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COMMITTEE FOR CONSTITUTIONAL ISSUES

Number: 004-01/92-3/1

Draft Version

March 10, 1992

LAW ON ELECTIONS TO THE CHAMBER OF STATE

I. GENERAL PROVISIONS

Article 1

Delegates to the Chamber of State are elected on the basis of universal and equal suffrage in free and direct elections by secret ballot.

Article 2

Delegates are elected in constituencies.

Delegates are elected according to the principle that one delegate is elected by an approximately same number of inhabitants, and according to the principle that different political interests are proportionally represented in the Chamber of State.

The Italian and Hungarian minorities have the right to elect one delegate each to the Chamber of State.

Unless this law provides any special provisions on the election of delegates of the Italian and Hungarian minorities, the matter is for these elections regulated in the sense of provisions of this Law applying to other delegates.

Article 4

According to this Law due terms are irrespective of Sundays, state and other holidays.

Applications, due in term according to this law, should be submitted to authorized bodies.

Article 5

A public election campaign should finish at least 24 hours prior to the day of election.

Article 6

Costs for the holding of elections are funded by the budget of the Republic of Slovenia.

Article 7

All citizens of the Republic of Slovenia who have reached the age of eighteen years on the day of the election and have not been denied the capability of working have the right to elect and be elected a delegate.

A voter enjoys his/her right to vote in a constituency in which he has residential status.

Article 8

Members of the Italian and Hungarian minorities who are granted the right to vote have the right to elect and be elected a delegate of the Italian or Hungarian minorities.

Article 9

Voters vote in person. Nobody is allowed to vote through an authorized person.

Votes are given by secret ballot.

A person listed in the electoral register cannot be denied the right to vote, or prevented from voting.

Article 10

Freedom of choice and secrecy of voting must be granted to the voter.

Nobody can be called to account for his vote, or be requested to answer whether he/she voted, whom he/she voted for, or why he/she did not vote.

#### Article 11

The records of the right to vote are regulated by this Law.

### III. GENERAL ELECTIONS

#### Article 12

General elections to the Chamber of State are regular and irregular.

Regular elections take place every fourth year.

Irregular elections take place in the case that the Chamber of State is dissolved prior to the end of its four-year mandate.

#### Article 13

Regular elections are conducted not more than two months and at least fifteen days prior to the expiry of the four-year term from the first session of the former Chamber of State. In the case of a prolonged term of mandate the due term is the day on which the prolonged term of mandate expires.

Irregular elections are conducted at least two months after the Chamber of State has been dissolved.

The term of mandate of the former Chamber of State ends with the first session of the new Chamber of State. The first session of the new Chamber of the State is the session at which more than half of delegate mandates are confirmed.

#### Article 14

General elections are called by the President of the Republic.

Irregular elections are called by the President of the Republic through the act on dissolving of the Chamber of State.

The act on the calling of elections is published in the Official Gazette of the Republic of Slovenia.

#### Article 15

Regular elections are called not more than 135 days and at least 75 days prior to the expiry of the four-year term from the first session of the former Chamber of State.

The period from the day when elections are called to the election day should not last more than 90 days and not less than 60 days.

Irregular elections can be conducted at the earliest 40 days after the day when the elections were called.

## Article 16

The day of calling an election and the election day are regulated by the act on the calling of the election.

Terms for activities related to elections start on the day stated as the day of calling an election.

Sunday or any other non-working day is defined as the election day.

## IV. BY-ELECTIONS

## Article 17

If a delegate's mandate expires, he is replaced for the rest of the mandate by the candidate, from the same list of candidates, who would had been elected if the replaced delegate had not been elected. If the candidate fails to accept the mandate within eight days, the right is acquired by the next candidate on the list.

By-elections are conducted if there is no subsequent candidate on the list from the previous paragraph.

The provision from the previous paragraph is not applied if a delegate's mandate expired less than six months prior to the expiry of the mandate term of the Chamber of State.

By-elections are conducted in any case if the mandate expires for a minority delegate.

A delegate is elected in by-elections for the term until the mandate of the Chamber of State expires.

#### Article 18

By-elections are called by the President of the Republic at least fifteen days after the Chamber acknowledges the expiry of a mandate.

By-elections are conducted according to the provisions of this Law applying to general elections.

The candidate who wins the majority of votes is elected at by-elections.

#### V. CONSTITUENCIES

##### Article 19

Eleven constituencies (variant: eight) are formed for elections of the delegates to the Chamber of State. Each constituency votes for eight (variant: eleven) delegates.

Constituencies are formed according to the principle that one delegate should be elected from an approximately equal number of inhabitants.



(A variant to the second paragraph:

The number of electoral districts within a constituency corresponds to the number of delegates voted for in that constituency.

Note: Electoral districts would be formed according to the variant to the second paragraph in the case of each electoral district electing one delegate. This variant was elaborated in the first draft version in the chapter on nomination, in the chapter on voting and in the chapter on the establishment of electoral results. This variant will be elaborated also in other parts of the draft version if it wins support.)

Constituencies and electoral districts are regulated by this Law.

#### Article 20

Special constituencies are formed in the territories inhabited by the Italian and Hungarian minorities for elections of minority delegates.

### VI. ELECTORAL BODIES

#### Article 21

Elections of delegates are conducted by electoral boards and polling committees (hereinafter electoral bodies).

An electoral body has a president, members and their deputies. 9

Electoral boards are appointed every fourth year. Polling committees are appointed for each election separately.

#### Article 22

Members of electoral bodies and their deputies can only be persons who have the right to vote. A member of an electoral body cannot be a candidate at the elections. If a member of an electoral body stands as a candidate his duty as a member or deputy in this body expires. Nobody can be a member of more than one electoral body. Representatives and trustees from lists of candidates cannot be members of electoral bodies.

Duty in an electoral body is honorary. Members of electoral bodies must perform this thoroughly, responsibly and must abide by laws and other regulations, irrespective of any other instructions.

Members of electoral bodies and their deputies have, due to the work in an electoral body, the right to an appropriate substitute.

#### Article 23

An electoral body forms a quorum if all its members or their deputies are present. If in this way an electoral body lacks a quorum, any deputies can be present in place of the absent members. The president can be deputized only by his deputy.

An electoral body reaches decisions by majority votes of its members. (Variant addition: In case a decision is not reached due to an equal number of votes in favour of and against that decision, the vote of the president of an electoral body is decisive.) If an electoral body in due time fails to reach a decision needed for the holding of elections, the president of an electoral body should make the decision.

State bodies and bodies of local authorities must assist electoral bodies in their work and provide them with data needed for the work of electoral bodies, if required.

#### Article 24

Representatives of lists of candidates have the right to be present at the work of electoral boards, and to attend electoral activities. A representative cannot be a candidate. A representative of a list of candidates is appointed by the proposer of the list of candidates. Trustees of lists of candidates participate in the work of polling committees.

Representatives of lists of candidates have the right to warn the president of an electoral body of any irregularities.

#### Article 25

There are the following electoral boards:

- 1) state electoral board
- 2) constituency electoral boards

The district electoral board is appointed for the territory of an electoral district.

Special constituency electoral boards are appointed for the election of the Italian and Hungarian minority delegates.

#### Article 26

A president and five members constitute the state electoral board.

A president and three members constitute a constituency electoral board.

At least one minority member must take part in a constituency electoral board for election of minority delegates.

A president and three members constitute a district electoral board.

An electoral board has a secretary, who is appointed from the State Administration officials.

The secretary of the state electoral board is the chief of the board's professional service.

#### Article 27

The state electoral board and constituency electoral boards are appointed by the President of the Republic (a variant: Chamber of State).

Judges of the Supreme Court of the Republic of Slovenia are appointed as the president of the state electoral board and his/her deputy, and judges of other courts are appointed as presidents and their deputies of constituency and district electoral boards.

Two members and two deputies of the state electoral board are appointed from the legal profession. Three members of the state electoral board are appointed on the proposal of delegate clubs of three parties with the highest number of seats in the Chamber of State. Three deputies of the state electoral board are appointed on the proposal of delegate clubs of three parties with the next highest number of seats in the Chamber of State.

(A variant to the second and third paragraph: Three members and deputies of the state electoral board are appointed on the proposals of party groups, whereby the proportional representation of political parties must be taken into account.)

One member and one deputy of a constituency electoral board are appointed from the legal profession. Two members of a constituency electoral board are appointed on the proposals of delegate groups, whereby the proportional representation of political parties must be taken into account.

## Article 28

District electoral boards are appointed by the state electoral board.

## Article 29

If the mandate of the electoral board members expires in the period after the calling of elections, it should be prolonged until the end of elections.

## Article 30

The state electoral board:

- 1) monitors the lawful conduct of elections, lays down uniform application of the provisions of this law, which regulate the procedure,
- 2) coordinates the work of constituency electoral boards and district electoral boards, and provides expert advice on the application of this law, and supervises their work,
- 3) regulates the forms for the application of this law,
- 4) regulates uniform standards for voting materials and other physical conditions of election proceedings,
- 5) declares the results of elections to the Chamber of State,
- 6) issues electoral returns,
- 7) performs other duties regulated by this law.

The state electoral board regulates which official electoral papers should be sent to it by constituency electoral boards and

district electoral boards. It also regulates the due term and manner of sending.

The state electoral board can for some of its competences authorize a constituency electoral board for elections of minority delegates.

#### Article 31

A constituency electoral board:

- 1) monitors the lawful conduct of elections of delegates in a constituency,
- 2) states whether individual nominations and lists of candidates are in accordance with the law,
- 3) determines election results and declares which delegates were elected in a constituency, and issues reports on the outcome of elections,
- 4) performs other duties regulated by this law.

#### Article 32

A district electoral board:

- 1) designates polling stations,
- 2) appoints polling committees,
- 3) determines election results at polling stations,
- 4) supervises technical work related to elections,
- 5) performs other duties regulated by this law.

Duties from the previous paragraph can be performed by a special constituency electoral board when elections of delegates of the Italian or Hungarian minorities are in question.

#### Article 33

Polling committees directly supervise the voting at polling stations, and ensure regularity and secrecy of voting. At least one polling committee is appointed for one polling station.

A polling committee consists of a president and an even number of members, of which each has a deputy. Members of the polling committee must have residential status in the territory of the district electoral board. Parties should submit their proposals for the appointment of a president and members of a polling committee to the district electoral committee not later than ten days after the calling of elections.

### VII. NOMINATION

#### Article 34

Candidates can be proposed by political parties, other political organizations and voters.

#### Article 35

Political parties and other political organizations define candidates according to the procedure regulated by their regulations. The list of candidates is compiled by secret ballot.



Members of political parties or other political organizations, who have residential status in a constituency and the right to vote, define the list of candidates in a constituency. The list of candidates must be supported by signatures of at least thirty voters, who have residential status in the constituency.

(A variant to the second paragraph: Political parties and other political organizations can submit a list of candidates in every constituency, provided that these lists are supported by signatures of at least three delegates to the Chamber of State or at least five hundred voters. Signatures of delegates and voters must be submitted to the state electoral board. If a political party or any other political organization fails to receive such support, it is entitled to submit a list of candidates in a constituency, provided that the list is supported by at least one hundred voters who have residential status in the constituency.)

Two or more political parties can lodge a joint list of candidates.

#### Article 36

Political organizations of the Italian and the Hungarian minorities can register their candidates for a minority delegate in a special constituency irrespective of the conditions from the second (third in the variant) paragraph of the previous Article.

Voters define a list of candidates by signatures. A list of candidates in an individual constituency must be defined by at least a hundred voters who have residential status in the constituency.

A candidate for the Italian or Hungarian minority delegacy must be determined by at least thirty voters - members of the Italian or Hungarian minority.

## Article 38

A voter (in a variant: or a delegate) can give his support by signature only once.

A voter gives his/her support by signature on the prescribed form. The form is signed in person, before the authorized body keeping the records of the right to vote, or at the authorized local office.

The body from the previous paragraph keeps a special record of issued forms. The list of forms and data whom they were issued to, are an official secret. Only the authorized electoral board or court have the right of access to these data.

(An addendum to the second and third paragraph in the variant: A delegate gives his/her support by signature on the prescribed form, which is issued by the authorized service of the Chamber of State.)

The support by signatures can be given from the day determined for the beginning of electoral activities to the day determined for the submitting of lists of candidates.

#### Article 39

(An addendum in the variant: When lists of candidates are determined it has to be also stated in which constituency will each of the candidates from the list be nominated. A candidate can be nominated only in one constituency.)

#### Article 40

A list of candidates is submitted to the constituency electoral board. The proposal for the list of candidates must bear the designation of the constituency, the name of the proposer, the name of the list, personal data of candidates - name, surname, date of birth, profession and occupation, permanent address, as well as the name and permanent address of the representative of the list. Enclosed in the list must be written the consent of candidates, confirming that they agree with the nomination, and the minimum of forms with signatures of voters (Addendum in the variant: or delegates), according to this Law.

(A variant addendum to the previous paragraph: With the proposal for the lists of candidates must also be enclosed the allocation of the candidates from the list of candidates in constituencies.)

The list of candidates, submitted by a political party or any other political organization, must also enclose the minutes of the determination of the list of candidates, and the regulations of the political party or any other organization.

#### Article 41

The number of candidates on a list of candidates must not exceed the number of delegates to be elected in a constituency.

Each candidate can be nominated only in one constituency and from only one list of candidates.

The consent of a candidate is irrevocable.

### VIII. VERIFICATION OF LISTS OF CANDIDATES

#### Article 42

Lists of candidates are submitted to the authorized electoral board not later than twenty-five days prior to the election day.

The electoral board establishes that an individual candidate is not determined as a candidate on more than one list of candidates. Authorized electoral boards immediately forward data on lists of candidates to the state electoral board. The state electoral board establishes that an individual candidate is not nominated in more than one constituency. If the authorized

electoral board ascertains that an individual candidate has been determined as a candidate in more than one constituency, or on more than one list of candidates, then the valid nomination is the one determined first. The authorized electoral board immediately informs the candidate and the representative of the list of candidates of this.

#### Article 43

Immediately after lists of candidates are submitted to the authorized electoral board, it examines whether the lists of candidates have been compiled according to this Law, and whether they were submitted in due time.

#### Article 44

The authorized electoral board rejects the list of candidates if it ascertains that the list was not submitted in due time.

If the authorized electoral board ascertains formal shortcomings in an individual list of candidates, it immediately requires the proposer to make corrections within three days. If the formal shortcomings are not corrected in due time, the authorized electoral board rejects the list of candidates.

The authorized electoral board rejects a list of candidates if it ascertains that the list is not in accordance with this Law.

In cases from the previous two paragraphs the authorized electoral board can reject a list of candidates entirely or with regard to individual candidates.

#### Article 45

If a proposed list of candidates does not have any shortcomings, or if the shortcomings were corrected in due time, the authorized electoral board verifies the list of candidates.

The authorized electoral board issues a certificate of verification or rejection of a list of candidates at least eighteen days prior to the election day. The certificate is sent by the electoral board to the representative of the list of candidates.

#### Article 46

Verified lists of candidates are published at least fifteen days prior to the election day. The state electoral board is in charge of the publication.

#### Article 47

Public media are obliged to publish lists of candidates with data regulated by this Law.

The state electoral board determines the public media which should publish lists of candidates. Costs of publication are covered by the funds for the holding of elections.

## Article 48

The authorized electoral board compiles a list of verified lists of candidates in a constituency in an order decided by a draw (a variant: in the order of submitted proposals). The order on the ballot paper is identical to the order on the list.

## IX. VOTING AT POLLING STATIONS

## 1. THE ORGANIZATION AND WORK AT POLLING STATIONS

## Article 49

Polling stations are determined by the district electoral board.

Polling stations have serial numbers.

## Article 50

A special room is designated for the polling station. The room has to be organized in a manner ensuring secrecy of voting. The polling stations must be equipped in a manner preventing any observation of the voter completing a ballot paper.

A polling station is a building in which elections are conducted, the courtyard of that building and a specified space around the building.

Electoral boards in due time prepare for all polling stations<sup>32</sup> determined by them, the necessary number of ballot boxes, printed ballot papers and other voting materials.

Public notices with registers of lists of candidates or individual candidates who are voted upon must be posted in a polling station.

#### Article 51

Any sort of election campaign is prohibited on the premises of a polling station on the election day.

#### Article 52

The president and members of a polling committee gather a day prior to elections on the premises where elections will be conducted and ensure that the room is adequately arranged for the holding of elections and take over the necessary number of ballot boxes and ballot papers, the verified electoral register for the district of the polling station, verified public notices from Article 43 and anything else needed for the facilitation of voting at the polling station.

The president and members of a polling committee must take over the voting materials from the previous paragraph at least an hour prior to the beginning of voting.

The polling committee draws up minutes on the taking over of the polling station and voting materials from the first paragraph of



this article. The minutes must be signed by the president and a24 members of the polling committee.

#### Article 53

The president and members of a polling committee gather in the room where elections will be conducted at least half an hour prior to the beginning of voting, and check whether the room and voting materials are in the same condition as they were the day prior to elections. They check whether the ballot box is empty. Minutes on this are drawn up, and signed by the president and members of the polling committee.

## 2. VOTING

#### Article 54

Voting is conducted without interruptions from 7 a.m. to 7 p.m.. A polling station at which all voters enrolled in the electoral register have already voted can close prior to 7 p.m..

Electoral boards can, in agreement with the district electoral board, regulate that the voting begins before 7 p.m. or ends after 7 p.m., if that is needed to accommodate voters who could otherwise not vote.

Irrespective of the provision from the second paragraph of this Article, voting cannot begin before 4 a.m. and end after 11 p.m.

Voters who are absent on the election day can vote prior to that day, but not more than five days prior to the election day, and not later than two days prior to the election day. Voting is conducted at a special polling station at the headquarters of the district electoral board.

## Article 56

The district electoral board informs voters of the election day, and of the polling station at which they are enrolled in the electoral register.

## Article 57

A voter votes in person at the polling station at which he/she is enrolled in the electoral register.

Voting is indicated on a ballot paper.

A ballot paper for voting on the lists of candidates comprises:

- the designation of a constituency,
- serial numbers and names of lists of candidates according to the order from the register of lists of candidates, and a space for the inscription of the serial number (a variant: surname and forename) of the candidate from the list, for whom a voter casts his/her preferential vote,
- an instruction on the manner of voting.

(An addendum in a variant: A ballot paper for voting on a candidate in an electoral district comprises:

- the designation of a constituency,
- the designation of an electoral district,
- serial numbers, surnames and names of candidates, and names of lists of candidates on which candidates are nominated, in the order from the register of lists of candidates,
- an instruction on the manner of voting.)

A ballot paper for voting of candidates for a delegate of the Italian or Hungarian minorities comprises:

- the designation of a constituency,
- serial numbers, surnames and names of candidates, and names of proposers in the order from the register of candidates,
- an instruction on the manner of voting.

#### Article 58

A voter first tells his/her surname and given name, and if necessary, also his/her address. If needed, the president or a member of the polling committee can establish the identity of an individual by his personal document or in any other way. Identity can be established on the basis of any personal document which provides personal data of a voter. Thereupon the president or a member of the polling committee encircles the serial number alongside the name of the voter in the electoral register, and explains to the voter the manner of voting and hands him/her a ballot paper. If, by mistake, somebody is not enrolled in the electoral register, he/she votes on the basis of a certificate

issued by the authorized body, stating that the voter is enrolled as a voter in the district of the polling committee, in which he wishes to vote. This should be put into the minutes, and the certificate is added to the minutes.

#### Article 59

The polling committee cannot deny the right to vote to anybody, who is enrolled in the electoral register for that polling station, or to persons who have proven their eligibility with certificates. If a member of the polling committee has a remark related to individual voters, who want to vote, than such a remark should be put in the minutes. If a person whose name has already been encircled in the electoral register, wants to vote, then his/her surname, given name, occupation and address, and the person's possible statement, are put in the minutes. Such a person is denied the right to vote.

#### Article 60

When voting for lists of candidates, a voter may vote only for one list.

A voter votes by encircling the serial number alongside the name of the list for which he/she votes.

A voter can give his/her preferential vote to one of the candidates from the list for which he/she has voted. In this case a voter writes in a space on the ballot, provided for this purpose, the serial number (a variant: surname and name) of the

candidate from the list, to whom he/she has given the preferential vote.

(A variant in case of voting for delegates in an electoral district: A voter may vote only for one candidate. A voter votes by encircling the serial number alongside the surname and name of a candidate he/she chooses to vote for.)

#### Article 61

When voting for a delegate of the Italian or Hungarian minorities, a voter may vote only for one candidate. A voter votes by encircling the serial number alongside the surname and name of a candidate for whom he/she chooses to vote.

#### Article 62

When a voter casts his/her vote, he/she puts the ballot paper into the ballot box and leaves the polling station.

#### Article 63

Incomplete ballot papers and ballot papers on which it cannot be clearly determined which list of candidates or which candidate for the minority delegate the voter has selected are declared invalid.

A ballot paper is invalid also if the voter voted in a manner different to the regulations of the first and second paragraph of

Article 53 and 54, although it is clear which list of candidates or which candidate he/she voted for.

#### Article 64

All the members of the polling committee and their deputies have to be present all the time of voting.

Trustees of individual lists or candidates for minority delegates have the right to be present all the time of voting.

Names of trustees are given by a representative of a list of candidates or a candidate from the previous sentence to the district electoral committee at least five days prior to the election day. A trustee can only be a person enrolled in the electoral register in the territory of a constituency. The list of candidates or the candidate from the first sentence of this paragraph can have only one trustee in the polling station. The district electoral board issues a certificate to the trustee by which he/she identifies him/herself to the polling committee.

#### Article 65

The president of the polling committee, helped by the members of the committee, keeps peace and order in the polling station. If necessary, he can ask police to help him/her. When policemen are in the polling station, they are under his/her authority, and the voting is interrupted.

The president of the polling committee has the right to remove from the polling station anybody who disturbs peace and order. This is put into the minutes. The polling committee decides whether to remove a trustee.

Nobody is allowed to come to the polling station armed or with dangerous implements, with the exception of policemen in the case from the first paragraph of this Article.

The president of the polling committee can order voters to be allowed in only one by one or in small numbers, if that is needed to provide uninterrupted voting.

#### Article 66

A voter is entitled to be accompanied by a person who helps him/her to cast the vote and deliver the ballot, if he/she is not able to vote due to a physical disability or illiteracy. The polling committee decides in this matter and puts it into the minutes.

#### Article 67

Minutes should be taken on voting, and all important events taking place in the polling station should be written in them.

At the request of any member of the polling committee and any trustee individual circumstances, his/her special opinion and remarks on the minutes, have to be written in the minutes. The

minutes are signed by the president and members of the polling committee.

#### Article 68

Voters who are not in the area where they have residential status, because they are doing military service, can vote by mail in the constituency in which they have residential status.

Voters cannot be called up for military exercises on the election day.

People in care in retirement homes, who do not have residential status there, can also vote by mail.

Voting by mail is conducted one day prior to the election day.

#### Article 69

Voters, who are prevented by an illness from voting in person at the polling station, where they are enrolled in the electoral register, can vote in front of the polling committee at their homes. They should inform the district electoral board about such circumstances at least three days prior to the day of voting.

### 3. DETERMINATION OF ELECTION RESULTS IN THE POLLING STATIONS

#### Article 70



When voting is completed, the polling committee immediately starts to determine the election results. First unused ballot papers are counted, then they are put in a special box, which is afterwards sealed. Thereupon the committee ascertains, with the electoral register and certificates, the total number of voters, opens the ballot box, ascertains the number of delivered ballots, the number of invalid ballots, the number of votes given to each list and the number of preferential votes given to individuals on each list (the variant for voting in electoral districts: how many votes were given to an individual candidate).

#### Article 71

Minutes are taken on the determination of election results of the polling committee. The minutes comprise: the number of voters enrolled in the electoral register, the number of voters who voted with a certificate, and the total number of voters who voted by ballot papers, the number of invalid ballot papers, the number of votes given to each list, and the number of preferential votes given to individual candidates from lists of candidates (the variant for voting in electoral districts: the number of votes given to individual candidates).

Possible special opinions and remarks of the members of the polling committee and the trustees of lists of candidates should also be written in the minutes.

The minutes are signed by the president and the members of the polling committee.

## Article 72

The president of the polling committee declares the results of elections at the polling station, but not prior to 7 p.m..

The minutes on its work and other electoral materials should be sent to the district electoral board by the polling committee.

## X. DETERMINATION OF ELECTION RESULTS IN A CONSTITUENCY

## Article 73

The district electoral board determines for the region of its district: the number of voters enrolled in the electoral register, the number of voters who voted according to the electoral register, the number of voters who voted with certificates, the number of voters who voted by mail, the number of invalid ballot papers, the number of votes given to each list of candidates, the number of preferential votes given to individual candidates from the list (the variant for voting on individual candidates in electoral districts: the number of votes given to individual candidates). The electoral board determines the results of voting by mail, whereby it takes into account ballot papers received by mail until 12 noon on the day after the election day.

The district electoral board keeps minutes on the determination of election results for the electoral district. The minutes are signed by the president and the members of the electoral board.

The minutes are sent to the constituency electoral board by the district electoral board in the due term regulated by the state electoral board.

## Article 75

The constituency electoral board determines for each list of candidates:

- the total number of votes cast for a list in the constituency,
- the number of preferential votes given to individual candidates from the list,
- the number of voters, who voted for a list, and gave preferential votes to individual candidates from the list (the variant for voting on individual candidates in electoral districts: the number of votes given to individual candidates).

The electoral board also determines the total number of votes given to all lists of candidates in a constituency.

## Article 76

The number of mandates given to an individual list is determined by the quotient calculated by dividing the total number of votes given to all lists of candidates in a constituency by the number

of delegates voted for in a constituency, plus one. The quotient is calculated to four decimal places, plus one. The number of votes given to a list is divided by this quotient. The list is given the number of votes equal to how many times the quotient is contained in the number of votes for the list.

(The variant to the first paragraph: The number of mandates given to an individual list is determined by the quotient, which is calculated by dividing the total number of votes given to all lists of candidates in a constituency by the number of delegates voted for in a constituency. The quotient is calculated to four decimal places. The number of votes given to a list is divided by this quotient. The list is given the number of votes equal to how many times the quotient is contained in the number of votes for the list.)

#### Article 77

Mandates which were not assigned in constituencies, are assigned on the state level to the lists having the same name, which were submitted in two or more constituencies, and were assigned at least one mandate when mandates were distributed in a constituency. In the distribution of mandates, the quotients are taken into account, which are calculated by dividing the sums of votes, given to lists of candidates with the same name in all constituencies, by all numbers from one to the number of undivided mandates (d'Hondt system).

(variant to the first paragraph:

Mandates, which were not divided in constituencies, are divided on the state level. In the distribution of these mandates it should be first determined how many of all 88 mandates would be assigned to lists with the same name, in proportion to the number of votes given in all constituencies. This is determined on the basis of the quotients, which are calculated by dividing the sums of votes, given to lists with the same name in all constituencies, by all numbers from one to 88 (d'Hondt system). Lists of the same name, which would according to these quotients not be assigned at least three mandates, would not be taken into account on the state level of mandate distribution.)

Mandates not distributed in constituencies, are assigned to lists of the same name with the highest quotients from the previous paragraph in the order of highest quotients.

Mandates given to lists of the same name in the distribution on the state level, are assigned to lists in constituencies, which are left with the highest remainder of votes in proportion to the quotient in a constituency. If all mandates in a constituency are distributed, the mandate is assigned to the list in a constituency in which the list has the next highest remainder of votes in proportion to the quotient in a constituency.

#### Article 78

The number of elected candidates from the list is equal to the number of mandates assigned to the list.

Candidates from the list are elected in the order from the list except in the case when one or more candidates has been given a number of preferential votes exceeding the quotient between the number of votes given to a list and the number of candidates from the list. In the latter case, the candidates are first elected in the order according to the number of given preferential votes, and then according to the order in the list.

(Variants to the third paragraph:

1. variant:

Candidates from the list of candidates are elected according to the order from the list, except in the case when the majority of voters who voted for the list cast a preferential vote. In this case candidates are first elected according to the number of given preferential votes, if a candidate received at least 10% of all cast votes, and then candidates are elected according to the order from the list.

2. variant - for voting in electoral districts:

Candidates are elected from the list of candidates according to the order of the given share in the total number of votes in a constituency.)

If two candidates were given an equal number of votes, a draw decides on their election.

Article 79

The state electoral board determines the election results on the state level. It keeps the minutes, which are signed by the president and the members of the board.

#### Article 80

The electoral board of a special constituency for elections of delegates of the Italian and Hungarian minorities ascertains the number of voters enrolled in the electoral register, the number of voters who voted, the number of voters who voted by mail, the number of votes given to each candidate, and the number of invalid ballot papers.

#### Article 81

The candidate who receives the majority of votes in a constituency is elected as the delegate of the Italian or Hungarian minority. If two or more candidates are given an equal number of votes, a draw decides on their election. The draw is performed by the special constituency electoral board in the presence of candidates or their representatives.

The election results from the previous paragraph are determined by the special constituency electoral board, which keeps the minutes on that and on the work from the previous Article. The minutes are signed by the president and the members of the board. The minutes and other electoral materials are sent to the state electoral board by the special constituency electoral board.

#### Article 82

The results of the elections to the Chamber of State are published in the Official Gazette of the Republic of Slovenia.

#### Article 83

The state electoral board issues a certificate of election to the elected delegate.

### XI. ADDITIONAL AND REPEATED ELECTIONS

#### Article 84

Additional elections are conducted, if the voting was not carried out in a constituency or at an individual polling station on the day determined as the election day. Additional elections are called by the constituency electoral board. The sense of the provisions of this Law on general elections apply also to the additional elections. The latter must be conducted within 30 days of the day determined as the election day of general elections.

#### Article 85

If the authorized electoral board ascertains, that there were irregularities in voting at polling stations, which could affect the outcome of elections in a constituency, then the voting at individual or all polling stations may be nullified, and repeated elections are called in the extent of the nullified voting.



Repeated elections are conducted on the basis of the existing lists of candidates.

#### Article 86

Repeated elections are called by the constituency electoral board, but if the state electoral board has nullified the voting, then the elections are called by the state electoral board.

The election day of the repeated elections has to be stated in the act on the calling of elections. Repeated elections must be conducted within 15 days of the day when elections were called.

### XII. PROTECTION OF VOTING RIGHTS

#### Article 87

Each candidate or the representative of lists of candidates has the right, due to irregularities in the nomination procedure, to lodge a complaint with the constituency electoral board. The complaint must be lodged within the term due for the submission of lists of candidates.

The constituency electoral board must reach a decision on the complaint in the procedure of determining the lawfulness of lists of candidates, within 48 hours of the term due for the submission of lists of candidates.

#### Article 88

The state electoral board can nullify or change the resolution of the constituency electoral board, which was issued in the procedure of determining the lawfulness of a list of candidates, if it is found out that the resolution is irregular or contrary to the law. This should be done at the latest by the day determined for the publication of lists of candidates.

#### Article 89

A complaint can be lodged at the court authorized for contentious administrative matters, within 48 hours of the receipt of the decision, against the decision of the electoral board, by which the proposal of a list of candidates was rejected, against the decision of the electoral board from the second paragraph of Article 84, and against the decision of the state electoral board from Article 85.

The court has to reach a decision on the complaint within 48 hours of the receipt of the complaint. The court decides by a senate of three judges. The court decision is final.

The court decides through appropriate use of provisions of the Law on Contentious Administrative Matters.

#### Article 90

With regard to irregularities in the work of the polling committee and district electoral board in elections, each candidate, the representative of a list of candidates and each

voter has the right to lodge a complaint with the constituency electoral board.

A complaint must be lodged within three days of the election day. The constituency electoral board has to reach a decision on the complaint within 48 hours.

If a constituency electoral board establishes, on the basis of a complaint, such irregularities in the work of the polling committee, which considerably affect, or could affect, the election results, then it nullifies the voting at the polling station at which the voting was conducted by the polling committee in question, and decrees repeated elections in the extent, in which the voting was nullified.

If a constituency electoral board establishes, on the basis of a complaint, such irregularities in the work of the district electoral board, which considerably affect, or could affect, the election results, then it determines the election results in the district on its own.

#### Article 91

Each candidate or representative of a list of candidates has the right to lodge a complaint with the Chamber of State against the decision of the electoral board, which could affect the confirmation of delegates' mandates. The complaint must be lodged at least by the first session of the Chamber of State. A complaint related to additional or repeated elections must be lodged at the latest 15 days after the election day of additional

or repeated elections. The Chamber of State decides on the complaint when confirming delegates' mandates.

### XIII. SANCTIONS

### XIV. TEMPORARY AND FINAL REGULATIONS