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## **NATIONAL ASSEMBLY ELECTIONS ACT**

\*Zakon o volitvah v Državni zbor (Ur.l. RS, št. 44/92, 60/95,14/96– odločba US, 67/97– odločba US, 70/2000)

### **I. GENERAL PROVISIONS**

#### **Article 1**

Deputies of the National Assembly shall be elected on the basis of universal and equal suffrage in free and direct elections by secret ballot.

#### **Article 2**

Deputies shall be elected in constituencies.

Deputies shall be elected according to the principle that one deputy is elected per an approximately equal number of inhabitants, and according to the principle that political interests are represented proportionately in the National Assembly.

The Italian and Hungarian national communities shall each elect one deputy to the National Assembly.

#### **Article 3**

If no specific provisions are made in this Act, the election of deputies of the Italian and Hungarian national communities shall be regulated by the provisions of this Act applying to the elections of other deputies.

#### **Article 4**

According to this Act, due terms shall include Sundays and national and other holidays.

Applications, which are due in term according to this Act, shall be filed directly with the competent authorities.

#### **Article 5**

Public election campaigns must end at least 24 hours prior to Election Day.

#### **Article 6**

The costs of holding elections shall be covered from national budget of the republic of Slovenia.

### **II. VOTING RIGHT**

#### **Article 7**

Every citizen of the Republic of Slovenia who has reached the age of 18 by the Election Day and has not been declared legally incompetent shall have the right to vote and to be elected as a deputy.

Voters shall exercise the right to vote in the constituency of their permanent residence.

Voters without permanent residence in the Republic of Slovenia shall exercise the right to vote in the constituency of their - or one of their parent's - last permanent residence. If this cannot be ascertained, the voters themselves shall decide in which constituency and electoral district they shall exercise the voting right.

#### **Article 8**

Members of the Italian and Hungarian national communities who have the voting right shall have the right to vote and to be elected as deputies of these national communities.

#### **Article 9**

Voters shall vote in person. Nobody shall be allowed to vote by proxy.

A secret vote shall be conducted on ballot papers.

A person included in the electoral register may not have his voting right revoked or be prevented from voting.

#### **Article 10**

Freedom of choice and secrecy of voting must be guaranteed to voters.

Nobody may be called to account for his vote or be requested to answer whether he has voted, for whom he has voted, or why he has not voted.

#### **Article 11**

Records of the voting right shall be regulated by law.

### **III. GENERAL ELECTIONS**

#### **Article 12**

General elections to the National Assembly shall be regular and early elections.

Regular elections shall be held every four years.

Early elections shall be held in the event of the dissolution of the National Assembly prior to the end of its four-year term.

#### **Article 13**

Regular elections shall be held not earlier than two months and not later than 15 days before four years have passed since the first session of the outgoing National Assembly. In the event of a prolonged term, the due term shall be deemed to be the day on which the prolonged term expires.

Early elections shall be held not later than two months after the dissolution of the National Assembly.

The term of the outgoing National Assembly shall expire with the first session of the new National Assembly.

The first session of the new National Assembly shall be deemed to be the session at which more than one half of elected deputies are confirmed.

#### **Article 14**

The President of the Republic shall call general elections.

Early elections shall be called by the President of the Republic with the Dissolution of the National Assembly Act.

The Calling of Elections Act shall be published in the Uradni list Republike Slovenije (Official Gazette of the Republic of Slovenia).

#### **Article 15**

Regular elections shall be called not earlier than 135 days and not later than 75 days before four years have passed since the first session of the outgoing National Assembly.

The period between the day elections are called and the Election Day itself must not exceed 90 days or be less than 60 days.

Early elections may be held, at the earliest, 40 days after the day on which elections were called.

#### **Article 16**

The Calling of Elections Act shall determine the day on which elections are called and the Election Day.

The period for activities related to elections shall begin on the day determined as the day on which elections were called.

The Election Day shall be a Sunday or any other holiday.

### **IV. BY-ELECTIONS**

#### **Article 17**

A deputy whose term of office expires, unless he resigns within six months of the confirmation of his term of office, shall be replaced for the remainder of the term of office by the candidate from the same list of candidates who would have been elected had the deputy whose term of office has expired not been elected.

A deputy of the national community whose term of office expires shall be replaced for the remainder of the term of office by the candidate from the list of candidates who would have been elected had the deputy whose term of office has expired not been elected.

If a candidate from the first or second paragraphs of this Article fails to give notice that he accepts office within eight days, this right shall be transferred to the next candidate.

#### **Article 18**

If there are no candidates on the list referred to in the preceding article, a by-election shall be held.

By-elections shall also be held in the event of the termination of the term of office of a deputy referred to in the first paragraph of the preceding article due to his resignation within six months of the confirmation of the term of office.

By-elections shall not be held if a deputy's term of office expires less than six months prior to the termination of the term of the National Assembly, unless the National Assembly decides otherwise.

A deputy elected at by-elections shall be elected for a period lasting until the termination of the term of the National Assembly.

#### **Article 19**

The President of the Republic shall call by-elections not more than fifteen days after the National Assembly has ascertained the termination of a deputy's term of office.

By-elections shall be held in the constituency in which the deputy whose term of office has expired was elected.

At by-elections, the candidate with the majority of votes shall be elected.

If two or more deputies are being elected in a constituency at a by-election, all candidates on the lists of candidates in all electoral districts 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.

By-elections shall be held in accordance with the provisions of this Act, which regulate general elections, unless otherwise determined by this Article.

### **V. CONSTITUENCIES**

#### **Article 20**

Eight constituencies shall be formed for the election of deputies to the National Assembly. Eleven deputies shall be elected in each constituency.

Constituencies shall be formed according to the principle that one deputy is elected per an approximately equal number of inhabitants.

In the formation of constituencies and electoral districts, their geographical, common cultural and other characteristics must be taken into consideration.

Electoral districts may cover the area of a single municipality, two or more municipalities, or part of a municipality.

Each constituency shall be divided into eleven electoral districts, each with an approximately equal number of inhabitants. In each electoral district one deputy shall be elected.

For the election of deputies of the Italian or Hungarian national communities, special constituencies shall be formed in those areas in which these communities reside.

#### **Article 21**

Constituencies and electoral districts shall be determined by law.

### **VI. ELECTORAL BODIES**

#### **Article 22**

Elections of deputies shall be held and performed by electoral commissions and electoral committees (hereinafter: electoral bodies).

Electoral commissions shall be appointed for a period of four years and electoral committees for each election separately.

#### **Article 23**

Electoral commissions shall be:

- 1) the republic electoral commission;
- 2) the constituency electoral commission;
- 3) district electoral commissions.

For the election of deputies of the Italian and Hungarian national communities, electoral commissions for special constituencies shall be nominated.

#### **Article 24**

An electoral body shall have a chairman, members and their substitutes (hereinafter: members).

Only persons having the voting right may be members of electoral bodies.

No one may be a member of more than one electoral body.

#### **Article 25**

A member of an electoral body may not stand for elections at the same time.

If a member of an electoral body accepts a candidacy, his function as member of the electoral body shall be terminated in accordance with law.

Members of electoral bodies may not be representatives or trustees of the lists of candidates.

#### **Article 26**

Functions in an electoral body shall be honorary.

Members of electoral bodies must perform their functions conscientiously and responsibly, and act only in accordance with laws and other regulations, irrespective of any other instructions.

In respect of their work in the electoral body, members of electoral bodies shall have the right to adequate compensation.

#### **Article 27**

An electoral body shall have a quorum if all members or their substitutes are present.

An electoral body shall have a quorum if any substitute is present in place of an absent member. The chairman may only be substituted by his deputy.

#### **Article 28**

An electoral body shall decide by the majority of votes of all members.

In the event that a decision is not reached due to a parity of votes for and against, the chairman of the electoral body shall have the casting vote.

If an electoral body fails to reach, in due time, a decision vital for the holding of elections, the chairman of the electoral body shall decide.

#### **Article 29**

State bodies and local self government bodies must assist the electoral bodies in their work and provide them, at their request, with all the information needed for their work.

#### **Article 30**

Representatives of the lists of candidates may be present at the work of constituency electoral commissions and the republic electoral commission.

Trustees of the lists of candidates may be present at the work of electoral committees and district electoral commissions.

The representatives and trustees of the lists of candidates may inform the chairman of an electoral body of any irregularities.

#### **Article 31**

A representative of a list of candidates shall be appointed by the proposer of the list when he submits the list of candidates to the constituency electoral commission.

The names of the trustees of the list of candidates shall be reported by the representative of the list to the district electoral commission not later than five days before Election Day.

A representative or trustee of a list of candidates may not be a candidate.

The trustee of a list of candidates may only be a person whose voting right is registered in the area of the constituency.

### **Article 32**

The republic electoral commission shall be appointed by the National Assembly. The republic electoral commission shall have a chairman, five members and their substitutes.

The chairman and deputy chairman of the republic electoral commission shall be appointed from among the judges of the Supreme Court.

Two members and two substitutes of the republic electoral commission shall be appointed from among legal experts. Three members and members' substitutes of the republic electoral commission shall be appointed at the proposal of deputy groups whereby the proportional representation of political parties shall be taken into consideration.

### **Article 33**

Constituency electoral commissions shall be appointed by the republic electoral commission.

A constituency electoral commission shall have a chairman, three members and their substitutes.

The chairman and deputy chairman of the constituency electoral commission shall be appointed from among judges.

One member and one substitute of the constituency electoral commission shall be appointed from among legal experts. Two members and two substitutes of the constituency electoral commission shall be appointed at the proposal of deputy groups whereby the proportional representation of political parties shall be taken into consideration.

At least one member of the special constituency electoral commission for the election of a deputy of a national community must be a member of that national community.

### **Article 34**

District electoral commissions shall be appointed by the republic electoral commission.

A district electoral commission shall be appointed for the area of the electoral district.

A district electoral commission shall have a chairman, three members and their substitutes. The chairman of the district electoral commission shall be appointed from among judges and the deputy chairman from among other graduate lawyers.

Other members of the district electoral commission and their substitutes shall be appointed at the proposal of political parties whereby the proportional representation of the latter shall be taken into consideration. Representative bodies of local communities in the area of an electoral district may also propose the appointment of members of the district electoral commissions and their substitutes.

### **Article 35**

If the term of office of members of electoral commissions terminates during the period following the calling of elections, this term shall be prolonged until the end of the elections.

### **Article 36**

An electoral commission shall have a secretary, appointed from among civil servants.

The secretary of the republic electoral commission shall head the work of the commission.

### **Article 37**

The republic electoral commission shall:

- 1) provide for the legitimacy of the elections and the 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 expert advice on the application of this Act, and oversee their work;
- 3) regulate the printed forms for the application of this Act;
- 4) determine uniform standards for voting material and determine other material conditions for the conduct of activities related to elections;
- 5) announce the results of National Assembly elections;
- 6) issue election certificates;
- 7) perform other tasks determined by law.

The republic electoral commission shall determine which official electoral documents must be sent to it by the constituency electoral commission or the district electoral commission, and the due term and method of sending.

The republic electoral commission may transfer individual tasks from its jurisdiction to the special constituency electoral commission for the election of deputies of the national communities.

### **Article 38**

A constituency electoral commission shall:

- 1) provide for the legitimacy of the election of deputies in constituencies;
- 2) ascertain whether individual candidacies or lists of candidates are in accordance with the law;
- 3) determine the results of elections, declare which deputies have been elected in a constituency according to Article 90 of this Act, and issue reports on the election results;
- 4) oversee the direct technical work related to elections;
- 5) perform other tasks determined by law.

### **Article 39**

A district electoral commission shall:

- 1) designate polling stations and the areas thereof;
- 2) appoint electoral committees;
- 3) determine the results of elections in the electoral district;
- 4) oversee the direct technical work related to elections;
- 5) perform other tasks determined by law.

Tasks from the preceding paragraph related to the election of deputies of the Italian and Hungarian national communities shall be performed by a special constituency electoral commission.

#### **Article 40**

Electoral committees shall oversee voting at polling stations.

At least one electoral committee shall be appointed for each polling station.

#### **Article 41**

An electoral committee shall have a chairman, an even number of members and their substitutes.

The chairman and members of the electoral committee and their substitutes shall be appointed from among citizens who have permanent residence in the area of the electoral district.

Political parties may submit their proposals for the appointment of the chairman and members of an electoral committee and their substitutes to the district electoral commission not later than ten days after elections have been called.

### **VII. NOMINATION**

#### **Article 42**

Candidates may be nominated by political parties and by voters.

#### **Article 43**

A political party shall nominate candidates in accordance with the procedure determined by its regulations.

The list of candidates shall be determined by secret ballot.

A political party may submit a list of candidates in every constituency, provided its lists are supported by the signatures of at least three deputies of the National Assembly. The signatures of the deputies shall be submitted to the republic electoral commission on the prescribed printed forms.

A political party may submit a list of candidates in a constituency provided the list of candidates has been nominated by members of the political party who have the voting right and permanent residence in the constituency, and that the list of candidates is supported by the signatures of at least fifty voters who have permanent residence in the constituency.

A political party may also submit a list of candidates in a constituency if the list of candidates has not been nominated in the manner described in the preceding paragraph, provided the list of candidates is supported by the signatures of at least one hundred voters who have permanent residence in the constituency.

Two or more political parties may submit a joint list of candidates.

#### **Article 44**

Voters shall nominate a list of candidates by signature.

A list of candidates in a constituency may be nominated by the signature of at least one hundred voters who have permanent residence in the constituency.

#### **Article 45**

A candidate for deputy of the Italian or Hungarian national communities shall be nominated by the signatures of at least thirty voters who are members of the Italian or Hungarian national communities.

#### **Article 46**

Support by signature may be given from the day determined for the start of activities related to elections until the day determined for the submission of the lists of candidates.

A voter or deputy may give his support by signature only once.

#### **Article 47**

A voter shall give his support by signature on a prescribed form. He shall sign the form in person before the competent body, which keeps records of the voting right, or at the competent local office.

The body referred to in the preceding paragraph shall keep a special list of issued forms. The list of forms and data relating to whom they have been issued shall be an official secret. Only the competent electoral commission or court shall have the right of access to such data.

A deputy shall give his support by signature on a prescribed form issued by the competent service of the National Assembly.

#### **Article 48**

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

An individual may be a candidate in one constituency and on one list only.

#### **Article 49**

In determining a list of candidates it must also be decided in which electoral district an individual candidate from the list of candidates would stand.

Only one candidate from the list of candidates shall stand in an individual electoral district.

If there are not as many candidates on the list as there are deputies to be elected in a constituency, an individual candidate from such a list may stand in a maximum of two electoral districts.

If there is only one candidate on the list of candidates submitted by the voters, he shall stand in all electoral districts.

#### **Article 50**

The written consent of the candidate shall be required for each candidacy. The consent of the candidate shall be irrevocable.

#### **Article 51**

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 (full name, date and place of birth, profession trained for, occupation and permanent address), and the name and permanent address of the representative of the list. Enclosed with 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, as determined by this Act.

Enclosed with the proposed list must also be the distribution of the candidates on the list of candidates in electoral districts.

A list of candidates submitted by a political party must also include the minutes of the nomination of the list of candidates and the regulations of the political party.

#### **Article 52**

The name of the list of candidates submitted by a political party shall be the name of the political party. Part of the name of the list may also be an abbreviation or the initials of the name of the party. The symbol of the party may also be added to the name of the list.

If two or more political parties submit a joint list of candidates, they shall determine the name of the joint list, which must clearly show that it is the joint list of two or more political parties.

#### **Article 53**

The name of a list of candidates submitted by the voters shall be determined by the voters themselves. If no name is determined, the name of the list shall be deemed to be the name of the first candidate on the list.

#### **Article 53a**

The name of a list of candidates must not include the name of a foreign state, a foreign political party, or their symbols and the abbreviations they use.

### **VII. CONFIRMATION OF LISTS OF CANDIDATES**

#### **Article 54**

Lists of candidates shall be submitted to the constituency electoral commission not later than 25 days prior to Election Day.

Upon receipt of the list of candidates, the constituency electoral commission shall immediately ascertain whether the list of candidates was submitted in due time and whether it was nominated in accordance with this Act.

#### **Article 55**

The constituency electoral commission shall reject a list of candidates if it ascertains that the list was not submitted in due time.

#### **Article 56**

The constituency electoral commission shall reject a list of candidates if it ascertains that the list was not nominated in accordance with this Act.

If the constituency electoral commission ascertains formal shortcomings in a list of candidates, it shall immediately request that the proposer make corrections within three days. If the formal shortcomings are not corrected in due time, the electoral commission shall reject the list of candidates.

In the cases referred to in the preceding two paragraphs, the electoral commission shall reject a list of candidates entirely or with regard to individual candidates.

#### **Article 57**

If the constituency electoral commission ascertains that a candidate appears on two or more lists of candidates in the constituency, it shall accept as valid the candidacy that was first submitted, and inform the candidate and the representatives of the list of candidates of its decision.

Constituency electoral commissions shall send the information on the submitted lists of candidates to the republic electoral commission. If the republic electoral commission ascertains that a candidate appears on the lists in more than one constituency, it shall accept as valid the candidacy that was first submitted, and inform the constituency electoral commissions, the candidate and the representatives of the list of candidates of its decision.

#### **Article 58**

The constituency electoral commission shall confirm the list of candidates that was submitted in due time and was nominated in accordance with this Act.

#### **Article 59**

The constituency electoral commission shall issue a certificate of confirmation or rejection of a list of candidates at least 18 days prior to Election Day. The certificate shall be sent to the representative of the list of candidates.

#### **Article 60**

The constituency electoral commission shall draw up a roll of confirmed lists of candidates in the constituency in an order determined by lot.

The constituency electoral commission shall also draw up a roll of candidates for election in individual electoral districts. The order of the candidates on such a roll shall be the same as the order on the roll of confirmed lists of candidates.

#### **Article 61**

The rolls of confirmed lists of candidates and rolls of candidates for election in individual electoral districts shall be published in the media at least 15 days prior to

the Election Day. The republic electoral commission shall provide for their publication.

#### **Article 62**

The media shall be obliged to publish rolls of the lists of candidates with data determined by this Act.

The republic electoral commission shall determine the media, which shall publish the rolls of the lists of candidates. The costs of publication shall be covered from funds for the holding of elections.

### **IX. VOTING AT POLLING STATIONS**

#### 1. Organization and work at polling stations

#### **Article 63**

Polling stations shall be determined by the district electoral commission.

Polling stations shall have serial numbers.

#### **Article 64**

A special room shall be designated for each polling station. The room in which voting is conducted must be arranged in such a way as to ensure secrecy of voting. The polling stations must be equipped in such a way as to prevent anyone from observing a voter who is completing a ballot paper.

A polling station shall include the building in which voting is conducted, the courtyard of such a building and a specified space around the building.

Electoral commissions shall prepare, in due time and for all the polling stations determined by them, the appropriate number of ballot boxes, printed ballot papers and other voting material.

Notices must be put up at the polling station indicating the rolls of the lists of candidates for election.

#### **Article 65**

On Election Day, all forms of electioneering shall be prohibited on the premises of the polling station.

#### **Article 66**

The chairman and members of the electoral committee shall gather, one day prior to the elections, in the room where the elections are to be held, ensure that the room is adequately arranged for the execution of elections, and take receipt of the necessary number of ballot boxes and ballot papers, the verified electoral register for the area covered by the polling station, notices and any other material needed for the facilitation of voting at the polling station.

The chairman and members of the electoral committee may also receive the voting material referred to in the preceding paragraph at least half an hour prior to the commencement of voting.

The electoral committee shall draw up records on the polling station and the receipt of voting material from the first paragraph of this article. The records must be signed by the chairman and all members of the electoral committee.

#### **Article 67**

The chairman and members of the electoral committee shall gather in the room where elections are to be held at least half an hour prior to the commencement of voting, check whether the room is in the same condition as they left it on the day prior to elections and whether the voting material is in the same condition as they left it on the day prior to voting and, in particular, check whether the ballot box is empty. Records on this shall be drawn up and signed by the chairman and members of the electoral committee.

## 2. Voting

#### **Article 68**

Voting shall be conducted without interruption from 7 a.m. to 7 p.m. A polling station at which all voters enrolled in the electoral register have voted may close before 7 p.m.

Electoral committees may, in agreement with the district electoral commission, determine that the voting is to commence before 7 a.m. or to end after 7 p.m., if this is needed to accommodate voters who could not otherwise vote.

Notwithstanding the provision from the second paragraph of this Article, voting may not commence before 4 a.m. nor end after 11 p.m.

#### **Article 69**

Voters who will be absent on Election Day may vote prior to that day, but not earlier than five days and not later than two days prior to Election Day. Voting shall be conducted at a special polling station at the headquarters of the district electoral commission.

#### **Article 70**

The district electoral commission shall inform voters of Election Day and of the polling station for which they are enrolled in the electoral register.

#### **Article 71**

A voter shall vote in person at the polling station for which he is enrolled in the electoral register.

A voter shall first give his full name and, if necessary, his address.

The chairman or a member of the electoral committee shall ascertain the identity of a voter by his personal document or in any other way. Identity may be ascertained on the basis of any personal document, which provides personal data on the voter.

Thereupon the chairman or a member of the electoral committee shall encircle the serial number before the name of the voter on the electoral register, explain the manner of voting to the voter, and hand him a ballot paper.

If, by mistake, a voter is not enrolled in the electoral register, he may vote on the basis of a certificate issued by the competent body stating that he is enrolled as a voter in the area covered by the polling station at which he wishes to vote. This shall be entered in the records. The certificate shall be enclosed with the records.

#### **Article 72**

The electoral committee may not deny the right to vote to anyone who is enrolled in the electoral register for that polling station, or to persons who have proven their eligibility with a certificate.

If a member of the electoral committee wishes to record a comment related to individual voters who wish to vote, the comment shall be entered in the records.

If a person whose name has already been encircled on the electoral register wishes to vote, his full name and address and any statement shall be entered in the records, but the electoral committee shall not allow him to vote.

#### **Article 73**

Voting shall be conducted with a ballot paper.

A ballot paper for voting on candidates in electoral districts shall comprise:

- the mark of the constituency;
- the mark of the electoral district;
- the serial numbers and names of the lists of candidates in the order from the roll of lists of candidates, and the full names of the candidates standing for election in the electoral district;
- instructions on how to vote.

A voter may vote for only one candidate. A voter shall vote by encircling the serial number before the name of the candidate for whom he wishes to vote.

#### **Article 74**

A ballot paper for voting on candidates for deputy of the Italian or Hungarian national communities shall comprise:

- the mark of the constituency;
- the full names of the candidates in the order from the roll of candidates;
- instructions on how to vote.

A voter shall vote by indicating his preferential order of candidates in front of the names of the candidates, starting with number 1.

#### **Article 75**

When a voter casts his vote, he shall put the ballot paper into the ballot box and leave the polling station.

#### **Article 76**

Incomplete ballot papers and ballot papers on which it cannot be clearly determined, which candidate the voter has selected, shall be declared invalid.

A ballot paper shall be valid if the voter voted in a manner other than that specified by the provisions of Articles 73 and 74 hereof, provided it is clear which candidate he voted for.

#### **Article 77**

All members of the electoral committee or their deputies must be present during the entire period of voting.

Trustees of individual lists of candidates may be present for the entire period of voting.

A list of candidates may have only one trustee at the polling station. The district electoral commission shall issue a certificate to the trustee by which he shall identify himself to the electoral committee.

#### **Article 78**

The chairman of the electoral committee, assisted by the members of the committee, shall keep peace and order in the polling station. If necessary, he may call for the assistance of the police. When police officers are in the polling station they shall be under the authority of the chairman and members of the electoral committee and the voting shall be interrupted.

The chairman of the electoral committee may remove from the polling station anyone who disturbs the peace and order. Such an event shall be entered in the records. The electoral committee may decide to remove a trustee.

No one shall be allowed to enter the polling station bearing arms or dangerous implements, with the exception of policemen in the case from the first paragraph of this Article.

The chairman of the electoral committee may order voters to be allowed in only in small numbers or one by one, if this is necessary to ensure uninterrupted voting.

#### **Article 79**

If a voter, due to a physical disability or illiteracy, is not able to vote in the manner determined by this Act, he shall have the right to be accompanied by a person who shall help him to cast his vote or deliver the ballot paper. The decision on this shall be made by the electoral committee and entered in the records.

#### **Article 80**

Records shall be kept on voting, and all the important events occurring in the polling station shall be written therein.

At the request of any member of the electoral committee or any trustee, individual circumstances, his particular opinion and remarks on the records shall be entered in the records. The records shall be signed by the chairman and members of the electoral committee.

#### **Article 81**

Voters may not be called up for military exercises on Election Day.

Voters, who, on the day of the election, are not in the town where they have permanent residence because they are doing military service, may vote by post in the constituency in which they have permanent residence.

People in care in retirement homes who do not have permanent residence there, and voters who are hospitalized, may also vote by post, provided that they have notified the district electoral commission or the constituency electoral commission not later than seven days prior to Election Day.

Voting by post shall be conducted before the day determined as Election Day.

### **Article 82**

Voters, who are abroad on Election Day because they have temporary or permanent residence there, may vote by post or through a diplomatic consular representative body of the Republic of Slovenia, provided that they have notified the republic electoral commission not later than thirty days prior to Election Day, and that the country in which they are residing approves of such voting or that it is authorized by an international agreement.

The ballot paper shall only be accepted if a voter casting his vote by post also encloses a voting card in the envelope verified by a diplomatic consular representative body of the Republic of Slovenia or a body of the state in which he is temporarily or permanently residing.

The provisions valid for elections in Slovenia shall be applied accordingly for voting by post from abroad or through diplomatic consular representative bodies of the Republic of Slovenia.

### **Article 83**

Voters, who, for reason of illness, cannot go in person to the polling station where they are enrolled in the electoral register, may vote in their homes before an electoral committee.

They must notify the district electoral commission about this not later than three days prior to Election Day.

### **3. Determination of election results in a polling station**

### **Article 84**

When voting is completed, the electoral committee shall immediately begin to determine the election results.

First, unused ballot papers shall be counted and put in a special envelope, which is then sealed. Thereupon the electoral committee shall determine, using the electoral register and the certificates, the total number of voters who cast their votes; then it shall open the ballot box and determine the number of delivered ballot papers, the number of invalid ballot papers and the number of votes given to individual candidates.

For the election of deputies of a national community, the electoral committee shall determine the preferential order of the candidates.

#### **Article 85**

Records shall be kept on the work of the electoral committee in determining the election results. The records shall comprise: the number of voters in the area covered by the polling station enrolled in the electoral register; the number of voters enrolled in the electoral register who voted; the number of voters who voted with a certificate; the total number of voters who voted by ballot paper; the number of invalid ballot papers; and the number of votes given to individual candidates.

In the case referred to in the second paragraph of the preceding Article, the preferential order of candidates shall be written in the records.

Any special opinions and remarks by members of the electoral committee and the trustees of lists of candidates shall also be written in the records.

The records shall be signed by the chairman and members of the electoral committee.

#### **Article 86**

The chairman of the electoral committee shall announce the results of the elections at the polling station, but not before 7 p.m.

The electoral committee shall send the records on its work and other electoral material to the district electoral commission.

### **X. DETERMINATION OF ELECTION RESULTS IN A CONSTITUENCY**

#### **Article 87**

The district electoral commission shall determine 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 share of votes of individual candidates in the overall number of votes cast in the electoral district. The electoral commission shall also determine the results of postal votes, by taking in consideration the ballot papers, which arrived by post until 12 a. m. on the day after the Election Day.

(see note (1) at the end of this Act)

#### **Article 88**

The district electoral commission shall keep records on the determination of election results for the area of the electoral district, which shall be signed by the chairman and members of the district electoral commission.

The district electoral commission shall send the records on their work and other voting material to the constituency electoral commission by a due term determined by the republic electoral commission.

#### **Article 89**

The constituency electoral commission shall determine, for each list of candidates: the total number of votes cast for individual candidates from the list in electoral districts; the share of votes of individual candidates in the overall number of votes cast in the electoral district; and the total number of votes given to the list in the constituency.

If a candidate from a list of candidates has received votes in two electoral districts, the constituency electoral commission shall determine his share of votes in the overall number of votes cast in both electoral districts.

The electoral commission shall also determine the total number of votes cast for all lists of candidates in a constituency.

#### **Article 90**

The number of seats given to an individual list shall be determined by a quotient calculated by dividing the total number of votes given to all the lists of candidates in a constituency by the number of deputies elected in the constituency. The number of votes given to a list shall be divided by this quotient. The list shall be given the number of seats equal to the number of times the quotient divides into the number of votes for the list.

(see note (2) at the end of this Act)

#### **Article 91**

For each list of candidates, the number of candidates elected shall be equal to the number of seats given to the list.

Candidates from a list of candidates shall be elected according to their share of votes in the overall number of votes in an electoral district or in the overall number of votes in two electoral districts.

If two candidates received the same number of votes, lots shall be drawn.

#### **Article 92**

Seats, which were not distributed to the constituencies in the manner described in the preceding Article, shall be distributed at the national level on the basis of remaining votes, given to lists having the same nomination, in two or more constituencies.

For the distribution of these seats it shall first be determined how many of all 88 seats would be assigned to lists having the same nomination, in proportion to the number of votes given in all constituencies. This shall be determined on the basis of the highest quotients, which shall be calculated by dividing the sums of votes, given to lists having the same nomination, in all constituencies by all numbers from 1 to 88 (the d'Hondt system).

Lists having the same nomination, to which, according to the quotients referred to in the preceding paragraph, would have not been assigned at least three seats, shall not be taken into account in the distribution of seats at the national level.

The remainder of votes of lists having the same nomination, accounted for in the distribution of seats at the national level, shall be added up and divided by all numbers from one to the number of undistributed seats (the d'Hondt system). Seats shall be given to the lists having the same nomination with the highest quotients.

(see note (2) at the end of this Act)

### **Article 93**

Seats, given to lists having the same nomination in distribution at the national level, shall be assigned to lists in the constituencies that are left with the highest remainder of votes in proportion to the quotient in the constituency according to Article 90 hereof. If all seats in a constituency are distributed, the seat shall be assigned to the list in a constituency in which the list has the next highest remainder of votes in proportion to the quotient in the constituency. Candidates from the lists of candidates shall be elected in accordance with Article 91 hereof.

Notwithstanding the provision of the preceding paragraph, not more than half the seats received by the lists having the same nomination through distribution at the national level shall be assigned to the candidates from these lists in the order determined by the proposer in accordance with the first paragraph of Article 43 hereof, and shall be submitted to the republic electoral commission by a due term as determined in Article 54 hereof.

(see note (2) at the end of this Act)

### **Article 94**

The results of elections in the constituencies shall be determined by the constituency electoral commission. It shall enter them and its work in the records, which shall be signed by the chairman and the members of the commission. The records and other voting material shall be sent to the republic electoral commission.

The republic electoral commission shall determine the results of elections at the national level. It shall enter them in the records, which shall be signed by the chairman and members of the commission.

### **Article 95**

The electoral commission of the special constituency for the election of deputies of the Italian or Hungarian national communities shall ascertain the number of voters enrolled in the electoral register, the number of voters who voted, the number of voters who voted by post, the number of invalid ballot papers, and the preferential order of candidates.

Points shall be assigned to candidates according to orders of preference. For each first place the candidate shall receive as many points as there were candidates on the ballot paper, and for each successive place a point less. The points of each candidate shall be totaled.

### **Article 96**

The candidate who received the majority of votes in a constituency shall be elected as the deputy of the Italian or Hungarian national communities. If two or more candidates receive an equal number of votes, lots shall be drawn. The draw shall be performed by the special constituency electoral commission, in the presence of the candidates or their representatives.

The election results from the preceding paragraph shall be determined by the special constituency electoral commission. It shall enter them and its work in the records,

which shall be signed by the chairman and members of the commission. The records and other voting material shall be sent to the republic electoral commission.

#### **Article 97**

The results of elections to the National Assembly shall be published in the Uradni list Republike Slovenije (Official Gazette of the Republic of Slovenia).

#### **Article 98**

The republic electoral commission shall issue an election certificate to the elected deputy.

### **XI. SPECIAL AND REPEAT ELECTIONS**

#### **Article 99**

Special elections shall be held if the voting was not carried out in a constituency or at an individual polling station on the day determined as Election Day. Special elections shall be called by the constituency electoral commission. The provisions of this Act applying to general elections shall also apply accordingly to special elections, which must be held within 30 days of the day determined for voting on general elections.

#### **Article 100**

Repeat elections shall be held if the competent electoral commission, due to irregularities which could affect the results of elections, nullifies the voting at the polling station and decrees repeat elections.

Repeat elections shall be called by the constituency electoral commission, unless the voting was nullified by the republic electoral commission, in which case the elections shall be called by the republic electoral commission.

#### **Article 101**

Repeat elections shall also be held if, in the event of a complaint, the National Assembly or the Constitutional Court does not confirm a deputy's term of office and the republic electoral commission establishes that repeat elections must be held for this reason.

Repeat elections in the case referred to in the preceding paragraph shall be called by the republic electoral commission.

#### **Article 102**

The Election Day for repeat elections shall be determined in the Calling of Elections Act.

Repeat elections on the basis of existing candidacies shall be held within 15 days of the day elections are called. Repeat elections on the basis of new candidacies shall be held not later than two months after the day the elections are called.

### **XXI. PROTECTION OF THE VOTING RIGHT**

#### **Article 103**

In the event of irregularities in the nomination procedure, each candidate or representative of lists of candidates shall have the right to lodge an appeal with the constituency electoral commission. The appeal may be lodged by the due term for the submission of the list of candidates.

The constituency electoral commission must reach a decision on the appeal, in accordance with the procedure for determining the legitimacy of lists of candidates, within 48 hours from the due term for the submission of lists of candidates.

#### **Article 104**

The republic electoral commission may nullify or change the decision of the constituency electoral commission issued in accordance with the procedure for confirming the lists of candidates, if it ascertains that the decision is irregular or in breach of the law, at the latest by the day determined for the announcement of lists of candidates.

#### **Article 105**

An appeal against a decision of the electoral commission by which a list of candidates is rejected, against a decision of the electoral commission referred to in the second paragraph of Article 103 hereof and against a decision of the republic electoral commission referred to in the preceding Article may be lodged at the court, competent to deal with contentious administrative matters, within 48 hours of announcement of the decision.

The court must reach a decision on the appeal within 48 hours of the lodging thereof.

The court shall reach a decision within a senate of three judges.

The court shall reach a decision on the basis of the appropriate application of the provisions of the Administrative Disputes Act.

#### **Article 106**

With regard to irregularities in the work of the electoral committee or the district electoral commission at elections, each candidate, each representative of a list of candidates and each voter shall have the right to lodge an appeal with the constituency electoral commission.

An appeal may be lodged within three days from the Election Day. The constituency electoral commission must reach a decision on the appeal within 48 hours.

#### **Article 107**

If a constituency electoral commission ascertains such irregularities of the voting at a polling station or of the work of an electoral committee which considerably affected or could affect the result of the election, it shall nullify the voting at the polling station and decree repeat elections to the extent to which the voting was nullified.

If a constituency electoral commission ascertains such irregularities at the work of the district electoral commission, which considerably affected or could affect the results of the election, it shall determine the results of the election in the electoral district by itself.

## **Article 108**

If the republic electoral commission ascertains such irregularities at the work of a constituency electoral commission, which considerably affected or could affect the results of the election, it shall determine the results of the election in the constituency by itself.

## **Article 109**

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 an electoral commission which could affect the confirmation of a deputy's term of office. The appeal may be lodged by the first session of the National Assembly at the latest. An appeal related to special or repeat elections may be lodged within 15 days of the day of special or repeat elections at the latest. The National Assembly shall decide on the appeal when confirming deputies' terms of office.

## **XII. PENAL PROVISIONS**

### **Article 110**

The following offences shall be punishable by a fine of at least SIT 20,000:

1. Acting in breach of Article 5 hereof;
2. Electioneering at a polling station (Article 65);
3. Refusing to leave a polling station at the request of the chairman of the electoral committee after voting (Article 75);
4. Disturbing the peace at a polling station (Article 78).

The following offences shall be punishable by a fine of at least SIT 40,000 or up to 30 days' imprisonment: arriving at the polling station bearing arms or dangerous implements in breach of Article 78 hereof, or ordering the armed forces to be present at the polling station or bringing them into the polling station without the authorization of the chairman of the electoral committee.

## **XIV. TRANSITIONAL AND FINAL PROVISIONS**

### **Article 111**

In the first elections to the National Assembly, political parties may submit lists of candidates in every constituency, provided the lists of candidates are supported by the signatures of at least three delegates of the chambers of the Assembly of the Republic of Slovenia.

### **Article 112**

On the day this Act enters into force, the Assembly Elections Act (Ur. l. SRS št. 42/89 in 5/90, Ur. l. RS št. 10/90, 45/90) shall cease to apply, with the exception of the provisions on the by-elections of delegates to the chambers of the assemblies of the municipalities and special socio-political communities.

### **Article 113**

This Act shall enter into force on the fifteenth day after its publication in the Uradni list Republike Slovenije (Official Gazette of the Republic of Slovenia).

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Published on 12th of September 1992

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Notes:

(1) The decision of the Constitutional Court no. U-I-353/96, from 9. October 1997 (Official Gazette of the Republic of Slovenia, no. 67/1997), published on 30. October 1997, provides:

“1. The part of the last sentence of the Article 87 on the National Assembly Election Act (Official Gazette of the Republic of Slovenia, no. 44/92), which says: “by taking in consideration the ballot papers, which arrived by post until 12 a. m. on the day after the Election Day”, is nullified when it refers to the ballots of the voters who are abroad on the Election Day, because they have temporary or permanent residence there.

2. If the National Assembly does not replace the partly nullified part of the provision from the first paragraph hereof with a new provision, in a way that it would be in force for the election of the President of the Republic in the year 1997, electoral bodies must, by assessing the results of voting for the President of the Republic in the year 1997 by post from abroad, take into consideration the ballots which they received at the latest until 12 a.m. of the fifth day after the Election Day.

3. In case of repeat voting (of the second round) at the election of the President of the Republic in the year 1997, the republic electoral commission must call another voting for Sunday, 14. December 1997.

(2) The Constitutional Act on the Amendment of the Article 80 of the Act of the Constitution of the Republic of Slovenia (UZ80) (Official Gazette of the Republic of Slovenia. No. 66-3052/2000), published on 26. July 2000, in force from 25. July 2000. provides:

I

In the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 33/91-I and 42/97), a new, fifth paragraph is added to the Article 80, which provides:

“Deputies, except the deputies of the national communities, are elected by the principle of the proportionate representation at the four per cent electoral threshold for the access to the National Assembly, and the voters’ influence is decisive for the assignment of the seats to the candidates.”

II

In the year 2000 and until the enforcement of the changes of the act, which regulates the elections into the National Assembly, the elections of the deputies into the National Assembly are implemented according to the National Assembly Elections Act (Official Gazette of the Republic of Slovenia, no. 44/92, 60/95, 67/97 – decision US), by taking into account that:

- by the assignment of the seats, the lists of candidates, which have had less than four per cent of the votes in the whole country, are not taken into consideration;

- by the assignment of the seats in a constituency, Droop's quotient is used, according to Article 90 of this Act;
- by the assignment of the seats on the national level, according to the Article 92 of this Act, the sums of the votes, given to the lists having the same nomination, lodged in two or more constituencies, are taken into consideration, by giving to the lists having the same nomination a number of seats equal to the difference between the number of seats, given by sums of the votes on the national level, and the number of seats, which they got in the constituencies;
- by the assignment of the seats on the national level the second paragraph of the Article 93 of this Act does not apply.

This constitutional act enters into force with its announcement in the National Assembly of the Republic of Slovenia.