

## **ACT AMENDING THE NATIONAL ASSEMBLY ELECTIONS ACT (Slovene abbreviation: ZVDZ-version C)**

### **Article 1**

In the National Assembly Elections Act (Official Gazette of the Republic of Slovenia, no. 109/06 – official consolidated version and 54/07 – decision by the Constitutional Court), article 5 is deleted.

### **Article 2**

In Article 17, a new paragraph 4 is added, as follows:

“The State Electoral Commission shall issue a decision on which candidate from paragraph 1 and/or paragraph 2 of this Article shall carry on the function for the remainder of the term of office of the National Assembly, or which candidate from Article 14 (2) of the Deputies Act (Official Gazette of the Republic of Slovenia, no. 112/05 – official consolidated version, 109/08, 39/11 and 48/12) shall perform the function during the period when a deputy performs the function of the Prime Minister, Minister or State Secretary, and shall inform the National Assembly accordingly.”

### **Article 3**

In Article 18 (3), the word “National” is inserted before the word “Assembly.”

### **Article 4**

Article 19 (4) is amended as follows:

“If two or more deputies are being elected in a constituency at a by-election, all candidates on the lists of candidates shall stand for election. Voters may only vote for as many candidates as there are deputies to be elected at the by-election in the constituency. The candidates with the majority of votes shall be elected.”

### **Article 5**

Article 25 is amended as follows:

“A member of an electoral body may not stand for elections at the same time, and may not act as a representative or a trustee of the list of candidates.

If a member of an electoral body accepts a candidacy, or is appointed representative or trustee of a list of candidates, his/her function as member of the electoral body shall be terminated.”

### **Article 6**

Paragraph 3 of Article 29 is deleted.

### **Article 7**

A new paragraph 3 is inserted in Article 30, as follows:

“The activities of electoral bodies may be observed by the organisations’ representatives who have obtained accreditation from the State Electoral Commission. Criteria, conditions and procedure for

accreditation shall be set by the State Electoral Commission.”

The present paragraph 3 becomes paragraph 4.

## **Article 8**

New paragraphs 5, 6 and 7 are inserted in Article 32, as follows:

“The National Assembly shall discharge the Chairman, Deputy Chairman, member or substitute member before the period for which he/she has been appointed has expired, upon the person’s own request, if his/her voting right has expired or if he/she has ceased to perform his/her duties as a judge. The National Assembly shall discharge a member or substitute member before the period of appointment expires in case of negligent performance of duties. The reasons for discharging can be put forward by the deputy group which proposed the member or substitute member for appointment to the National Assembly.

No appeal is possible against a decision by the National Assembly laid out in the previous paragraph.

The State Electoral Commission shall regulate its activities with its Rules of Procedure.”

## **Article 9**

In Article 35, new paragraphs 2 and 3 are added, as follows:

“The State Electoral Commission shall discharge the Chairman, Deputy Chairman, member or substitute member of the district electoral commission or the constituency electoral commission before the period for which he/she has been appointed has expired, upon the person’s own request, if his/her voting right has expired or if he/she has ceased to perform his/her duties as a judge. The State Electoral Commission shall discharge a member or substitute member of the district electoral commission or the constituency electoral commission before the period of appointment expires, due to negligent performance of duties or if he/she failed to act in line with the mandatory instructions from point 2 of Article 37 (1). The reasons for discharging for negligent performance of duties can be put forward by the deputy group or the political party which proposed the member or substitute member of the district electoral commission or the constituency electoral commission for appointment to the State Electoral Commission.

No appeal is possible against a decision by the State Electoral Commission laid out in the previous paragraph.”

## **Article 10**

Article 36 is amended as follows:

“An electoral commission shall have a secretary who may have a maximum of two deputies. The secretary and his/her deputies shall be appointed and discharged by the State Electoral Commission. The State Electoral Commission shall appoint the secretary and his/her deputies for a period of four years at the proposal of the Head of the Administrative Unit, from among civil servants performing administrative duties in the field of administrative interior affairs, or with experience in elections.

The State Electoral Commission may discharge a secretary or deputy secretary upon the person's request or if the person is no longer employed at the administrative unit. The State Electoral Commission shall discharge a secretary or deputy secretary due to negligent performance of duties or if he/she failed to act in line with the mandatory instructions from point 2 of Article 37 (1), before the period for which they were appointed, expires. The reasons for discharging may be proposed by the Head of the Administrative Unit, the chairman of the electoral commission or the director of the office of the State Electoral Commission.

No appeal is possible against the decision by the State Electoral Commission from the previous paragraph.”

## **Article 11**

In Article 37, paragraph 1 is amended as follows:

“The State Electoral Commission shall:

- 1) oversee the legality of the election and a uniform application of the provisions of this Act referring to electoral procedures,
- 2) co-ordinate the work of constituency electoral commissions and district electoral commissions, provide them mandatory instructions with regard to the implementation of this Act, and oversee their work,
- 3) regulate the printed forms for the implementation of this Act,
- 4) determine ballot papers, adapted to the needs of the disabled,
- 5) prescribe the criteria and procedure for obtaining accreditation for observing the elections,
- 6) determine uniform standards for voting material, the equipment of the polling stations and define other material conditions necessary for the implementation of electoral activities,
- 7) announce the results of National Assembly elections,
- 8) issue election certificates, a certificate on the performance of a function during the period when a deputy is performing the function of the Prime Minister, Minister or State Secretary, and a certificate on the performance of a function for the remainder of the term of the National Assembly,
- 9) determine, at the level of the State, which lists of candidates have received four or more per cent of votes cast for all the lists,
- 10) determine which candidates have been elected deputies, which candidate from Article 17 (1) and/or Article 17 (2) of this Act shall perform the function for the remainder of the term of the National Assembly, and which candidate from Article 14 (2) of the Deputies Act (Official Gazette of the Republic of Slovenia, no. 112/05 – official consolidated version, 109/08, 39/11 and 48/12) shall perform the function for the period when a deputy is performing the function of a Prime Minister, Minister or State Secretary,
- 11) monitors the implementation of voting at diplomatic and consular representative offices of the Republic of Slovenia,

12) organise training for the members of electoral bodies,

13) keep and manage a data base containing the voters' personal data needed for the implementation of Article 79.a (2), Article 81 (2 and 3), Article 82 (2) and Article 83 of this Act,

14) performs other tasks as stipulated by law.”.

A new paragraph 4 is added, as follows:

“For the purpose of point 13 of paragraph 1 of this Article, the State Electoral Commission shall collect the following personal data of voters: name and surname, date and place of birth, personal identification number – EMŠO, a decision by the competent body on the recognition of the status of a disabled person, residence data, e-mail address, phone number, data on the voting right on the day of the poll, data on the constituency and electoral district, and data on the method of exercising the voting right. In order to ascertain that data are accurate and up-to-date, personal data may be obtained through a directly from the registry of voting rights. Capturing and up-dating of personal data is carried out by the use of a personal identification number, or of a person's surname and date of birth. Personal data are kept until the full confirmation of deputies' terms of office and are deleted when the deadline expires, with the exception of personal data of disabled persons who regularly vote by mail – their data are kept until the notification from Article 81 (3) of this Act is withdrawn.”

The present paragraph 4 becomes paragraph 5.

## **Article 12**

Article 44 (3) is amended as follows: “Provisions of Article 43 (6 and 7) of this Act shall apply for the lists from this Article.”

## **Article 13**

Article 51 (1) is amended as follows:

“The list of candidates shall be submitted to the constituency electoral commission. The proposed list of candidates must bear the mark of the constituency, the name of the proposer, the name of the list, the personal data of the candidates – name, surname, date and place of birth, education level, occupation, expert or scientific title, the work he/she performs and permanent residence, as well as name, surname and permanent residence of the representative of the list. Attached to the list must be the written consent of the candidates, confirming that they accept the candidacy, and the minimum number of voters' signatures on the prescribed forms.”

## **Article 14**

In Article 54 (1), the words “the twenty-fifth day” are replaced by the words “thirty days.”

## **Article 15**

In Article 59 (1) the words “by the eighteenth day” are replaced by the words “twenty days.”

## **Article 16**

In Article 79 a, paragraph 1 is amended as follows: “The polling stations shall be made accessible to

the disabled.”

### **Article 17**

In Article 81, paragraphs 2 and 3 are amended as follows:

“Voters who are held on remand or imprisoned, hospitalised or in institutionalised care of a social security institution, may also vote by post, provided that they have notified the district electoral commission not later than ten days before the polling day. The same method of voting applies to the disabled who have notified the district electoral commission within the deadline prescribed in the previous sentence and have submitted a decision of a competent body on their recognised status as a disabled person.

Disabled persons may permanently vote by post if they have notified the State Electoral Commission and submitted a decision of a competent body on their recognised status as a disabled person. This notification shall apply until it is withdrawn. The first notification on permanent voting by post must be submitted within the deadline prescribed in the previous paragraph.”

### **Article 18**

Article 87 is amended as follows:

“The district electoral commission shall determine the following for the electoral district: the number of voters enrolled in the electoral register, the number of voters from the electoral register who voted, the number of voters who voted with certificates, the number of voters who voted by post, the number of invalid ballot papers, the number of votes given to individual candidates and the number of votes given to the individual lists of candidates.

In determining the results of voting by post, the electoral commission shall take into account the ballot papers which arrived by post at the district electoral commission by 7 pm on the polling day, the ballot papers which have arrived by post from the Republic of Slovenia by noon on the day following the polling day, and the ballot papers which have arrived by post from abroad by noon on the eighth day following the polling day.

The envelopes with the ballot papers which arrived by post at the competent electoral commission after 7 pm on the polling day shall have a postmark with the date, or must have documents attached testifying that the ballot paper was sent by post before 7 pm on the polling day.

The ballot papers which have arrived by post at the competent electoral commission after 7 pm on the polling day, and without displaying evidence testifying that they were sent by post before 7 pm on the polling day, shall be deemed invalid.”

### **Article 19**

Article 109 is amended as follows:

“Each candidate or representative of a list of candidates shall have the right to lodge an appeal with the National Assembly against the decision of the electoral commission and against the decision of the State Electoral Commission from Article 17 (4) of this Act, which could affect the confirmation of a deputy’s term of office.

An appeal against the decision of the electoral commission which could affect the confirmation of

the deputy's term of office may be lodged not later than by the first session of the Commission of the National Assembly for Public Office and Elections, when the said Commission examines the report on the results of National Assembly elections.

An appeal referring to a special or repeat election shall be lodged within 15 days of the day of the special or repeat election.

An appeal against a decision by the State Electoral Commission from Article 17 (4) of this Act may be lodged at the latest by the session of the Commission for Public Office and Elections where the decision on the replacement for the remainder of the National Assembly term is examined, or when a decision is made on a deputy replacing the deputy performing the function of a Primer Minister, Minister or State Secretary. The National Assembly shall decide on the appeal when confirming the deputies' terms of office.

The appeal from the previous paragraph shall be lodged in writing. It shall contain the name and surname of the person lodging the appeal, a statement that the person is eligible to lodge an appeal, the decision of the electoral commission the person is contesting, the name and surname of the deputy to which the decision of the electoral commission refers, as well as the related reasons and any supporting evidence."

## **Article 20**

Article 110 is amended as follows:

"The following offences shall be punishable by a fine of 300 EUR:

1. electioneering at a polling station (Article 65),
2. refusing to leave a polling station at the request of the chairman of the electoral committee after voting (Article 75),
3. disturbing peace and order at a polling station (Article 78).

The following offences shall be punishable by a fine of 600 EUR:

arriving at the polling station carrying weapons or dangerous implements in breach of Article 78, or ordering the armed forces to be present at the polling station or bringing them into the polling station without the authorisation of the chairman of the electoral committee.

The duties of the enforcement authority for offences from Articles 65 and 75, and Article 78 thereof shall be performed by the police."

## **TRANSITIONAL AND FINAL PROVISIONS**

### **Article 21**

The State Electoral Commission shall appoint secretaries and deputy secretaries of constituency electoral commissions and district electoral commissions in line with Article 36 (1), after the expiry of terms of the electoral commissions which have appointed the secretaries and deputy secretaries before the promulgation of this Act.

### **Article 22**

Article 79.a (1) shall become applicable on February 1, 2018. Until then, the provisions of Article

79.a (1) of the National Assembly Elections Act (Official Gazette of the Republic of Slovenia, no. 109/06 – official consolidated version in 54/07 – decision by the Constitutional Court) shall apply, with the exception of the provisions of the last sentence which refer to machine voting.

### **Article 23**

This act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

no. 004-03/17-1/19

Conducted inat Ljubljana, on the 20<sup>th</sup> day of April, 2017

EPA 1806-VII

National Assembly of the Republic of Slovenia

Primož Hainz

Deputy Speaker