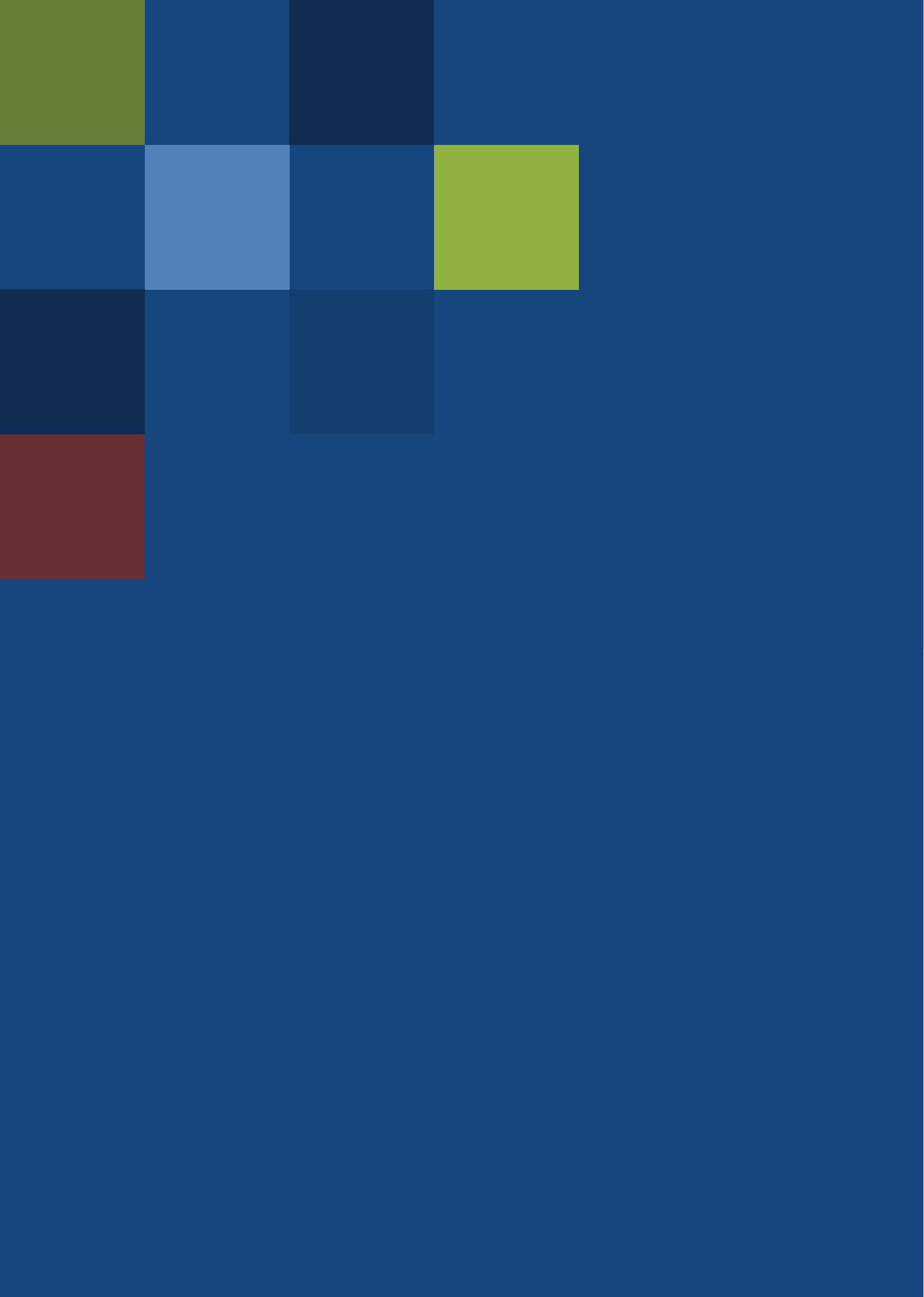


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INTRODUCTION

Since independence in 1992, the Republic of Croatia and its election commissions have faced challenges in conducting elections.

Firstly, challenges were met in the period of peaceful reintegration of the Croatian Danube Region, a region that was in the process of becoming part of the country after it had been occupied by Serbian forces since 1991. Further challenges were met during natural disasters in 2014 and 2021 when some regions were hit by earthquakes and floods. During these periods, it was necessary to find solutions that would allow all voters to exercise their right to vote while at the same time ensuring that the right to vote was exercised only once.

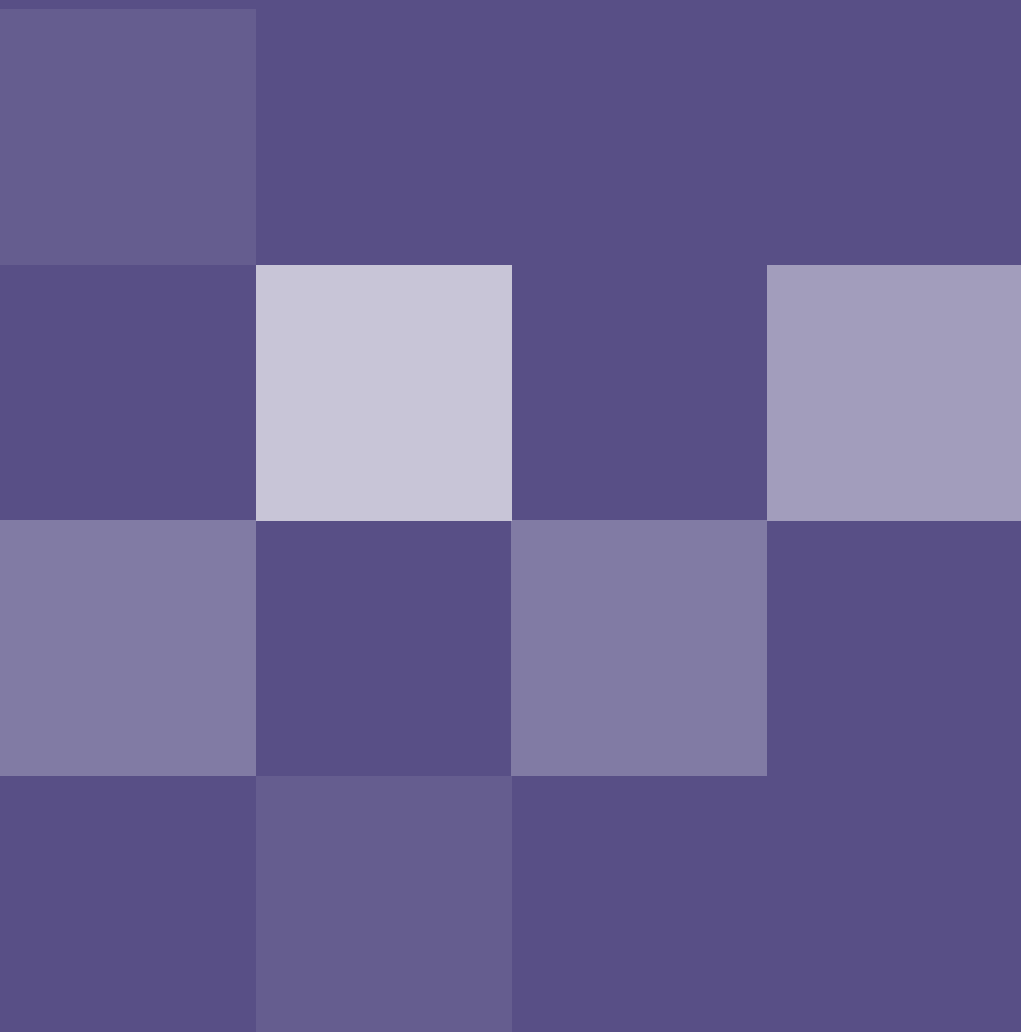
The challenges in conducting elections during peaceful reintegration of the Croatian Danube Region, as well as during times of crises and natural disasters, are presented in this analytical overview.

By explaining current legislation about voter lists and registration, this overview gives detailed insight into the exercise of the right to vote at regular polling stations, special polling stations, special polling stations outside the voter's area of residence and voting when out of the country – in diplomatic missions and consular posts. Every voter must have the opportunity to exercise the right to vote – by having enough time to undertake procedures prescribed by law in order to be able to vote.

Croatia does not have a unified electoral law, and the differences between active and passive suffrage will show that there is still room for improvement in its legislation in order to unify electoral procedures and electoral institutions.



Državno izborno povjerenstvo Republike Hrvatske



I. THE STATE ELECTORAL COMMISSION OF THE REPUBLIC OF CROATIA

1.1. Establishment

The establishment of the State Electoral Commission (SEC) as a permanent and independent state authority, its composition, the means of electing its president, vice-presidents and members, its scope of activity, work methods and decision-making methods, its relations with citizens, other state authorities and institutions in Croatia and its co-operation with international organisations and institutions are all prescribed by the Act concerning the State Electoral Commission of the Republic of Croatia¹ (hereinafter: Act on the SEC).

Since the Act on the SEC came into force in 2007, the SEC has had three permanent compositions: 1st Convocation – 9 March 2007 to 8 March 2015; 2nd Convocation – 9 March 2017 to 8 March 2023 and the current 3rd Convocation – 9 March 2023 onwards.

1.2. Composition

The permanent composition of the SEC consists of a president, four vice-presidents and four members.

The president of the SEC is president of the Supreme Court of the Republic of Croatia (hereinafter: the Supreme Court) by virtue of his position and represents the SEC, acts on its behalf, directs its work, determines measures and procedures in accordance with his/her legal powers and undertakes the activities necessary to ensure the unhindered, regular performance of tasks within the scope of the SEC.

Two vice-presidents are elected by the general session of the Supreme Court from among the ranks of the judges of that court, on the proposal of the President of the Supreme Court.

The mandate of the president of the SEC is determined by her/his mandate as president of the Supreme Court. The mandate of vice-presidents among the ranks of the judges of the Supreme Court is not prescribed by law. So far, the mandate of these vice-presidents has not depended on the change of the president of the Supreme Court.

The two vice-presidents who are not from the ranks of judges of the Supreme Court and the other members of the SEC are elected by a majority vote of all representatives of the Croatian Parliament for a term of eight years. One vice-president and two members are proposed for election by the majority political parties or coalitions, and the other vice-president and two members are proposed for election by the opposition political parties or coalitions, in accordance with the party structure of the Croatian Parliament at the time of the election.

1.3. Jurisdiction

Apart from its jurisdiction, which is prescribed by electoral laws², the SEC presents opinions on amendment and improvement of electoral legislation, the legislation regulating referenda and the legislation regulating supervision of regular financing, election campaign funding and the financing of referenda; passes ordinances under its competences; publishes periodical expert publications pertaining to the electoral system, electoral conduct and practice; determines the organisation of the Expert Service (Secretariat of the State Electoral Commission); elects the Secretary General and Deputy Secretary General of the Commission; co-operates with other state authorities and organisations, both within the country and internationally with organisations and institutions in the area of electoral legislation and elections in general, and carries out other duties envisaged by special legislation. An important part of the SEC's jurisdiction is its supervision of regular financing, election campaign financing and financing of referenda activities³.

1. Act on the State Electoral Commission of the Republic of Croatia, in English language, is available at: www.izbori.hr/site/en/legal-grounds/1721, accessed 10 August 2023.

2. The Republic of Croatia does not have a unified electoral law. Every election is prescribed by separate law, hence the area of conducting is regulated by Law on the Election of the President of the Republic of Croatia; Act on the Election of the Representatives to the Croatian Parliament; Act on the Election of Members of the European Parliament from the Republic of Croatia; Local Elections Act; Act on the Election of National Minority Councils and Representatives. Versions of electoral laws in English language are available at www.izbori.hr/site/en/legal-grounds/1721.

3. Pursuant to the Political Activity, Election Campaign and Referenda Financing Act, the SEC supervises: (a) financing of regular financing of political parties, independent Members of Parliament and members of representative bodies of units of local and regional self-governments elected from a list of a group of voters; (b) election campaign financing in all elections conducted in the Republic of Croatia except of the elections of national minority councils and representatives and (c) financing of referenda activities. Political Activity, Election Campaign and Referenda Financing Act in English language is available at: www.izbori.hr/site/en/legal-grounds/1721.



II. POLITICAL CONTEXT OF CROATIA IN THE 1990s

From 1991 until spring 1995 about one quarter of the territory of the Republic of Croatia was occupied by Serbian forces; the number of people who died, were forcibly taken or went missing has been counted in thousands; about 100 000 people had to leave their homes and material damage reached several million US dollars.

Between 1992 and 1995 there were two missions by the international community in the Republic of Croatia: UNPROFOR (United Nations PROtection FORces) and UNCRO (United Nations Confidence Restoration Operation in Croatia), whose operations were not successful in the end: complete peace and permanent cessation of armed conflict was not established and not a single exile or refugee returned home to the occupied territory of the Republic of Croatia.

In 1995 the Republic of Croatia began military liberation of its occupied territories. Through two military-police operations called “Bljesak” (“Flash”, May 1995) and “Oluja” (“Storm”, August 1995), the Republic of Croatia liberated more than 15 000 square kilometres of its territory and at that time the only territory that was left under Serbian occupation was the Croatian Danube Region⁴.

Because of its exceptional geopolitical and geostrategic importance, its traffic position and economic and human potential, the Croatian Danube Region was a special aim of Serbian aggression against the Republic of Croatia. The whole region was the scene of war aggression, which resulted in extremely large human losses and forced displacement of the population.

The issue of reintegration of the Croatian Danube Region into the territory of the Republic of Croatia was a complex one. Solution of the problem started by signing the “Basic Agreement on the Region of Eastern Slavonia, Baranja and Western Sirmium” (hereinafter: the Erdut Agreement)⁵ on 12 November 1995. The Erdut Agreement was signed by representatives of the Croatian Government and the local Serbian community as a result of both conflicted sides’ efforts to solve problems with negotiations and in a peaceful way. The Erdut Agreement contained provisions relating to

- ▶ the establishment and organisation of the Special Transitional Authority of the United Nations Security Council in eastern Slavonija (hereinafter: UNTAES) in the transitional period,
- ▶ the organisation of elections as a prerequisite for the full inclusion of that area into the constitutional order of the Republic of Croatia,
- ▶ the obligation to respect human rights and fundamental freedoms,
- ▶ the return of exiles and refugees, and
- ▶ monitoring the implementation of protection of fundamental freedoms and rights by the international community.

4. The occupation of Croatian Danube Region started in 1991. It included territory of eastern Slavonija, southern Baranja and western Srijem, and the terms most often used in describing the territory were Osječko-baranjska county and Vukovarsko-srijemska county. While under the jurisdiction of UNTAES, this territory was also called Eastern Slavonija or Sector East (E).

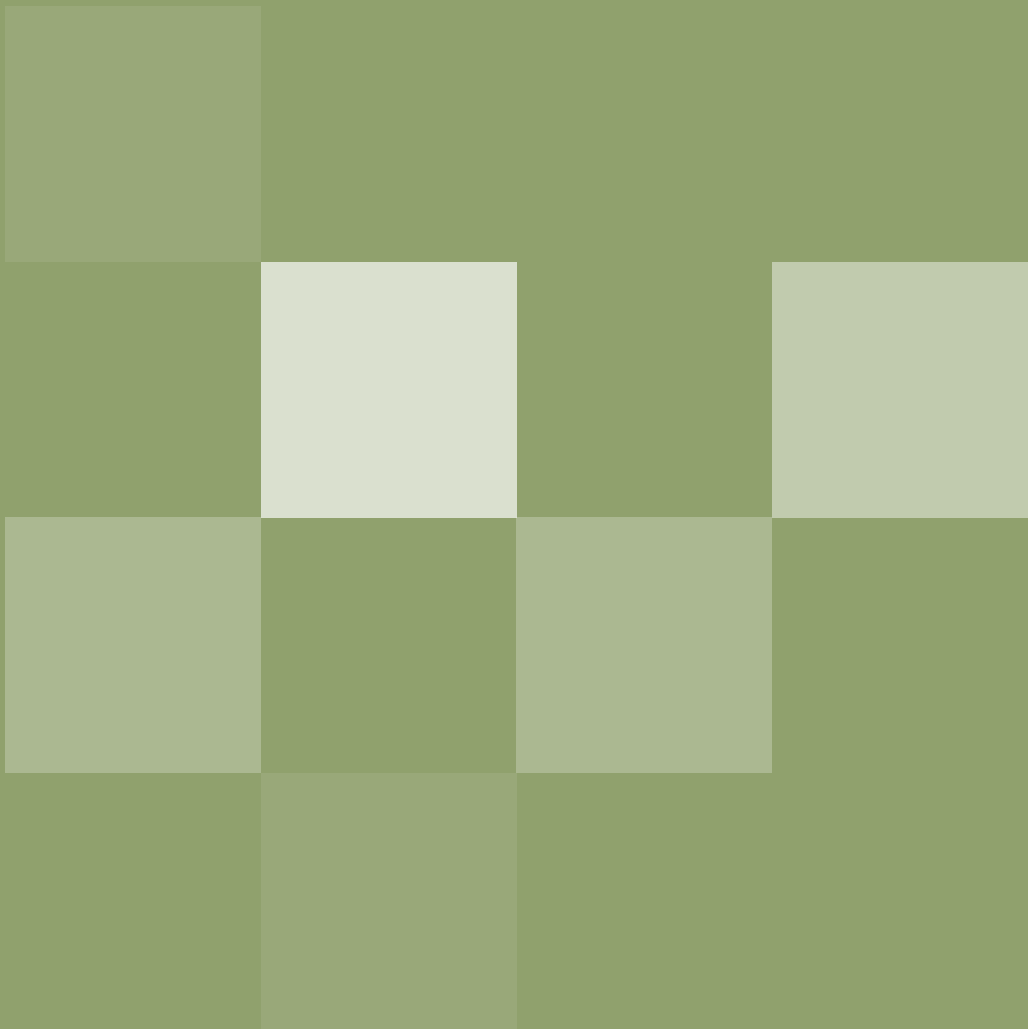
5. The Erdut Agreement in English language is available at <https://peacemaker.un.org/croatia-erdutagreement95>.

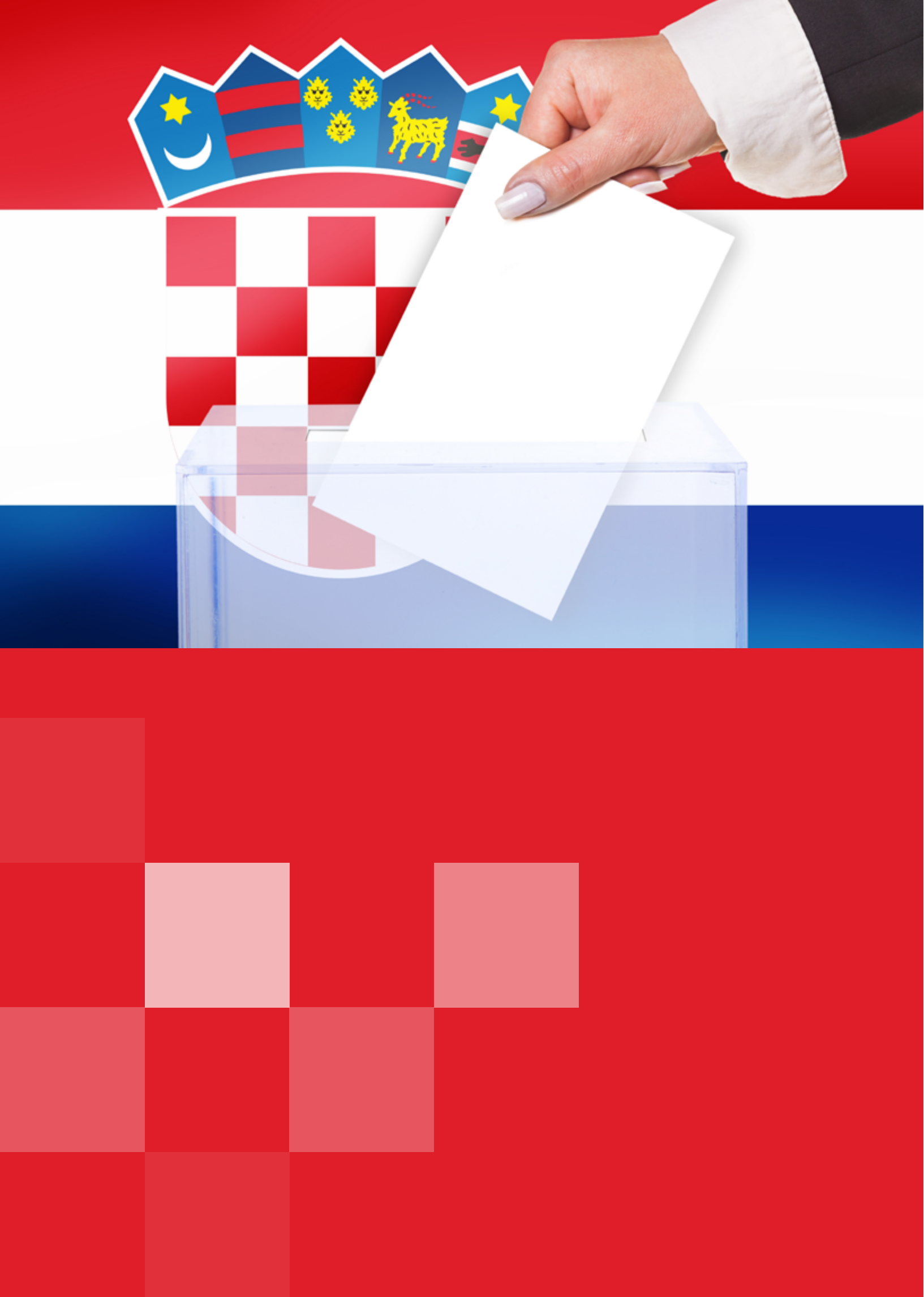
Thus, the peaceful reintegration of the Croatian Danube Region was the process of returning the occupied territories of eastern Slavonija, southern Baranja and western Srijem into the constitutional and legal order of the Republic of Croatia. The period of peaceful reintegration started on 15 January 1996 and finished on 15 January 1998 when the Croatian Danube Region finally became a territory under the full jurisdiction of the Republic of Croatia.

The peaceful reintegration was carried out by UNTAES, led by US Extraordinary General Jacques Paul Klein. The Croatian Government established the Temporary Administration Office for the Establishment of Croatian Government in Eastern Slavonija, Southern Baranja and Western Srijem, with headquarters in Osijek.

The peaceful reintegration of the Croatian Danube Region progressively included the following processes: demilitarisation of occupied territory; establishment of Transitional Police Forces; beginning of demining; reintegration of social and economic structures, especially education, healthcare, traffic, communication and communal infrastructure; a pilot project for the return of exiles and refugees to their homes; and introduction of the Croatian monetary system.

On 27 June 1996 the demilitarisation agreement was signed; and soon after that, on 1 July 1997, the Transitional Police Forces took up their competences. It was important for Croats who wanted to return to that area, as well as Serbs who wanted to continue their lives in that area, to feel safe.





III. THE FIRST POST-WAR ELECTIONS – ADMINISTRATION OF ELECTIONS, COMPLAINTS AND DISPUTE RESOLUTION

3.1. Announcement of elections

Local elections (for county assemblies, city councils and municipality councils; hereinafter: representative bodies), as well as elections for the Chamber of Counties of the Croatian Parliament,⁶ were held on 13 April 1997.

Local elections were originally planned for the end of 1996. However, the intention of the Croatian authorities was to hold local elections in the Croatian Danube Region at the same time as in the rest of the Republic of Croatia, in order to emphasise that this territory was not separate from the rest of the country. The Croatian authorities announced that only Croatian citizens would have active and passive suffrage at local elections in the Croatian Danube Region (as well as in the rest of the country), which led to the necessity of accepting Croatian documents and, in accordance with that, Croatian citizenship by Serbs living in that region. As the procedure of issuing Croatian documents took more time than expected, election day was moved to April 1997.

Local elections in 1997 in the Croatian Danube Region were conducted during a period when the Republic of Croatia had no full jurisdictional control over the area. However, local elections were an inevitable step in the process of its peaceful reintegration into the constitutional and legal order of the Republic of Croatia and for the successful completion of that process. There were three preconditions for conducting the elections: demilitarisation of the territory, achieving security measures and international recognition of borders.

When we speak about conducting local elections in the Croatian Danube Region, we speak about conducting elections in two counties – Osječko-baranjska county and Vukovarsko-srijemska county.

3.2. Relevant legislation

The law that was relevant for conducting local elections in 1997 was the Act on Elections of Members of Representative Bodies of Units of Local Self-Government and Administration (hereinafter: Act on Elections of Members of Representative Bodies).

3.3. Election bodies

According to the Act on Elections of Members of Representative Bodies, the relevant election bodies for conducting local elections were: (a) the Electoral Commission of the Republic of Croatia, (b) county, city and municipality election commissions and (c) polling station election committees.

At that time the Electoral Commission of the Republic of Croatia was an *ad hoc* authority, appointed for conducting local elections, that was in charge for prescribing forms and conducting elections as well as issuing obligatory instructions for the work of election commissions.

6. At that time the Croatian Parliament was bicameral, constituted of the Chamber of Deputies with legislative authority and the Chamber of Counties with an advisory role and the right to lodge a so-called suspension veto. These were the last elections for the Chamber of Counties as the Chamber of Counties was abolished by amendments of the Constitution of the Republic of Croatia in 2001.

County, city and municipality election commissions were also *ad hoc* authorities that were appointed by the Electoral Commission of the Republic of Croatia (when it comes to county election commissions) or county election commissions (when it comes to city and municipality commissions).

Jurisdiction of all the above-mentioned election commissions was prescribed by law.

Polling station committees were appointed by city and municipality election commissions.

Generally, the county, city and municipality election commissions in Osječko-baranjska county and Vukovarsko-srijemska county were appointed according to the Act on Elections of Members of Representative Bodies.

However, for the region that was completely under the jurisdiction of UNTAES, UNTAES itself had certain authority in appointing election commissions. Moreover, the Electoral Commission of the Republic of Croatia had stronger responsibilities and jurisdiction than those prescribed by law. It was, for example, in charge of delivery of all the election material to UNTAES authorities that was later on delivered to polling stations. The Electoral Commission of the Republic of Croatia also had a leading role in organising elections in that region, not only when it comes to local elections, but also when it comes to elections for the Chamber of Counties of the Croatian Parliament that were, as mentioned above, held at the same time.

Basically and in principle, election commissions at state and local level had authority to organise and control the election process in the region, but the UNTAES temporary authorities had also a right to interfere and to overrule decisions of the election commissions. The role of Croatian bodies and the role of international governance bodies was arranged through agreement between the Croatian Government and UNTAES authorities.

3.4. The right to vote

According to the Act on Voter Lists that was in force in 1997, Croatian citizens had the right to vote at local elections from the age of 18 years if residing in the territory for which representative body elections had been called, under condition of being registered on the voter list.

Voters in Osječko-baranjska county and Vukovarsko-srijemska county were registered on voter lists in accordance with pre-agreed criteria.

Regular lists for voters voting within the region consisted of: (a) a list of persons who were living in the region in 1991 and had Croatian documents and (b) a list of refugees who were living in the area after 1991, gained Croatian documents before 15 January 1996 and decided to vote for representative bodies in the region.

Voter lists for voting outside the region consisted of: (a) a list of refugees who were living in the region after 1991, gained Croatian documents before 15 January 1996 and decided to vote for representative bodies outside the region and (b) a list of exiles who were living outside the region, were registered by the Office for Exiles and Refugees and decided to vote outside the region.

The above-mentioned voter lists were published by UNTAES together with regular voter lists, so every voter had an opportunity to check the information in voter lists and, additionally, submit a request for any necessary change in the voter list.

The main principle that was followed by the Electoral Commission of the Republic of Croatia in organising local elections in 1997 was that every voter should have the possibility to vote, both voters living in Osječko-baranjska county and Vukovarsko-srijemska county, and voters who were exiles or refugees and living all over the country or even abroad. Thus, every voter was intended to have the possibility to receive a ballot for the representative body of their place of residence, and would have a polling station committee that would count their vote and transfer the result of their voting to the competent election commission, no matter where this voter voted. At the same time, it was necessary to ensure that every voter could vote only once.

3.5. Polling stations

Polling stations were fixed in Osječko-baranjska county and Vukovarsko-srijemska county throughout the territory under UNTAES jurisdiction. Special arrangements were made for delivery of ballots, minutes and other election material to the polling stations – the arrangements were organised by county election commissions, under the supervision and protection of UNTAES. Similar special arrangements were made for delivery of ballots, minutes and other election material to competent election commissions after closure of voting on election day – this was organised by the polling station committee, especially its president, under the supervision and protection of UNTAES. Different levels of security measures were applied according to the needs of the specific area. As there were five ballots for each polling station (two for elections on city/municipality level; two for elections on county level and one for the Chamber of Counties of the Croatian Parliament), a different procedure was applied for each election for delivery of election material to the competent election commission.

Apart from that, there were 75 polling stations for refugees who were living outside the region. The number of polling stations and their location was decided by the county election commissions of Osječko-baranjska and Vukovarsko-srijemska counties, in co-operation with the Office for Exiles and Refugees. Information about such polling stations was given to UNTAES so it could plan travel arrangements for its observers. As for polling stations in territory under UNTAES jurisdiction, special procedures were prescribed for delivery of ballots, minutes and other election material to those refugee polling stations, as well as the delivery of election material to competent election commissions at the end of election day.

Polling stations for exiles and refugees who were living outside the region were called “mixed polling stations” because at those polling stations voters from different places of residence could vote. It was necessary to have correct voter lists for those polling stations in order to ensure that correct ballots were delivered to the polling stations. The Office for Exiles and Refugees had a crucial role in that process as it provided lists of exiles and refugees with the right to vote to relevant election authorities.

A similar system was applied for exiles and refugees who were living outside the country. Polling stations were arranged in diplomatic missions and consular posts; in cases where there were huge numbers of voters, so-called consular days were established. Consular days increased the number of polling stations because that system allowed voting outside diplomatic missions and consular posts.

It is worth mentioning that in the Republic of Croatia voters can vote at local elections only in the place of their permanent residence, so voting outside that place was an exception that ensured that the process of peaceful reintegration into the constitutional order was coming to an end.

3.6. Appeals

Through an Agreement between the Croatian Government and UNTAES authorities to resolve appeals on the election process, a special Appeal Panel was formed, outside the system of regular bodies that decide on appeals.

The Appeal Panel consisted of five members, two nominated by the Croatian Government, two from local authorities formed through the period of occupation and one nominated by UNTAES. The member nominated by UNTAES also acted as president of Appeal Panel.

All complaints on the process of local elections were solved by this body in sessions which were held regularly in UNTAES offices in the city of Vukovar, the Vukovarsko-srijemska county seat.

Complaints which were the subject of Appeal Panel hearings were mostly about: (a) polling stations not opening on time; (b) inaccuracy of voter lists, (c) propaganda on election day and (d) failure of polling station commission to establish identity of voters.

The Appeal Panel examined every complaint/appeal about control of election materials, seeking statements from members of polling station committees and looking to see whether a breach of procedure had or could have had an impact on election results.

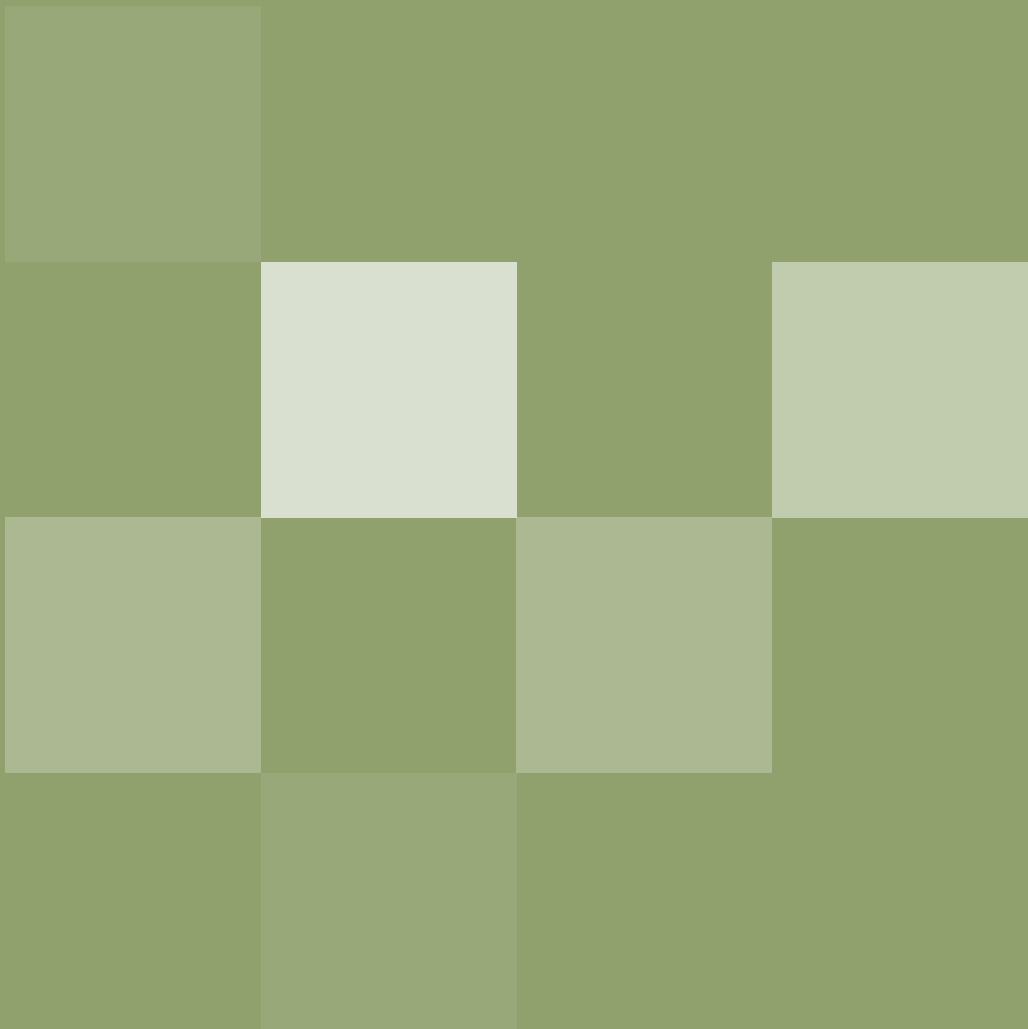
All complaints were rejected and election results were approved.

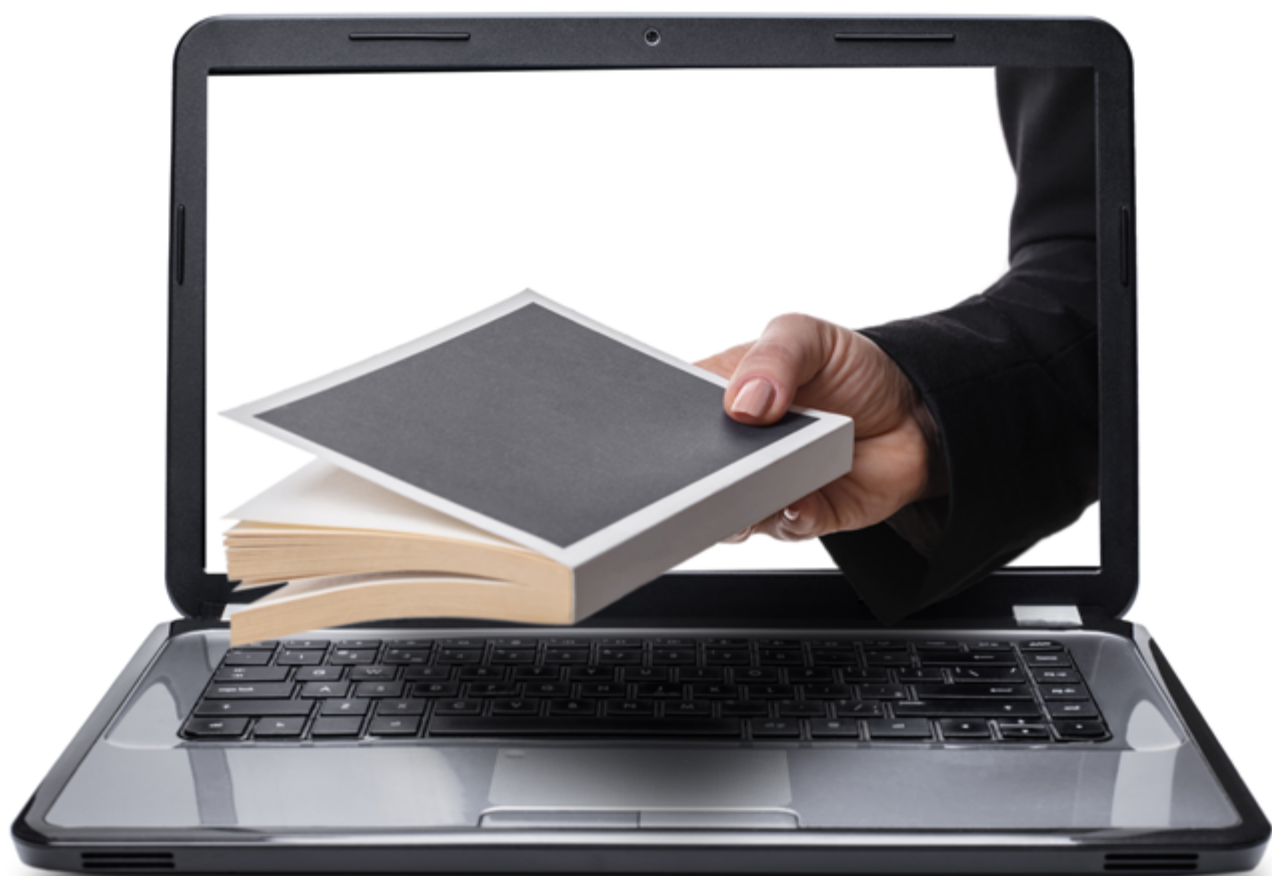
3.7. The General Amnesty Act

President of the Republic of Croatia Franjo Tudjman proclaimed amnesty four times, in 1992, 1994, 1995 and during the process of peaceful reintegration, but it was never related to murders, rapes and war crimes determined by international law as crimes against criminal law and international conventions.

The General Amnesty Act came into force in October 1996 and, even if it was in some people's opinion legally dubious, it politically helped to complete the process of peaceful reintegration of the Croatian Danube Region. According to the General Amnesty Act, it gave amnesty to all those "who committed criminal acts during the course of armed conflict in Republic of Croatia". The amnesty was applicable to crimes committed between 17 August 1990 and 23 August 1996 and it aimed in particular to exempt from criminal prosecution those who joined forces in rebellion against the Republic of Croatia – notably Serbs from the (so-called) Krajina region and the Croatian Danube Region. In addition to providing an amnesty for those who joined rebel Serbian forces, the General Amnesty Act also gave amnesty from criminal prosecution to persons who committed "crimes related to the armed conflict in the Republic of Croatia". The Act of Forgiveness prescribed exceptions from amnesty for those who committed the most serious crimes⁷.

7. The General Amnesty Act was not applicable to "perpetrators of the most serious violations of humanitarian law that have the character of war crimes, namely for the criminal offenses of genocide under Article 119, war crimes against the civilian population under Article 120, and war crimes against the wounded and sick from Article 121, war crimes against prisoners of war from Article 122, organizing a group and incitement to commit genocide and war crimes from Article 123, unlawful killing and wounding of the enemy from Article 124, unlawful confiscation of property from those killed and wounded on the battlefield from Article 125, use of illegal means of combat from Article 126, violation of parliamentarians from Article 127, cruel treatment of wounded, sick and prisoners of war from Article 128, unjustified delay of repatriation of prisoners of war from Article 129, destruction of cultural and historical monuments from Article 130, incitement to aggressive war from Article 131, misuse of international symbols from Article 132, racial and other discrimination from Article 133, establishment of slavery and transportation of persons in slavery from Article 134, international terrorism from Article 135, endangering persons under international protection from Article 136, taking hostages from Article 137 of the Basic Criminal Code of the Republic of Croatia (Official Gazette No. 31/93 - revised text, 35/93, 108/95, 16/96 and 28/96), and the criminal offense of terrorism prescribed by the provisions of international law. Exempt from amnesty are perpetrators of other criminal offenses established by the Basic Criminal Code of the Republic of Croatia (Official Gazette No. 31/93 - revised text, 35/93, 108/95, 16/96 and 28/96) and According to the Criminal Code of the Republic of Croatia ("Official Gazette" No. 32/93 - consolidated text, 38/93, 28/96, and 30/96) which were not committed during aggression, armed rebellion or armed conflicts and are not related with aggression, armed rebellion or armed conflicts in the Republic of Croatia."





IV. VOTER LISTS AND REGISTRATION – 1997 TO 2023

4.1. Introduction

The first law governing voter lists that came into force after the Republic of Croatia became independent in 1991 was the Act on Voter Lists, which was in force from 1992 until 2007. This Act was followed by a new Act on Voter Lists that was in force from 2007 until 2012. Today the applicable law for voter lists and all connected issues is the Electoral Register Act⁸ that came into force in 2012 and, with some amendments, has been in force since then.

The basis for voter lists in 1992 was a list of citizens of the Republic of Croatia (hereinafter: list of citizens). Voter lists, as a record of all voters, have developed gradually because they depend on the accuracy of the list of citizens. The Act on Voter Lists 1992 came into force in war circumstances when many Croatian citizens were not living in their place of residence. At that time voter lists were kept manually. Today, the situation is completely different – already in 2007 the Act on Voter Lists prescribed that voter lists should be kept in the form of a unified electronic database, and that system has been used since then.

4.2. Electoral Register Act

According to the Electoral Register Act, there is a difference between the electoral register and an electoral list. The electoral register is the database of personal data on all voters: voters who are Croatian citizens with permanent residence in the Republic of Croatia, voters who are Croatian citizens without permanent residence in the Republic of Croatia and voters who are European Union member state citizens who have electoral rights in the Republic of Croatia.

An electoral list is a part of the electoral register compiled after the electoral register is closed and is composed of data from the registry of Croatian citizens with permanent residence in the Republic of Croatia holding valid ID cards, the registry of temporarily registered voters, voters issued a certificate for voting outside their place of permanent residence, the registry of prior registered voters, the list of actively registered Croatian citizens without permanent residence in the Republic of Croatia and the registry of European Union member states citizens who have electoral rights in the Republic of Croatia. An electoral list serves as the basis for voting on the election or national referendum day.

Relevant authorities for the electoral register are: (1) state administration offices in counties and the City Office for General Administration of the City of Zagreb – for maintaining the part of the electoral register for the area under their competence; and (2) the Ministry of Justice and Administration for establishing a uniform software solution to maintain the electoral register, process data from the electoral register and administer the personal database on electoral rights, according to data protection rules.

8. Electoral Register Act in English language is available at: www.izbori.hr/site/en/legal-grounds/1721.

4.2.1. Suffrage

According to the Constitution of the Republic of Croatia, all Croatian citizens who have reached the age of 18 years are entitled to universal and equal active and passive suffrage (i.e. voting and candidacy) in elections for the Croatian Parliament, for president of the Republic of Croatia and for members of the European Parliament, and in decision-making procedures by national referendum. The Local Elections Act and the Act on the Election of National Minority Councils and Representatives prescribe the same age limit for obtaining active and passive suffrage at local elections and elections of national minority councils and representatives.

The basis for exercising active and passive suffrage is registration in the electoral register, as stated in Article 4 of the Electoral Register Act: "A voter may realise their electoral rights after registering in the electoral register". Before the Electoral Register Act came into force, all Croatian citizens who had reached the age of 18 years were registered in the electoral register, except for those who were completely deprived of legal capacity by a final court decision. Thus, the Electoral Register Act that came into force in 2012 represented a great step forward in human rights protection and compliance with the Convention on the Rights of Persons with Disabilities, because from that time even people who were completely deprived of legal capacity were able to exercise their active and passive suffrage.

At some elections (elections of members of the European Parliament and elections of representative units), active and passive suffrage belong not only to Croatian citizens, but also to citizens of other European Union member states, pursuant to a separate Act.

4.2.2. Composition of electoral register

Three types of voter are registered in the electoral register:

- a. voters who are Croatian citizens with permanent residence in the Republic of Croatia;
- b. voters who are Croatian citizens without permanent residence in the Republic of Croatia, and
- c. voters who are European Union member state citizens with electoral rights in the Republic of Croatia.

The electoral register is maintained *ex officio* for every city and municipality, within which it is maintained by settlements, streets and squares.

Registration in the electoral register is based on data from three different official records: (a) records of citizenship, (b) a database of permanent and temporary residence and (c) records of travel documents.

The electoral register is updated daily, based on information received by relevant authorities, e.g. police administration (for data on permanent and temporary residence); tax administration (for data on cancelled or valid personal ID numbers); the authority maintaining records of issued travel documents (for data on the address and state of permanent residence for voters who are Croatian citizens without permanent residence in the Republic of Croatia); or the registry office (for data on deaths of persons over the age of 18 years, last name change after conclusion of marriage, changes of first name and gender changes etc.).

4.2.3. Exercising the right to vote – Regular polling stations

In the Republic of Croatia, voters can vote only at polling stations. Postal voting or e-voting is not prescribed by law.

Voters who are Croatian citizens with permanent residence in the Republic of Croatia can vote at regular polling stations in the territory of the Republic of Croatia at a place determined on the basis of their permanent residence.

Voters who are Croatian citizens without permanent residence in the Republic of Croatia can vote at polling stations in diplomatic missions and consular posts of the Republic of Croatia.

Voters who are European Union member state citizens can vote at regular polling stations in the territory of the Republic of Croatia at a place determined on the basis of their permanent or temporary residence.

According to the electoral laws, voting at polling stations in diplomatic missions and consular posts is possible at elections for the Croatian Parliament, for president of the Republic of Croatia and for the European Parliament, as well as in decision-making procedures by national referendum. When it comes to local elections and elections of national minority councils and representatives, the polling stations are arranged only in Croatia and there is no voting outside the country.

4.2.4. Exercising the right to vote – Special polling stations

Voters who are Croatian citizens with permanent residence in the Republic of Croatia and who are serving in the Armed Forces of the Republic of Croatia (hereinafter: Armed Forces), voters in peace missions, voters who are crew-members on sea and river vessels carrying the Croatian flag outside the borders of the Republic of Croatia, voters in social welfare institutions and voters deprived of their freedom can all vote only at special polling stations.

According to the electoral laws, voting at special polling stations is possible at elections for the Croatian Parliament, for president of the Republic of Croatia and for the European Parliament, as well as in decision-making procedures by national referendum. In local elections and elections of national minority councils and representatives, special polling stations cannot be arranged for the above-mentioned categories of voters.

4.2.5. Exercising the right to vote – Special polling stations outside the voter's place of residence

According to the Electoral Register Act, at elections for the Croatian Parliament, for president of the Republic of Croatia and for the European Parliament, as well as in decision-making procedures by national referendum, voters who are Croatian citizens with permanent residence in the Republic of Croatia can vote outside their place of residence, within the country.

Neither the Electoral Register Act nor electoral laws give voters at local elections and elections for national minority councils and representatives an opportunity to vote outside their place of residence. The Electoral Register Act prescribes two different procedures that can result in exercising the right to vote outside the voter's place of residence: (a) temporary registration in the electoral register outside the permanent place of residence and (b) issue of a certificate for voting outside the place of permanent residence (a "yellow certificate").

The first procedure (temporary registration) is prescribed for voters who are Croatian citizens who know that they will not be in their place of residence on election day and at the same time know in which city or municipality they will be. Such voters should make a personal request to be temporarily registered in the city or municipality where they find themselves on election day. The deadline for submitting such requests is 10 days prior to election day, and the procedure then allows them to change their polling station on the voting day (without changing their residence). Moreover, on election day such voters can vote only at the polling station named in the temporary registration.

The second procedure (issue of a certificate for voting outside the place of permanent residence) is prescribed for voters who are Croatian citizens who know they will not be in their place of residence on election day but do not know in which city or municipality they will be. Such voters should make a personal request for issue of the certificate. The deadline for submitting such requests is 10 days prior to election day. The procedure then allows them to vote at any special polling station in the Republic of Croatia or any polling station in a diplomatic mission or consular post at elections for the Croatian Parliament, or any regular polling station in the Republic of Croatia or any polling station in a diplomatic mission or consular post at elections for president of the Republic of Croatia, elections of members of the European Parliament and in decision-making procedures by national referendum.

It is worth mentioning that the deadline prescribed by the Electoral Register Act for temporary registration and issue of a certificate for voting outside the place of permanent residence is prescribed to enable finalisation of voter lists for every polling station and their delivery to polling stations in due time. After that time, changes in voter lists are not allowed.

4.2.6. Exercising the right to vote – Voting in diplomatic missions and consular posts

Polling stations in diplomatic missions and consular posts are arranged primarily for voters who are Croatian citizens without permanent residence in the Republic of Croatia. In order to achieve their active suffrage, such voters should make a personal request to a diplomatic mission or consular post in order to carry out a procedure called active registration. The deadline for submitting such requests is 10 days prior to election day.

Voters who are Croatian citizens with permanent residence in the Republic of Croatia can also vote outside the country – in diplomatic missions and consular posts. In order to achieve their active suffrage, such voters should make a personal request to a diplomatic mission or consular post in order to carry out a procedure called prior registration. The deadline for submitting such requests is 10 days prior to election day. As stated above, another way to vote out of country for voters who are Croatian citizens with permanent residence in the Republic of Croatia is by issue of a certificate for voting outside the place of permanent residence.

The above-mentioned deadline for submitting requests for active and prior registration (as well as issuing certificates for voting outside the place of permanent residence) is important to allow for technical preparations in voting at out-of-country polling stations. Knowing how many voters made active and prior registration enables delivery of the actual number of ballots to polling stations in diplomatic missions and consular posts. For example, there are about 900 000 voters who are Croatian citizens without permanent residence in the Republic of Croatia who are registered in the electoral register, and only about 90 000 of them vote. Without the procedure of active registration, the SEC would have to supply polling stations in diplomatic missions and consular posts with 10 times more ballots than the estimated number of actual voters, which could increase election costs and complicate the delivery of election material to polling stations outside the country.

4.2.7. Exercising the right to vote – Voting certificate

Voters who are Croatian citizens with permanent residence in the Republic of Croatia with the right to vote but who are not registered in the excerpts of the electoral list delivered to the polling station (e.g. voters without a valid ID card) may prove their right to vote with a voting certificate (a “blue certificate”) issued by the competent office maintaining the electoral register on election day.

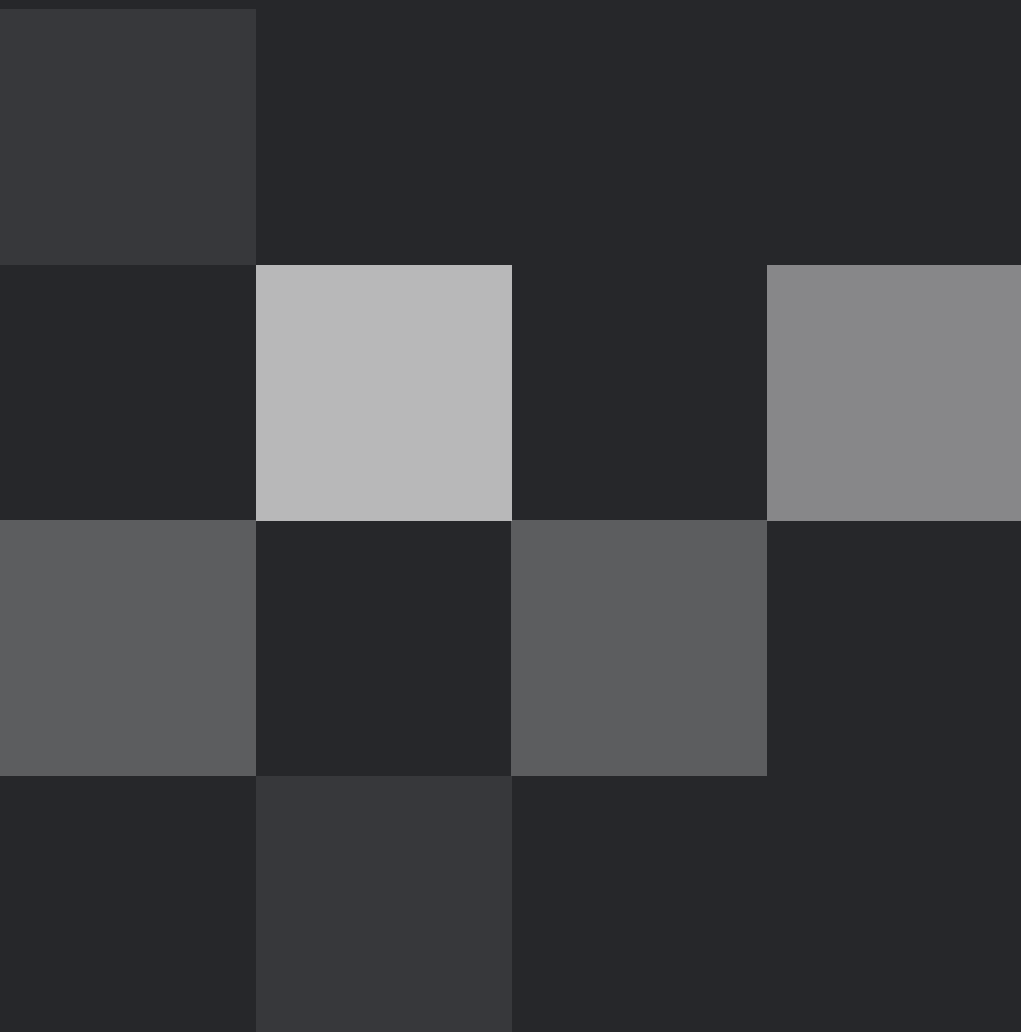
Voters who are Croatian citizens without permanent residence in the Republic of Croatia but with the right to vote, though they have not actively registered, may prove their right to vote with a voting certificate issued by a diplomatic mission or consular post on election day.

Thus, both the above-mentioned types of voter have active suffrage according to the law, but there are some obstacles which mean they are not registered in the excerpts of the electoral list delivered to the polling station in the country or actively registered for voting at polling station out of the country.

4.2.8. Informing voters

Voters have the option and right to review their entry in the electoral register, and to submit a request for supplementing or correcting the entry at any time during the year. When elections are announced, the submission of such a request is allowed until 10 days prior to election day, after which the electoral register is closed. After elections are announced and until 10 days before election day, every voter can check the address of the relevant polling station by looking through the electoral register database published by the Ministry of Justice and Administration. Moreover, voters receive a special message through the e-citizens system, with information about the relevant polling station.

Apart from that, the Ministry of Justice and Administration, as the relevant authority, publishes all necessary information in order to help voters achieve their active suffrage. The SEC also publishes information about active and passive suffrage on its web pages in the form of the most frequently asked questions and answers.



V. ACTIVE AND PASSIVE SUFFRAGE – ELIGIBILITY CRITERIA

5.1. Active suffrage

As mentioned previously in this analytical overview, the minimum age for obtaining active suffrage (voting) is 18 years and there are no other restrictions for voters that are prescribed either in the electoral register nor in electoral laws.

The basic principles of active suffrage are as follows.

1. The free preference of voters and the secrecy of the ballot are guaranteed.
2. A voter may vote only once at the same elections.
3. No one may vote on behalf of another person.
4. No one may require a voter to explain his/her choice of vote.
5. Voters are free to publish their choice of vote.
6. No one may be called to account for their vote or for not voting.

5.2. Passive suffrage

Generally speaking, every voter has passive suffrage (can be a candidate), but at the same time in certain cases the electoral laws prohibit candidacy.

The Law on the Election of the President of the Republic of Croatia has no provisions that prohibit candidacy. Thus, every Croatian citizen from the age of 18 years, with or without permanent residence in the Republic of Croatia, can run for president of the Republic of Croatia. It is worth mentioning that this law came into force in 1992 and has been amended several times over the years, most recently in 2011, but the legislator did not consider it necessary to prescribe any prohibitions on candidacy like those for candidates in other elections.

The Act on the Election of Representatives to the Croatian Parliament prescribes that a candidate cannot be a person: (a) sentenced to an unconditional punishment of incarceration over six months in duration by a court decision in full force and effect if, at the moment of the entry into force of the decision to call an election, the punishment is being enforced or is to be enforced and (b) whose rehabilitation terms under a special law have not expired at the moment of the entry into force of the decision to call an election, and who was sentenced by a court decision in full force and effect for certain criminal offences stipulated in the Act.⁹ The Act on the Election of Representatives to the Croatian Parliament came into force in 2011, and there have been several amendments over the years but it must be emphasised that no provisions regarding prohibition of candidacy entered into law before 2015.

The Act on the Election of Members of the European Parliament from the Republic of Croatia has no provisions prohibiting candidacy, except for the provision that a voter who is a citizen of another European Union member state, and has active and passive suffrage under special circumstances prescribed by law, must not be deprived of their right to vote in the country of their citizenship.

9. The criminal offences stipulated in the Act are as follows: 1. criminal offences stipulated in Title IX of the Criminal Code (Official Gazette 125/11 and 144/12) against humanity and human dignity: genocide, a crime of aggression, a crime against humanity, a war crime, terrorism, terrorist association, torture, slavery, 2. criminal offences stipulated in Title X of the Criminal Code (Official Gazette 125/11 and 144/12) against life and body: aggravated murder.

The Local Elections Act prescribes that voters who are resident in the area of the unit for whose body the elections are being held have the right to elect members of representative bodies and municipality heads, mayors and county prefects and their deputies.

A candidate cannot be a person who is a police officer, in active military service, a civil servant or an employee in the Armed Forces.

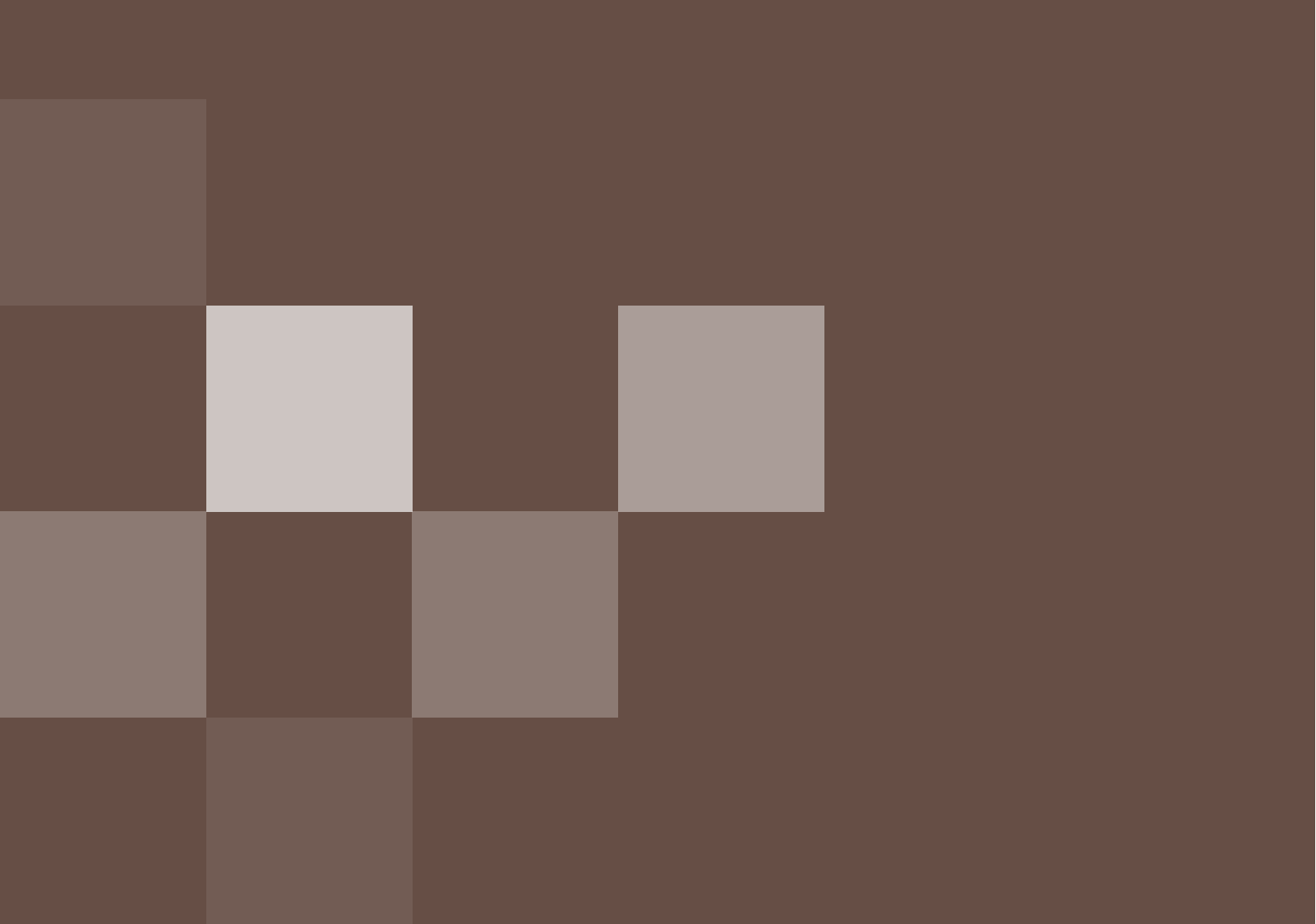
Aside from that, a candidate cannot be a person against whom a final and effective court decision (including a suspended sentence) has been pronounced consisting of a minimum of six months' imprisonment for the commitment of the criminal offences prescribed by the Criminal Code and stipulated in the Act.¹⁰

The Local Elections Act came into force in 2012, and there have been several amendments over the years, but no provisions prohibiting candidacy entered into law before 2016.

The Act on the Election of National Minority Councils and Representatives prescribes that a voter who is 18 years of age or older on the day of submission of the proposed list of candidates or nomination to the competent election commission, and who is registered in the electoral register as a member of a national minority that has the right to a council or a representative in the unit, and who is registered as a resident of the unit where the elections are being held, has the right to be elected as a national minority council member or representative. A candidate cannot be a person who is a police officer or employee in the Armed Forces, nor a person who is municipal prefect, mayor, county prefect or their deputy elected at the same time, in an electoral constituency.

10. Criminal offences stipulated in the Act are as follows: 1. murder (Article 90), aggravated murder (Article 91), kidnapping (Article 125 paragraph 3), treason (Article 135), acceding to occupation or capitulation (Article 136), assassination of highest state officials (Article 138), kidnapping of highest state officials (Article 139), violence against highest state officials (Article 140), disclosure of state secrets (Article 144), preventing resistance to the enemy (Article 147), serving in the enemy's army (Article 148), assisting the enemy (Article 149), undermining the military and defensive power of the state (Article 150), espionage (Article 146), damaging the reputation of the Republic of Croatia (Article 151), preparation of criminal offenses against the Republic of Croatia (Article 153), genocide (Article 156), war of aggression (Article 157), crimes against humanity (Article 157.a), war crimes against the civilian population (Article 158), war crimes against the wounded and sick (Article 159), war crime against prisoners of war (Article 160), unlawful killing and wounding the enemy (Article 161), unlawful taking of the belongings of those killed or wounded on the battlefield (Article 162), forbidden means of combat (Article 163 paragraph 2), brutal treatment of the wounded, sick and prisoners of war (Article 165), destruction of cultural objects or of facilities containing cultural objects (Article 167), international terrorism (Article 169), public incitement to terrorism (Article 169.a), recruitment and training for terrorism (Article 169.b), torture and other cruel, inhuman or degrading treatment (Article 176), trafficking in human beings and slavery (Article 175), rape (Article 188), sexual intercourse with a helpless person (Article 189 paragraphs 2, 3 and 4), sexual intercourse by abuse of position (Article 191 paragraph 2), sexual intercourse with a child (Article 192), lewd acts (Article 193 paragraph 2), satisfying lust in the presence of a child or a juvenile (Article 194), pandering (Article 195 paragraphs 1, 4, 5 and 6), abuse of children or juveniles in pornography (Article 196) and child pornography on a computer system or network (Article 197.a paragraph 1) from the Criminal Code (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11), 2. genocide (Article 88), crime of aggression (Article 89), crime against humanity (Article 90), war crime (Article 91), terrorism (Article 97), financing of terrorism (Article 98), public incitement to terrorism (Article 99), recruitment for terrorism (Article 100), training for terrorism (Article 101), terrorist association (Article 102), preparing criminal offences against values protected under international law (Article 103), torture and other cruel, inhuman or degrading treatment or punishment (Article 104), slavery (Article 105), trafficking in human beings (Article 106), trafficking in human body parts and human embryos (Article 107), murder (Article 110), aggravated murder (Article 111), kidnapping (Article 137 paragraph 3), rape (Article 153), serious criminal offences against sexual freedom (Article 154), sexual abuse of a child under the age of fifteen (Article 158), sexual abuse of a child over the age of fifteen (Article 159), satisfying lust in the presence of a child under the age of fifteen (Article 160), child pandering (Article 162), exploitation of children for pornography (Article 163), exploitation of children for pornographic performances (Article 164), serious criminal offence of child sexual abuse and exploitation (Article 166), coercion against a judicial official (Article 312), coercion against a public official (Article 314), high treason (Article 340), acceding to occupation and capitulation (Article 341), preventing the fight against enemies (Article 342), serving in the enemy's army (Article 343), assisting the enemy (Article 344), undermining the military and defensive powers of the state (Article 345), coercion against the most senior state officials of the Republic of Croatia (Article 346), disclosure of secret information (Article 347), espionage (Article 348), damaging the reputation of the Republic of Croatia (Article 349) and preparing the commission of criminal offences against the Republic of Croatia (Article 350) from the Criminal Code, 3. violation of the right to submit complaints and petitions (Article 112), abuse of office and official authority (Article 337), abuse in performing governmental duties (Article 338), illegal intercession (Article 343), accepting a bribe (Article 347) and offering a bribe (Article 348) from the Criminal Code (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11), committed with the intent and aim of acquiring pecuniary or other gain for oneself or a third person, 4. abuse of position and authority (Article 291), unlawful favouritism (Article 292), taking a bribe (Article 293), giving a bribe (Article 294), trading in influence (Article 295) and giving a bribe for trading in influence (Article 296) from the Criminal Code, committed with the intent and aim of acquiring pecuniary or other gain for oneself or a third person, 5. criminal offences not subject to the statute of limitations pursuant to the Constitution of the Republic of Croatia, in accordance with the Act on the Exemption from the Statute of Limitations of Criminal Offences of War Profiteering and Criminal Offences related to the Transformation and Privatisation Process (Official Gazette 57/11).

When it comes to passive suffrage, it is noticeable that the Republic of Croatia started to regulate this area in the middle of the 2010s by prohibiting candidacy to persons who have been sentenced for certain criminal offences – in 2015 with amendments to the Act on the Election of Representatives to the Croatian Parliament and in 2016 with amendments to the Local Election Act. Before that period not only could a candidate be a person sentenced for the criminal offences stipulated in these laws, but even today there are still laws where people sentenced for serious criminal offences can be candidates – even candidate for president of the Republic of Croatia or candidate for member of the European Parliament from the Republic of Croatia.



VI. CROATIAN ELECTIONS IN TIMES OF CRISIS AND NATURAL DISASTER

6.1. Organising elections in the aftermath of earthquakes

At the end of 2020, on 28 December and a few days that followed, three counties (Sisačko-moslavačka county, Zagrebačka county and Karlovačka county) were hit by several strong earthquakes. It was especially difficult in Sisačko-moslavačka county, where many buildings were destroyed and many people had to leave their homes and temporarily settle in cities and municipalities in other counties.

The strength of the earthquakes is vividly shown by the fact that in the territory of Sisačko-moslavačka county alone, 12 of 19 local units were affected – four cities and eight municipalities with about 116 000 inhabitants.

In May 2021 regular local elections had to be held. As the SEC starts preparations for elections a few months prior to election day, preparations for these local elections started early in that year.

Having in mind the difficult situation in Sisačko-moslavačka county, the SEC organised meetings with representatives of the Ministry of Justice and Administration. Problems that were discussed were: (1) the exercise of active suffrage by voters from Sisačko-moslavačka county who had to leave their homes due to the aftermath of earthquakes and (2) ensuring technical prerequisites in order to organise voting in the earthquake-affected area of Sisačko-moslavačka county.

6.1.1. Exercise of active suffrage

During meetings with representatives of the Ministry of Justice and Administration, several possibilities were discussed about the potential of voters from Sisačko-moslavačka county exercising their active suffrage outside the place of their permanent residence. As, according to the Local Elections Act, voters can vote only at polling stations determined on the basis of their permanent residence and any other solution would be against electoral law, the joint decision of the SEC and Ministry of Justice and Administration was to leave things as they were and focus on other issues in order to prepare polling stations for election day.

6.1.2. Determination of polling stations in the earthquake-affected area

Many of buildings in Sisačko-moslavačka county where polling stations were usually arranged were not safe or not in a condition to hold the elections on the election day. Without any delay, the SEC appointed a County Electoral Commission for Sisačko-moslavačka county which in turn appointed city and municipality election commissions in its area (hereinafter: lower-level election commissions). The SEC gave instructions to the lower-level election commissions to inspect the area under their jurisdiction and to determine at how many previous polling stations elections could be held and at how many it was not possible. Lower-level election commissions had to inform the SEC about the possibility of finding additional nearby locations for those polling stations where elections could not be held and for how many of them some other appropriate solution should be found. Already at that time it was obvious that additional solutions could be tents or containers. The conclusion of the lower-level election commissions was that appropriate solutions should be found for 26 polling stations in three cities and two municipalities.

6.1.3. Co-operation with relevant authorities

Notwithstanding that, according to the Local Elections Act, the conduct of local elections is under the competences of county, city and municipality election commissions, the SEC, by the same law, takes care of the lawful preparation and running of elections and supervises the work of county, city and municipality election commissions and elections generally.

Having that in mind, the SEC took an active role to help county, city and municipality election commissions in Sisačko-moslavačka county to organise elections in their earthquake-affected area.

The SEC organised several meetings with relevant authorities: the Civil Protection Unit for Eliminating the Consequences of the Disaster Caused by the Earthquake (hereinafter: Civil Protection Unit); Ministry of the Interior – Directorate of Civil Protection; the Croatian Institute for Public Health; the State Hydrometeorological Institute; and local authorities.

The Civil Protection Unit provided information about the number of inhabitants of Sisačko-moslavačka county that had to leave their permanent residence due to earthquake; about the cities and municipalities of their temporary residence; about the degree of damage to buildings where polling stations were regularly arranged; and so on.

The Ministry of the Interior – Directorate of Civil Protection provided a sufficient number of tents for polling stations that could not be set up in buildings; all technical and professional assistance to polling station committees regarding setting up the tents; electricity for polling stations situated in tents; assistance to the SEC, the county election commission of Sisačko-moslavačka county and lower-level election commissions before and during election day.

The Croatian Institute for Public Health provided professional assistance in preparing polling stations for epidemiological measures related to the pandemic caused by Covid-19 disease. A special instruction was issued jointly by the SEC and Croatian Institute for Public Health about compliance with epidemiological measures for the 2021 local elections generally, as well as about polling stations in Sisačko-moslavačka county, both those in buildings and those in tents.

In order to secure safe voting in polling stations in tents, the State Hydrometeorological Institute provided a weather forecast on a daily basis. As tents are not solid objects, it was necessary to plan the optimal number of Civil Protection Unit teams to be ready for prompt interventions at the polling stations in tents in case of bad weather.

Local authorities were at the disposal of the SEC and the election commission of Sisačko-moslavačka county and provided all technical, logistical and professional support in order to conduct local elections in earthquake-affected area.

Despite the demanding organisation of local elections in the earthquake-affected areas, thanks to extensive and timely preparations by the SEC and all other competent election commissions, including the significant contribution of state institutions and local authorities, the local elections in the earthquake area were conducted without major difficulties and without irregularities. All voters in the earthquake-affected areas who wanted to exercise their active suffrage were able to do so, which was the best indicator of the successful organisation of elections in the mentioned areas.

6.2. Organising elections in the aftermath of floods

The Republic of Croatia became a full member of the European Union on 1 June 2013, and the first regular elections of members of the European Parliament from the Republic of Croatia were held on 25 May 2014 (hereinafter: EU elections 2014).

The SEC had already started preparations for EU elections 2014 at the beginning of 2014. The President of the Republic of Croatia had taken the decision to call the EU elections at the end of March 2014, after which a candidacy period started.

Elections of members of the European Parliament from the Republic of Croatia are conducted across the whole territory, as well as out of country, and the whole country represents one constituency.

The law that prescribes conducting these elections is the Act on the Election of Members of the European Parliament from the Republic of Croatia. Besides the provisions of the Act itself, the SEC issued several obligatory instructions. According to all electoral laws, the SEC has the authority to issue obligatory instructions which are, in a way, bylaws that prescribe certain electoral procedures, forms or institutions that are not fully prescribed by electoral law itself or, in some cases when necessary, even fill legal gaps¹¹.

All election commissions and polling station committees were appointed and polling stations were fixed in accordance with the prescribed deadlines, and 10 days prior to election day, on 14 May 2014, the electoral register was closed and preparations began for issuing voter lists for every polling station.

It seemed that everything was prepared for conducting the first regular elections of members of the European Parliament from the Republic of Croatia. However, about 10 days prior to election day, some parts of the Republic of Croatia were affected by heavy rainfall that caused high water levels in several rivers close to Bosnia and Herzegovina. The rain ultimately led to floods, which hit particularly hard two counties – Vukovarsko-srijemska and Brodsko-posavska. A week before election day, the majority of inhabitants from the flooded area had to leave their homes or were evacuated.

6.2.1. Conducting elections in the flooded area

The SEC faced a situation in which it had to react quickly to enable all voters in the flooded area to vote. It contacted the county election commissions of Vukovarsko-srijemska county and Brodsko-posavska county (hereinafter: county election commissions), representatives of local authorities, the Ministry of Administration as the competent authority for the electoral register and all other public services that were somehow involved in organising support and assistance to the flooded area.¹² Representatives of the SEC visited the flooded area and had meetings with representatives of county election commissions and representatives of local authorities. Several meetings were also held with representatives of the Ministry of Administration at the headquarters of the SEC.

11. In this manner, at EU elections 2014, SEC issued obligatory instructions that prescribed electoral procedures and deadlines for each procedure; candidacy procedure; candidacy forms and other forms; voting at special polling stations; voting of voters with disabilities; about polling stations arrangements on the election day etc.

12. Support and assistance were provided by representatives of the Armed forces, police, Croatian mountain rescue service, Red Cross and volunteers.

6.2.2. Determination of polling stations at which voting could not be conducted

The first task was to identify those polling stations at which voting could not be conducted.

The county election commissions monitored the situation in their area on a daily basis. The situation in Brodsko-posavska county improved within a few days and the election commission of Brodsko-posavska county informed the SEC that elections could be held at all polling stations in the county.

However, the situation in Vukovarsko-srijemska county was still difficult. A few days before election day, on Thursday 22 May 2014, the election commission of Vukovarsko-srijemska county informed the SEC that there were three municipalities in which elections could not be held and that certain measures should be prepared in order to enable voters from those municipalities to vote.

6.2.3. Determination of voters who could not vote at their regular polling stations

After determining municipalities in which elections could not be held, the second task was to identify those voters who could not vote at their regular polling stations. There were two groups of such voters: (a) voters residing in municipalities in which elections could not be held due to floods and (b) voters residing in other cities and municipalities but who happened to be in the flooded area because they were providing support and assistance.

The problem with the first group of voters was that there was no record of their temporary residence; they were all over the country, and some of them even abroad, particularly in Bosnia and Herzegovina.

The problem with both groups of voters was that, due to the deadline prescribed by the Electoral Register Act, the electoral register was already closed, and they had no other option but to vote at their regular polling stations.

6.2.4. Determination of voting procedure

There was no possibility to carry out the procedures prescribed by the Electoral Register Act that would allow voters to vote other than at their regular polling stations, as the deadline for temporary registration and issue of certificates for voting outside the place of permanent residence was on 14 May 2014. However, the SEC had to come up with some other solution, in co-operation with the Ministry of Administration.

On one hand, the situation was that all voters should vote according to the extracts of voter lists issued after closing the electoral register, and on the other hand there was a situation that a certain number of voters could not vote at the polling stations where they were listed on the extract from the voter list due to *force majeure*.

After discussing all the possibilities, the SEC issued obligatory instructions that prescribed procedures of voting both for voters residing in municipalities in which elections could not be held due to floods and for voters residing in other cities and municipalities but who happened to be in the flooded area.

These obligatory instructions adjusted the possibility of issuing certificates for voting outside the place of permanent residence for all the above-mentioned voters. The certificates were issued *ex officio*. Whenever possible, certificates were delivered to voters and, if that was not the case, they were kept at the county election commission of Vukovarsko-srijemska county.

As extracts from voter lists had already been delivered to all polling stations, it was necessary to ensure that every voter residing in those municipalities in which elections could not be held could vote at any polling station that they went to on election day, either in the country or abroad. Also, it was necessary to ensure that all voters residing in other cities or municipalities but who happened to be in the flooded area could vote other than at their regular polling station. At the same time, for both types of voter it was necessary to ensure that they did not vote twice.

There were some differences in procedure in the case of certificates for voting outside the place of permanent residence, depending on whether it was delivered to the voter or not. If it was delivered, the voter had to leave the certificate with the polling station committee; if it was not delivered, the polling station committee had to follow a specially prescribed procedure in order to check that voter's active suffrage.

The procedure for obligatory communication with the related polling station committee (the relevant city/municipality/county election commission) and the county election commission of Vukovarsko-srijemska county was prescribed by the above-mentioned obligatory instructions, and in the end all voters that were unable to vote at their regular polling station managed to vote at some other polling station and there was no case recorded of denial of voting rights or multiple voting.

6.2.5. Voter identification

Polling station committees are obliged to verify the identity of each voter entering the polling station. The general rule is that a voter's identity can be verified by ID card, passport or any other public document with a photograph. As it was expected that some voters from the flooded area would not possess any such document, co-operation between the SEC and the Ministry of Internal Affairs enabled the issue of special certificates that could be used instead of ID cards. For those voters who had neither public document with photograph nor special certificate issued by the Ministry of Internal Affairs, their identity at a polling station was confirmed by two witnesses. The polling station committee had to write a minute about confirming voter's identity. This procedure was also prescribed by the SEC's obligatory instructions, as well as the form of the polling station committee's minute about confirming the voter's identity.

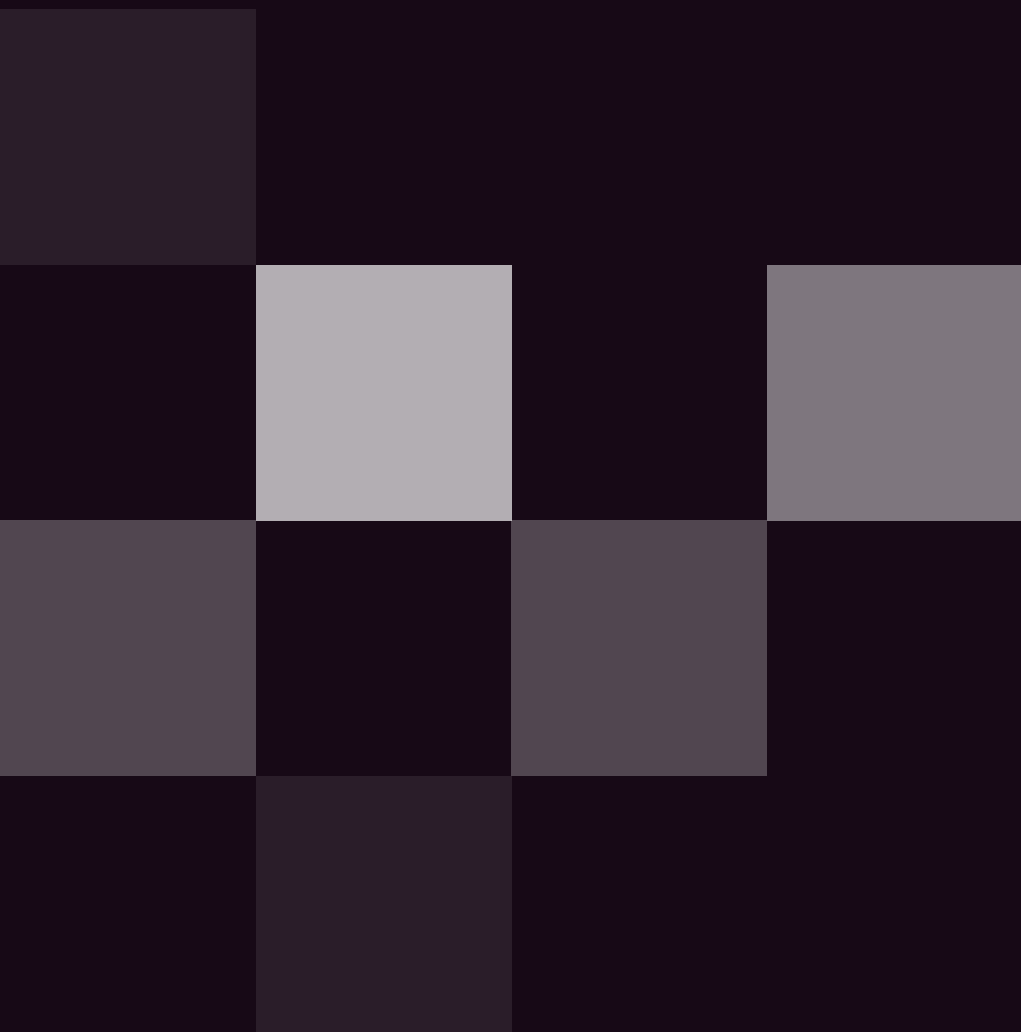
6.2.6. Media campaigns and informing stakeholders

In order to inform all stakeholders about the possibilities of exercising their active suffrage in the flooded area, or for voters who were providing support and assistance to the flooded area, the SEC issued special instructions to polling station committees, special announcements to voters and media representatives, and instructions to election participants regarding election campaign financing and the possibilities of financial support to flooded areas through their election campaigns¹³.

6.2.7. The outcome

After the SEC and lower-level election commissions were faced by the situation where, less than 10 days before election day, some areas were hit by natural disaster, it was necessary to take prompt action and ensure the lawful conduct of elections. It was necessary to have quick and successful co-operation with lower-level election bodies and other relevant state authorities. After determining the situation, the solution was found within existing institutions and provisions that had to be slightly adjusted to enable active suffrage for all voters from the flooded area, as well as voters residing in other cities and municipalities but who happened to be in the flooded area. Turnout of both groups of voters was not high, but the most important result was that every voter was able to exercise their active suffrage and, in the end, elections were successfully conducted.

13. At that time some election participants wanted to make donations to flooded areas and pass them off as election campaign costs. As this was not directly regulated by law, the State Electoral Commission issued instructions on how this should be done properly and legally.



CONCLUSION

The main principle that has been followed through the years by the SEC, as the highest election authority in the Republic of Croatia, and by lower-level election commissions as well, has been to ensure that every voter can exercise their right to vote.

This principle has faced many difficulties:

- ▶ during the period of peaceful reintegration of the Croatian Danube Region – with the high number of exiles and refugees, the security issues of conducting elections and the lack of legal provisions;
- ▶ during times of crisis and disaster – with the necessity of prompt reactions by election commissions at all levels and by all other stakeholders in the whole election process; and
- ▶ during peaceful years – prescribing and applying the right to vote anywhere that a voter turns out on election day.

The principle can be achieved only with an accurate, complete and transparent voter list. The methods of keeping the voter list and the methods of its application must ensure that each voter votes only once.

In order to put the principle into practice, it is necessary for legislators to adopt laws that would, at the least, cover all possible situations in peacetime and create tools that would give election commissions, especially the highest ones, the possibility to resolve deficiencies in the law. This can be done, as in the Republic of Croatia, by the use of obligatory instructions or electoral powers and institutions prescribed for similar situations in peaceful times and applying them in an appropriate way in times of crisis and natural disasters.

To achieve these goals it is necessary to have highly motivated, independent and trustworthy members of electoral bodies who will be able to take quick, lawful decisions on any situation which may occur in such a complicated process as elections are.

It is also advisable to ensure a prompt and accurate flow of information between electoral bodies using all means of communication that new technologies can provide.

Finally, it is necessary to have good co-operation and communication within election commissions, as well as with relevant state authorities and other stakeholders, including the international community. This includes also permanent open communication lines with the news media.

State Electoral Commission of the Republic of Croatia (SEC) has been conducting elections since the Republic of Croatia became an independent country in early 1990s till nowadays – firstly as an *ad hoc* authority that was assigned for a particular election, and then as a permanent and independent state authority.

During its work and apart from regular conduct of elections, SEC faced several challenges while conducting elections in post-war period and in times of crisis and natural disasters. Respective experience and lessons learned might be useful and valuable for election management bodies and election practitioners in other Council of Europe member States while elaborating solutions and mechanisms on tackling alike challenges in order to ensure voting rights for every voter in line with European electoral standards and good practices.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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