



Report

Table discussions about the electoral process, June 28th, 2022.

“Better coordination of state institutions for better elections” &

“The electoral playing field and the position of actors”

DEMOCRACY; A MINIMAL CONSENSUS”

I Better coordination of state institutions for better elections, 10:00-11:30

At the working table entitled **“Better coordination of state institutions for better elections”**, the participants dealt with potential solutions, proposals and necessary steps to improve the coordination of state authorities involved in any way in the electoral process.

With a notion that fostering transparency of state institutions is a precondition for building trust in the work of election administration and all relevant institutions, several important topics and questions were underlined in the discussion:

- the possibility of establishing a coordination body that would enable state bodies to quickly and efficiently exchange information on the conduct of elections,
- the necessity of more efficient and transparent work of the prosecution,
- the issue of the efficiency of sanctions for inaction in accordance with the laws, procedures and regulations governing the electoral process,
- the issue of the efficiency of the existing process of collecting signatures for running in elections and certifying signatures,
- the issue of incompetence of members of public station committees and the problem of not-up-to-date Voters' Register, as well as the issue of voting rights and procedures abroad.

This report presents key recommendations from the working table, many of which will require further consideration.

Better coordination between state institutions is a necessary prerequisite for higher-quality elections

It was highlighted in the discussion that the practice so far has shown that the state institutions involved in the election process do not have efficient cooperation and communication, which resulted in some of the cases recorded during the election campaign remaining without an adequate reaction from the competent

authorities (such as the case of signature falsification for candidacy that was recorded before this year's elections).

In this sense, the recommendation, which refers to the need to establish a single coordinating body that will consider all aspects of the election process and enable intensive, timely and efficient exchange of information between state institutions, was evaluated as one of the solutions to this problem. However, attention was drawn to the potential risk of creating yet another body without clear authority, and it was concluded that it was necessary to precisely define the competences and purpose of this body in such a way that its scope of action does not overlap with the scope of action of existing bodies.

The prosecution must be more transparent and efficient in its work

At the working table, special attention was paid to the work of the prosecution. It was pointed out that it was necessary for the prosecution to be more proactive, efficient and transparent in its work. Several cases were quoted in which the reaction of the prosecution was absent or inadequate or untimely, or in which the prosecution was not sufficiently transparent in its work. In this regard, it was pointed out that the prosecution must have more intensive communication with the public, above all with the voters, to whom it must clearly present what is prohibited and what is a criminal offense – which would be a basic step in efforts to suppress and reduce the occurrence of irregularities and criminal acts in the context of the electoral process.

Establishing certainty of sanctions is much more important than making existing sanctions stricter

In the discussion about the prosecutor's office, the question of whether tightening the sanctions for failure to comply with the laws, procedures and regulations governing the election process would be efficient, assuming that the existing sanctions do not discourage those who abuse or act illegally.

As a conclusion, it was suggested that the so-called certainty of sanctions, i.e. consistency and continuity in imposing sanctions would be a much more efficient step than just tightening the existing sanctions. In support of this conclusion, it was pointed out that the absence of sanctions or selective sanctions could compromise the election process itself.

The existing way of collecting signatures for the candidacy leaves room for abuse. We should turn to new solutions

A large part of the discussion was dedicated to problematising the existing process of collecting signatures for the candidacy, as well as the process of certifying the collected signatures. Numerous possibilities of abuse were pointed out, which were particularly characteristic of the last (still unfinished) election cycle (for example, the phenomenon of “phantom lists”, a large number of signatures of persons who have passed away).

As one of the possible proposals for solving this problem, a way of collecting signatures was presented, according to which voters should no longer be limited to giving their signature in support of only one list or candidate, but could give their signature for several lists/candidates. As an argument for this solution, it was stated that such a system would ease the pressure on the voters, because many of the voters think that if they give their signature in support of a list/candidate, they must also vote for this list/candidate. In this regard, a proposal was made to limit the number of signatures required for candidacy, as it has been shown

that the incumbent parties intentionally collect a much larger number of signatures than the required number, thereby putting additional pressure on the electorate.

As a counter-argument to the proposed solution to allow voters to give their signatures in support of several lists/candidates, it was pointed out that this would possibly affect the inequality of the lists even more, because in practice, it would enable the creation of an even greater number of smaller parties that use the infrastructure of large parties.

During the discussion, the problem of signature certifying and the return of signature certifying competence to notaries were mentioned, where again numerous problems were emphasised, as well as the need to think about other possibilities for improving this aspect of the issue.

The professionalisation of the members of the polling station committees is a logical and necessary step

Participants to the working table also pointed to the problem of the inefficiency of the election administration, especially the problem of the incompetence of the members of polling station committees.

A recommendation was made that it was necessary to professionalise the members of the polling station committees and to introduce licensing for the performance of this role in the electoral process (especially for those who perform the function of president and deputy president of the polling station committees). Moreover, it was pointed out that the training of those who will be part of the election administration should be done between two election cycles, and not right before the election or during the election campaign. The question of the accountability of members of the polling station committees was also raised, and it was suggested that we should think about tightening the sanctions or introducing some restrictions so that citizens would more conscientiously perform this role, and political parties more responsibly nominate their members for polling station committees.

Within this topic, some innovative and alternative approaches to solving the problem of incompetence of polling station committees and lack of motivation of citizens to participate in the electoral process in this way were discussed: for example, the possibility was considered that members of polling station committees do not necessarily have to be members of political parties (“because it repels people”), but also the possibility to especially stimulate young people to participate in this way in creating better electoral conditions.

The Unified Voters' Register requires revision – a long process, but every journey begins with a single step

Participants in the discussion also emphasised the necessity of updating the Voters' Register in order to avoid potential abuses and the problem of “voting of deceased people” or sending notifications for voting to addresses where voters do not live. It was especially highlighted that a disorderly Voters' Register greatly compromise the electoral process and undermine citizens' trust.

Better coordination of state institutions will enable voters abroad to more easily exercise their rights

Participants suggested that better coordination of state institutions was necessary in terms of conducting elections abroad.

It was also suggested that the Ministry of Foreign Affairs should have a greater and a more important role in informing voters abroad and that it should connect voters with other state institutions. Also, one of the recommendations is that the conditions for opening polling stations abroad should be changed.

II The electoral playing field and the position of actors, 12:00-13.30

Within the second working table entitled “**The electoral playing field and the position of actors**”, the participants in the discussion focused on several important aspects that affect the equality of the “players in the election race”:

- more precise, unambiguous definition of public resources and public functions,
- financing of political parties,
- the efficiency of the work of the Anti-corruption Agency,
- the problem of humanitarian activities of political parties,
- the importance of the media and social networks for fair and democratic elections, and
- participation and position of national minorities, women and groups of citizens in the electoral process.

This report presents key recommendations from the working table, many of which will require further consideration.

Public resources and public functions

Although it was pointed out during the discussions that the recent changes in the law contributed to a clearer definition of public resources, it was also concluded that it was necessary to continue working on achieving an unambiguous definition of what exactly public resources and public functions signify, in order to detect abuses in a timely manner and to respond to them adequately and efficiently (the necessity of an authentic interpretation of these guidelines was also stressed). It was established that the advantage that public officials have is almost inevitable, but that it was necessary to specify when this advantage began to be undemocratic. Also, in order to ensure the equality of all participants in the election race, one of the recommendations is that it would be necessary to monitor the abuse of public resources and public functions outside the pre-election campaign.

Humanitarian activities of political parties

As a part of the discussion on the misuse of public resources, the issue of humanitarian activities of political parties was also opened. It was pointed out that these activities were frequent, but that they were not interpreted as misuse of public resources, as political parties explained that they financed such activities with the help of donations they received from their sympathisers.

In order to prevent potential abuses, it was recommended that it was necessary to review the possibility of prohibiting political parties from engaging in humanitarian activities.

Financing of political parties

Special attention was devoted to the budget allocation system, which was assessed as unequal, non-transparent and illogical. It was stressed that the system of distribution of public money was fundamentally wrongly defined, because the purpose and intention of the money allocated to political parties is not clear, and this distribution does not contribute to the equality of actors in the election race.

In this regard, one of the proposals is to limit campaign expenses – to determine minimum campaign expenses that all political parties should receive. Also, one of the mentioned suggestions is that we should think about changing the rule that money is allocated to political parties based on electoral success.

The effectiveness of the work of the Anti-Corruption Agency

During the discussion, it was pointed out that the work of the Agency was more efficient when it comes to acting within short deadlines in comparison to previous election cycles. Nevertheless, shortcomings in the work of this state institutions were also revealed. Special attention was directed to the fact that, in cases of reports of violations of the law, the Agency did not issue decisions stating that there was no violation of the law, but rather notices against which no legal remedy could be applied. The fact that the Agency does not publish its decisions on the website, which makes it non-transparent, was also highlighted as a drawback. Furthermore, there were cases when the Agency did not consistently interpret abuses of public functions and resources (“was more tolerant towards public officials”), and in some cases it was unclear on which grounds it made its decisions. For example, the case of decisions related to the use of social networks in public officials’ campaigning (promotion of public officials on private accounts) was presented. Attention was also drawn to the fact that the Agency's work is guided by statistics, that is, the number of reports, but not by whether the reported cases include those related to high-ranking corruption. It was concluded that the Agency had to be more proactive, up-to-date and transparent in its work.

The media

In the discussion, attention was turned to the importance of the media in the election process. The fact that the Regulatory Authority of Electronic Media (REM) has included for the first time recommendations made to the media on the prohibition of the privileged position of political parties and candidates was considered a positive change. Nonetheless, it was pointed out that it is not clearly defined what exactly a privileged position means – which is the main cause of inequality in representation. Attention was also drawn to the long deadlines for responses to objections received by this authority, as well as to the fact that REM must be more transparent in its work.

Social networks

In addition to the abovementioned problem of imprecise definition of public officials’ campaigning on social networks (unclear criteria by which the Anti-Corruption Agency makes decisions on such objections), the participants in the discussion also raised the issue of financing the promotion of political parties and candidates on social networks. The necessity to introduce monitoring of these activities was stressed, as well.

Furthermore, the issue of electoral silence, which does not apply to social networks, was opened. As a matter of fact, it is impossible to control and monitor activities on social networks. One of the proposals presented was that it should be considered whether the rule on election silence should exist at all if everything is not controlled.

Participation and position of national minorities, women and groups of citizens in the electoral process

The discussion also underlined the unequal position of national minorities in the electoral process, as the application of positive discrimination did not prove to be effective, while a potential solution leading to greater equality of national minorities could be the application of the principle of secure mandates.

In terms of gender equality and the electoral process, it was pointed up that there were far fewer female candidates in the electoral race, but also that the treatment of women who participate in any way in the electoral process (whether as candidates, members of polling station committees or any other way) was in many cases unequal and that women were exposed to pressure and discrimination.

Another opened issue was the status of groups of citizens in the election process, with special attention given to possible abuses as the role of groups of citizens in elections is not clearly defined.