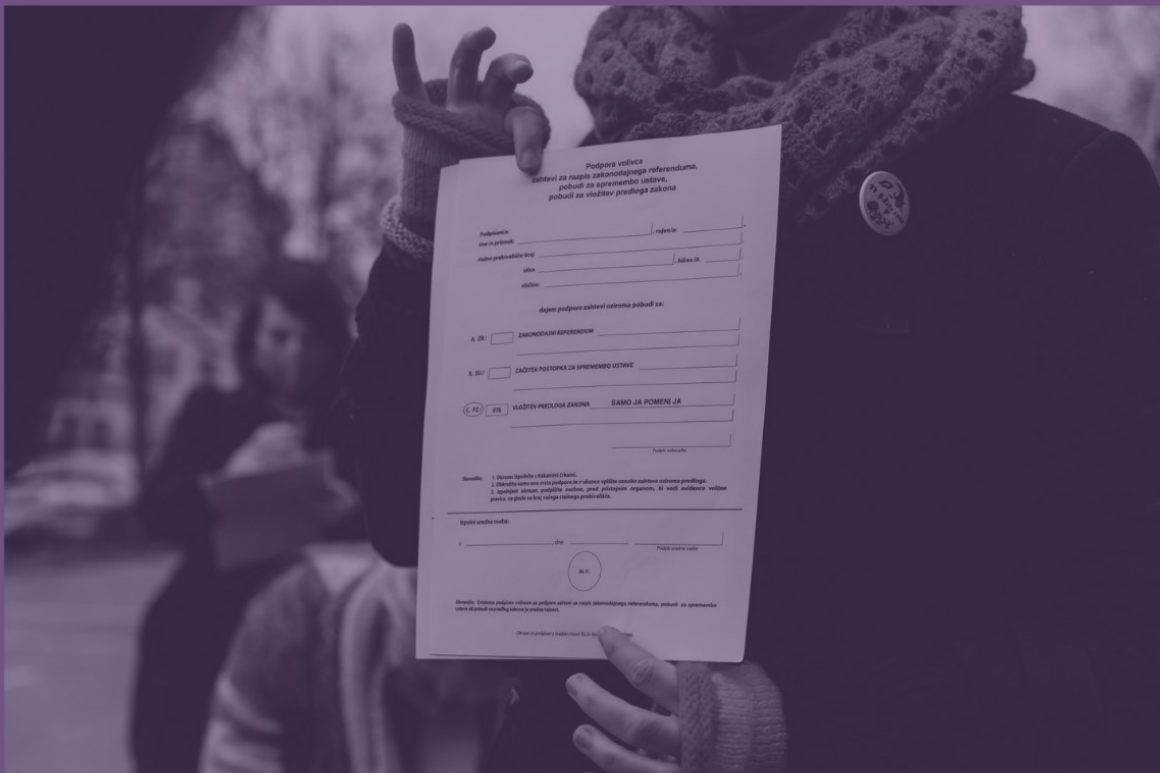


8 OF MARCH INSTITUTE

HOW TO ENACT CHANGE THROUGH LEGISLATIVE INITIATIVE AND REFERENDUM PROCESSES



BOOKLET ON CERTIFIED SIGNATURE
COLLECTION

LEGISLATIVE INITIATIVE OR INVESTING THE LAW ON THE EXAMPLE OF THE ACTION “ONLY YES MEANS YES”

According to the first sentence of the second paragraph in the third article of the constitution of the Republic of Slovenia, people hold the power of governance. In the second sentence of the same paragraph it is stated that people can exercise their right directly and through elections - according to the principle of separation of power. The people can exercise their power of governance directly or they can participate indirectly in its implementation in known forms of so-called direct democracy which includes a referendum. The referendum is a form of direct decision-making by voters on constitutional matters, laws or other legal acts and including many other issues that are important to the community. A legislative initiative consists of submitting a bill to the National Assembly. This right is not warranted only to the government or a Member of Parliament, but also to five thousand voters.

Preparation of draft bill



picture 1: Action “Yes means yes” banner, 7/24 2020

In 2020, the 8 of March Research Institute has been working on legislative initiative and a proposal of a bill to amend the Criminal code which was dubbed the ‘Yes Means Yes’ law, as the new regulation would redefine crimes of rape and sexual violence according to the affirmative model. The idea for the law was the result of several campaigns that we carried out, starting with collecting stories of sexual abuse and sexual harassment in Slovenia in 2018 called #jztudi* and the launching of the petition to redefine the criminal offence of rape and sexual violence in 2019. We analyzed the acquired #jztudi stories and presented them at panel discussions we were invited to or organized ourselves which also included the public readings of the stories. We empha-

sized on the issue of abuse of power and the re-victimization of the victim in criminal proceedings. In accordance with analysis and a thorough review of the current law, our legal service drafted a new law at the end of 2020, focusing on the demands of the legislation on what the bill should include.

*#jztudi stands for #metoo (but was in translation kept in Slovenian language due to specifics of movement, that differ original #metoo)

Preparation for the collection of 5000 certified signatures

1. As draft bill was finished we organized a press conference and on the **2nd of February 2021 we submitted the legislative initiative** to the National Assembly.
2. Our initiative was examined by the President of the National Assembly and a 60-day deadline was set for collecting 5,000 verified signatures in support of the draft bill.
3. The date of the call for collection of signatures, the date of the beginning of the collection and the date of the end of the collection of signatures, including the invitation to the National Assembly, were sent to us by e-mail. At the meeting, we finalized the technical aspects of the process of collecting signatures.

Beginning of collecting the signatures

Day one of the collection of the verified signatures was set to the **February 17 2021**.

At the meeting at the National Assembly we received key information regarding the start of collecting signatures. They also created the 'Voter Support Form for the Legislative Referendum Request, the Initiative to Amend the Constitution and the Law Initiative' intended for those voters who wanted to support the law. The voters then filled the forms with their personal details and verified the forms before they sent them to us. Citizens can submit their forms in two ways: in person at any administrative unit or electronically via the eUprava portal.

In order to sign the form in person at the administrative unit the form must be printed and filled out. The Ministry of Public Administration formulates a specific form for each signature collection campaign. It is very important that the form is filled in accurately, otherwise the signature is not valid. We therefore published a pre-filled form on the website. The people who wanted to sign the forms only had to fill in their personal data precisely as stated on their personal documents. In the case when supporters printed their own blank forms (or received it at the administrative unit which is obliged to print the form for the people who don't have it printed), they had to mark they support the request or initiative for C.PZ (submission of a law). The empty rectangle had to be filled, in our specific case, with the code: 876, and on the blank line next to it the key phrase **'ONLY YES MEANS YES'** had to be written.

When submitting the form it is important to know your rights:

- the administrative unit is obliged to print the form if the person does not have it and wants to submit his / her form,
- the official at the administrative unit is obliged to offer their assistance in completing the form,
- the form must be signed only at the administrative unit in front of the official (otherwise the form is invalid),
- the completed form must then be signed and stamped by an official,
- making an appointment at the administrative unit prior to the visit for the purpose of submitting one's form is not required. The form can also be submitted during the business hours of each administrative unit and not only during office hours,
- a valid personal document (identity card / passport / driving license / border pass / weapon license has to be presented to the official in order to submit the form.

The final step of the process is the delivery of a verified signature to the initiators of the signature collection campaign, in our case to the 8 of March Research Institute. For this purpose we organized a network of exceptional volunteers all across Slovenia, who were standing in front of the administrative units so that voters could submit their verified forms directly to the volunteers - otherwise they had to send them by mail. Volunteers, however, delivered verified forms to us promptly, in most cases the very same day. In addition to the volunteers, we also set up permanent signature collection points throughout Slovenia

where supporters could submit their signed and verified forms. During this campaign we also set up a PO box so people from all over Slovenia could send us their verified signatures. Since only physical verified forms are proof of each individual voter's support, the verified signatures which we did not receive could not be added to the final count.

#samojapomenija
Kako oddati podpis:

1. ELEKTRONSKO PREKO E-UPRAVE

- 1.** Kliknite na gumb 'Oddaja obrazca z digitalnim podpisom' na spletni strani www.smojapomenija.si, ki vas bo direktno preusmeril na uradno stran eUprave, namenjeno oddaji podpisa za "SAMO JA POMENI JA".
- 2.** Kliknite na gumb 'Oddajte vlogo'.
- 3.** Izberite način prijave: prva možnost je prijava preko kvalificiranega potrdila, izdanega v Sloveniji (za že obstoječe uporabnike), druga pa prijava preko enkratnega gesla smsPASS.
- 4.** Sledite korakom in na koncu postopka kliknite Podpiši. Postopek je s tem zaključen, podpis pa uspešno oddan.

slika 2: sample of communication graphic: How to submit signature

The form can also be submitted via the eUprava portal. Either through digital signature (SIGEN-CA) or a one-time password created via smsPASS is required to submit the form online. The support form can also be filled out online as long as the signature collecting campaign (referendum or legislative initiative) is ongoing. A specific form is created on the eUprava website (<https://e-uprava.gov.si/podrocja/vloge>) for supporters to fill out and sign. To be able to fill out the form, the "Submit application" button must be clicked before supporters can log in via the selected method (qualified digital certificate SIGEN-CA issued in Slovenia or one-time smsPASS password). At the end of the form - once it has been filled with correct information - supporters can finally click the button "Sign". The procedure is

thus completed and the signature is successfully submitted. The form is stored among the submitted applications in eUprava. Once the form is processed a confirmation e-mail is sent to the supporter to the e-mail address they registered with in eUprava. Once the signature is processed another confirmation e-mail is sent. After the form is processed and successfully submitted, an official at the administrative unit receives the form, prints, signs and stamps it. Administrative units are obliged to send these forms to the address of the initiator, in our case to our PO box.

Counting submitted forms

Upon receiving the signatures - either by post or in person by our volunteers - we reviewed and numbered each submitted form. We checked whether the personal data was entered correctly and checked if the signatures were verified (stamped and signed by an official). We eliminated the ones which weren't filled out correctly as this was the only way we could find out how many valid forms we had. After inspecting the forms we started numbering them and adding a serial number on each form. Adding a serial number is not mandatory for the submission itself, but is recommended for two reasons:

- adding a serial number to the forms as a way of making sure we had a sufficient number of signatures to file our law in the National Assembly,
- with that we also helped the employees of the National Assembly, who would otherwise have to number the forms themselves.

Signatures were reviewed and numbered almost every day since the first day of the collection of signatures.

If forms were not valid due to mistakes made by an official (signature, stamp or date missing), we took them back to the administrative unit and ensured that the officials corrected them and made voter's support count. If the forms were incorrectly filled out by the voter, we unfortunately had to eliminate them. To avoid this, we regularly provided information through our communication channels (Facebook and Instagram page) to help fill in the forms correctly. At the same time we suggested that voters fill out forms in the presence of our volunteers to avoid mistakes.

Communication

We participated in various panel discussions, radio and television broadcasts and interviews for newspapers on the national and local level. We tried to clarify any ambiguities and explained the difference between the existing and the proposed law and what that difference means in practice. We also organized a number of meetings and trainings with volunteers who worked in the field to make sure everybody understood the difference between the two laws and what would change mean in practice. We made sure they were well equipped to answer frequently asked questions by citizens. We were also regularly answering various questions (technical or content based) electronically; by e-mail, Instagram or Messenger, in order to explain any dilemmas or problems people had during the submission of the signature. Our aim was to facilitate the submission as much as possible for the people. We also set up our own website (<https://www.samojapomenija.si>), where we gathered all the information. The page contains detailed reasons why the change of the law was necessary and instructions on how to support this fight. We monitored the number of signatures on a daily basis and shared it on our Facebook and Instagram and web page.

Submitting the Bill to the National Assembly

In a little over a week, we managed to collect, review and number more than 7,400 signatures in support of the law, so we decided to submit the bill before the 60-day deadline. During this time, the Government drafted their own version of the law and on February 25th, the day we wanted to file our bill, the coalition filed theirs. Our proposal was then filed by the opposition a few minutes later, and was nevertheless dealt with first, as there were some errors in the proposal which was drafted by the coalition.

What happens now?

The legislation states that multiple bills regulating the same social relation may be submitted into the procedure. In such cases, the National Assembly considers the proposals in the same order in which they were submitted. The bill that was submitted first is taken into consideration first, followed by all that were submitted later. The National Assembly may do so if it has not yet started a general debate at the request of at least ten members of parliament or if the governing body has not yet initiated a second reading of the proposed law. An exception to the principle of order in which the draft laws were forwarded applies if one of the draft laws was tabled by the Government but was not the first to be forwarded. In such case, the National Assembly discusses it second, irrespective of the order in which the draft laws were forwarded.

In our specific case, the bill of the Government was indeed filed first, but later it turned out that their role was incomplete, so the bill of the opposition prevailed, which was identical to our affirmative model. This means that the law we drafted was eventually adopted for consideration.

Legislative procedure: three readings

Our proposal was unanimously accepted on May 5 2021 at the Committee For Justice, at which point our bill was adopted by the parties LMS, SD, Levica and SAB. The proposal, however, had no counter-proposals. Nika Kovač, director of the 8 of March Research Institute, also spoke at this committee, pointing out a huge amount of work was invested in the process of changing the law, including organizational work and volunteering:

“Hello everyone! Basically, I'm going to talk about life, I'm going to talk about what action, cooperation, listening to victims of sexual harassment and violence teaches us. Victims of sexual harassment and violence often feel lonely. They don't dare to talk about their distress. They are holding it all inside for years, because they are afraid of the response of the judiciary, because they are afraid of the response of lawyers, because they are afraid of the long proceedings, proceedings that cross the boundaries of intimacy, and often mark and hurt them even more. Victims of sexual harassment and violence often do not tell anyone for years what has happened to them, because they are convinced that it is better for them to remain silent and because they are convinced that they are alone in this, that they are one of the rare people to have this experience. When we started with our campaign #jztudi (slovenian version of #metoo movement), which collects testimonies about sexual harassment and violence in Slovenia, we found out one more thing. We found out that the legislation in Slovenia is absolutely inappropriate, which will be even better explained by the organizations that will speak after me. It is inappropriate and harmful, because so far it has been telling the victims that they are the ones to blame. We have committed ourselves to making our own proposal of the law, so that we ourselves can talk about the importance of legislation that will protect the inviolability of the body like it should, but solely changing the law is not enough. Changes must take place in society, amongst people, changes must take place in local environments, changes must take place on the streets, so that no victim will feel loneliness, shame, distress or stigma. What has happened in recent months? The bubble of silence burst. Outstanding people between the ages of 18 and 60 appeared and went to the streets. Marja, who was standing in front of the administrative unit Tobačna for hours collecting signatures, Žana, who organized a team of student volunteers in the Primorska region who went to the streets with a clear goal and message: sexual harassment and violence has to end. Andreja, who organized a movement in Velenje, Jan, who was at the stand every day, Andraž in Domžale, Maja from Šempeter and a hundred others. We had a team that worked tirelessly night and day. Kristina, Mojca, Maja, Tina, Petra, Mark, Tanja and Tija decided to spread this message with enthusiasm and to fight for the needed change in society. Then another thing happened, some sort of miracle, something that we never expected. The Education Committee happened. Students of our Faculty of Arts spoke about sexual harassment and violence at the Faculty. Mija Skrbina (actress) spoke about her experience of harassment in the media. Because of all these events Iva Dimic (member of parliament) from Nova Slovenija and all the

parliamentary groups advocated for better legislation. A small thing on one relatively insignificant committee, but it twisted the whole discourse, it twisted the whole media image, and in my opinion, the decision-makers did what mattered most in that moment. You (members of parliament) connected, despite the differences, because of a common value - sexual integrity. And the movement continued, on the streets, throughout the cities. Then even the minister of Justice joined our movement and changed her mind, she started advocating the "yes means yes" model. Members of the parliament, you probably don't hear it often, but I would like to tell you that your actions had a huge effect back then. They had an effect, because after that moment, the victims started writing to us at the Institute: "for the first time, we feel heard. For the first time, we have the feeling that someone is standing behind us. For the first time, we have the feeling that we have a different future ahead of us, and for the first time, we have the feeling that no matter which party we vote for, someone in parliament is behind us, and that is extremely important. At this point, I could tire you, as we always do at the Institute, and say that economic inequalities need to change, that work needs to be done to reduce the gap between the rich and the poor, and that this problem is deeply rooted in our system, but today I decided not to do it. I would rather read the testimony of one of the victims, because I believe that this message is in part directed at you: "All of you who advocate for "yes means yes" model, thank you. I didn't say yes at that moment. Like so many other girls who find themselves in similar situations and don't know how to react, I froze. When we don't say yes, but it happens anyway and then we are left alone with our thoughts and feelings while life goes on. The model "yes means yes" means a great deal to us, victims. It relieves us of the guilt we carry and we can more confidently attribute it to the perpetrator. " To conclude with a thought of the person who sent us their story, I can say, on behalf of the 8 of March Research Institute, that we support the ministry's amendments, that we value all efforts. We would like to sincerely thank you for listening to us and to the volunteers on the street. "

The bill was put up to a vote at a session of the National Assembly on June 4 2021. With 78 votes in favor and 3 against, the members of parliament approved an amendment to the Penal Code, which introduces a new concept of perceiving sexual crimes according to the "only yes means yes" model.



slika 3: in the period of signature collection unknown artist made this patchwork and placed it in front of AGRFT (Academy of Theatre, radio, Film and Television)

#samojapomenija

REFERENDUM INITIATIVE ON THE EXAMPLE OF MOVEMENT

“ZA PITNO VODO”

We joined the referendum initiative, which we will present, soon after it started and persisted until the end. On the basis of the Referendum and People's Initiative Act, Aljoša Petek submitted an initiative to call a legislative referendum on the Act Amending the Waters Act, which was adopted by the National Assembly at its session on the 30th of March 2021. Forms of indirect democracy, a referendum being one of them, are regulated by the 90th Article of the Constitution. On the 8 of March we connected with a network of environmental and other civil society organizations in the signature collection campaign for drinking water: Eko Krog - Society for Nature Protection and Environmental Protection, Civil initiative DANES!, MZPP (Youth for Climate Justice), PIC - Center for Legal Protection of Human Rights rights, Umanotera, Greenpeace Slovenia, Fokus, the Society for Sustainable Development and Cipra, which drew attention to the disputed articles of the law. We were primarily responsible for the operational side and mobilization of volunteers in the field, counting signatures, verifying forms, and communication strategy. Environmental organizations were in charge for the content.

Why we needed the referendum?

The ministry assured that the legal changes would provide greater protection of drinking water, greater safety against floods and stricter conditions for construction on the coastal strip, and provide additional funds for the maintenance of watercourses. When the law was scrutinized by environmentalists and lawyers, it was pointed out that this was not the case.

"A vote against changes to the Water Act means opposition to the reckless expansion of the possibility of construction on coastal and water lands," - the first signed initiator and lawyer Aljoša Petek.

Controversial procedure of legislation

The government proposed the new Water Law after a short public discussion and an abbreviated procedure. The disputed changes in the law appeared in inter-ministerial coordination at the proposal of the Ministry of the Economy, and only after a 14-day public discussion. Thus, the government tried to prevent any intervention from the experts in the field and non government organizations. Therefore, we demanded from the Ministry of the Environment and Spatial Planning, the Government of the Republic of Slovenia and members of the parliament to withdraw the entire proposal for the new Water Law, requesting a professional, comprehensive and in-depth public discussion of amendments to the Act which according to experts of the field, could inflict change in the quality of drinkable water and could pose a threat to the coastal areas.

Content

Articles 14 and 37 were the most problematic parts of the adopted law. Article 14 proposed the deletion of paragraph 6, which allowed the only exceptions that would narrow the coastal strip, which is otherwise subject to a general ban of construction and interventions, on existing building land within settlements. This is possible only under very strict conditions (six).

Accordingly most constructions on the coastal strip are impossible. From 2008 until today, these exceptions happened only eighteen times, and all were intended for minor interventions in the coastal strip. On the basis of the current law there were no hazardous constructions or new factories being built. As they are accessible to all citizens, we have diligently checked the adopted regulations.

It seemed that the cut of the exception was beneficial. Unfortunately, this was not the case with the amendments to Article 37. According to the proposal there would not be the exception which allowed for the approval by the government for minor interventions while enabling private constructions on coastal and water lands - along rivers, lakes, intermittent lakes and the sea. The fact is that construction of infrastructure in public use on coastal and water lands was prohibited and according to the article 6 of the first paragraph of the Construction Act this would be allowed. Building shops, inns, restaurants, hotels, parking lots, cemeteries, roads, railways and also gas stations would be allowed on coastal areas. Amendments to the law also allow the construction of simple facilities set out in Annex I of the Regulation on the Classification of Facilities - these are dozens of new facilities that do not require a building permit, such as small garages, warehouses, cisterns, tanks, bungalows by the water and on the water, big billboards as well as fences. These facilities could be built due to the removal of the 6th paragraph in the 14th article. Construction would also be allowed outside the settlements or existing building land - in natural environments that are not protected.

We were therefore faced with two expansions of the possibilities of construction on coastal and water lands:

- the possibility of constructing public buildings and simple buildings on coastal and water lands
- the possibility of constructing these buildings outside the existing settlements, in nature.

Due to the way the law was adopted, and the content of the law, it seemed important to us to join this struggle, as the involvement of experts and critical voices in such important decisions is the foundation of democracy. We were communicating the contents of the law with the help of environmentalists who were excluded from the process of forming the new law by the government.

Beginning of collecting the signatures

The President of the National Assembly determined that the first possible day of the deadline for collecting signatures of voters in support of the request for a legislative referendum on the Act Amending the Water Act was Tuesday, the 20th of April 2021, and the last, 35th day for the collection of signatures was Monday, the 24th of May 2021. During this period at least 40,000 signatures had to be collected. The Interior Ministry implemented a unified code 884 for the purpose of support for the referendum. For the purpose of collecting the signatures the initiator set the key phrase: "For drinking water". The process of collecting signatures was identical to that of the "Yes means yes" campaign but the referendum system says that a legislative referendum can happen if 40,000 voters express their support. We had to collect eight times more signatures in the same time frame than in the "Yes means yes" campaign. This required more organisation and, above all, more people to collect and count the signatures and answer the questions and dilemmas of the voters. It was also important to clearly convey the content of the law, to present the issues of the new law and what this law means in practice and how it affects citizens.

Collection and recording of signatures

At the 8 of March Institute, we were aware we needed more people to perform various tasks related to collecting, checking and counting the signatures. We appointed coordinators of individual regions who worked with volunteers. The volunteers stood in front of the administrative units, spoke with people and collected signatures. We also organized meetings related to the content of the law and logistics. We provided materials to the volunteers and informed them about the procedure of submitting the Voter Support form to the request for a legislative referendum, the initiative to change the constitution and the initiative to submit a bill. Throughout Slovenia, we set up collection points for submitting the verified forms. We regularly published timetables which our volunteers filled in with the times they were available to collect verified signatures in front of administrative units and communicated the content of our initiative to visitors. Verified forms were regularly delivered to the locations where we went to pick them up or to our mailbox. We reviewed this on a daily basis.

Since there were a lot of signatures (forms) to be processed, we taught several people on how to review the legitimacy of submitted forms. They also participated in the count of the forms. We divided the process into several parts:

- **checking the form was completed correctly**

Errors made by many signatories included an unsigned form, errors made by officials (missing stamp or date), addresses that did not match the municipality of residence or they filled out the form in lower case letters. If mistakes were made by the administrative unit officials, we brought the forms back to be corrected.

- **counting and numbering the forms**

The numbering of the forms was divided into individual sets. We created a system according to who could count the forms at the same time. For example, one person counted forms from 1-300, another started at 300-600 and so on. One person was in charge of keeping the record so it was clear how many forms were counted at the end of the count.

- **second count of the same pack of forms**

When we counted the votes for the first time and the forms were numbered, we checked them again. We paid attention to the fact that the numbered forms were in the correct order and that there were not any numberless forms. Every signature counted.

- **stacking forms in boxes**

When the forms were counted and neatly folded we added a note stating which numbers of the forms are in the box, Eg. 25001 - 27157. We also numbered the boxes with a serial number and marked which range of numbers the box contained, Eg. box 23, 25001 - 27157.

In order to obtain the forms in a timely manner we had to take care of flawless communication with the volunteers. We checked regularly how many verified forms were still around and not in our possession. People were selected to be responsible for delivering the forms to the location where we counted them. The coordinators encouraged the volunteers to collect all the forms by regions and deliver them at once before the weekends, when all-day signature counting campaigns took place. As we approached the number of signatures which we needed for the referendum, we agreed that all collected signatures would be sent daily, by tracked mail.

Communication

Part of our team was responsible for creating informative content while others worked in the field, counting signatures and checking whether all citizens had the right to submit signatures at nearby administrative units.. With the help of interviews, press conferences and panel discussions, the experts provided information about the law and the consequences it could bring if it applied in such a form. We set up a website, <https://zapitnovodo.si/>, where all the information on different methods of submitting signatures, content regarding the law and a call for volunteers could be found. At the end of the campaign we had over 200 volunteers. We were regularly publishing the number of counted signatures and answered questions through all communication channels (Facebook, FB messenger, FB groups, Instagram, e-mail, Whatsapp and panel discussions).

On the May 18 2021, 6 days before the deadline, we had enough verified signatures to initiate a referendum. We collected **52,230** verified signatures in support of the referendum. It is advisable to exceed the minimum number of verified signatures in the unfortunate event that incorrectly cast votes were among the registered signatures by accident. The next day, we submitted the boxes of checked and counted signatures to the National Assembly. We submitted the signatures as soon as we reached enough, even before the deadline as we had to reach the quorum and tried to get the referendum date as early as possible to ensure that voters were still at home and not on vacation during the school holidays.

A requirement for the procedure of counting the verified signatures by the authorities is that the initiators are present at the counting. Two members of the Institute spent a good part of the day in the premises where the official counting of signatures took place. Once the signatures were counted and numbered our fight had only just begun.



slika 4: numbered boxes containing all the signatures

A referendum majority (the so-called rejection quorum) presupposes a two-stage determination of the referendum result. A law is rejected in a referendum only if the majority of voters who voted against it, provided that at least one fifth of all voters vote against the law. It is first necessary to determine whether or not the majority of voters who voted in the referendum voted against the law. If

this majority is not reached, the law is not rejected and can be implemented. Otherwise, if the majority of voters voted against the law, it must be determined whether this majority represents at least one fifth of all eligible voters in the Republic of Slovenia. In order for a law to be rejected in a referendum, both conditions must be met, i.e. a relative majority and a quorum of rejection.

REFERENDUM

Decree

on calling a legislative referendum on the Act Amending the Water Act (OdZV-1G)

At the request of at least 40,000 voters, which was received by the National Assembly on the May 19, 2021, a legislative referendum is called on the Amending the Water Act, which was adopted by the National Assembly on the March 30, 2021.

The question put to the referendum reads:

"Are you in favor of enacting the Act Amending the Water Act (ZV-1G), which was adopted by the National Assembly at its session on the March 30, 2021?"

YES/ NO

The day of the calling of the referendum, which starts the deadlines for the tasks required for the conduct of the referendum, is set for Monday, May 31, 2021.

The referendum will take place on Sunday, July 11, 2021.

This Decree shall be enforced on the day following its publication in the Official Gazette of the Republic of Slovenia.

The date of the referendum was initially set by the National Assembly committee for infrastructure on July 4. At the suggestion of the parliamentary coalition the date of the referendum was postponed to the July 11. Postponement happened due to serious errors in the text of the adopted law on the determination of constituencies for the election of deputies to the National Assembly (due to errors, 811 voters would be unable to vote in a referendum which could lead to annulment and the repetition of the referendum). This needed to be corrected before the referendum, and the parliament needed additional time to correct it. The mistake was established before the adoption of the disputed law; why the error had not been pointed out before was not known. The director of the State Electoral Commission proposed to the government to correct the mistake by quickly adopting a technical law, for which the rules of the National Assembly could be an obstacle. The director of the State Electoral Commission also said that if the mistake was not corrected by the time of the referendum, he would try to resolve the complication himself. Several MEPs also expressed the view that the mistakes could be rectified without delaying the referendum date. The postponement of the referendum date was finally adopted by 43 votes to 42. July is considered the month of the summer holidays, which could have a significant impact on attendance and make it difficult to reach a quorum. The quorum was set at 339,726 votes against the Act. Our communication was therefore also focused on the possibility of early voting, voting from abroad and voting outside the district of permanent residence (OMNIA), as we wanted to give voters clear information about their voting rights and the ways in which they can cast their ballots.

Criticisms and complications of the referendum

Postponing the date of referendum

The first criticism is related to the referendum date which was postponed as described above. As stated, we were worried about the holiday date.

Early voting and polling station changes

In Maribor, the location of the early polling station was changed from one location in the center of Maribor to seven locations, one per individual voting district constituency. The changes have led to confusion among voters. Some voters in Maribor were also sent from one polling station to another several times. The reason for the changes was supposed to be the new legal provisions.

In Ljubljana, only one polling station was designated for early voting, leading to congestion and longer queues. Some voters waited in direct sunlight for more than an hour. Complications in the voting process due to changed voting districts were also reported by voters from the Novo mesto administrative unit.

The State Electoral Commission website was not accessible for some time on the 6th of July (during early voting), presumably due to congestion. Our mission was to draw attention to the anomalies and to ensure that everyone was given the opportunity to vote.

Voting from abroad

Several citizens living abroad reported irregularities in the implementation of voting from abroad via mail. Voters did not receive the ballot paper after registering to vote via mail. The ballots did not arrive to the voters even a few days before the deadline for submitting the ballots. We have also been informed that some voters living abroad received invalid ballots (due to incorrect information from the old register) or empty envelopes without a ballot.

Informing nursing homes residents about the option to vote by mail

On the 5th of July, we presented a report to the public in which the Ministry of Labor, Family and Social Affairs, due to its own negligence, obstructed the nursing home residents of their right to vote. The Ministry informed the nursing homes about the possibility of voting by mail just before the deadline for registration which left many residents without the option to vote via mail. Ivica Potisk and prof. dr. Ignatius Voje, residents of the Tabor Nursing Home explained that they themselves had missed the application deadline, but that they would still be able to cast their vote at the polling station in their district of permanent residence. They expressed concern that many other residents are not well enough to be able to do the same so they probably would not be able to cast their vote. On the 7th of July, the Slovenian Taxi Drivers' Union announced that the taxi drivers would offer free transport to the polling stations for residents of nursing homes in Ljubljana, Maribor and Koper on the day of the referendum.

E-Uprava portal

In accordance with the Referendum and People's Initiative Law, the National Electoral Commission published a list of dates by which voters must announce their intention to choose an alternative form of voting. Voters were able to submit requests via an online application on the eUprava portal. Voters who wanted to vote at the OMNIA polling station (a polling station

where voters could vote outside the district of their permanent residence) or from home had to submit a completed online application by the July 7, 2021. Unfortunately, the access to the online application was disabled for several hours. The next day the voters still could not fill out the application as the e-Uprava webpage was unavailable in the morning. The Ministry of Public Administration replied to our inquiry as to why the webpage is not working with the fact that the webpage was being updated.

The results

Despite all the complications, we resolved the problems in a timely manner and encouraged voters to vote.

A total of 46.49 percent of eligible voters took part in the referendum, which was one of the highest turnout in referendums in the history of independent Slovenia. The electorate rejected the proposed amendments to the Water Act with an overwhelming majority and a quorum.

Of the 788,968 ballots cast, 787,072 were valid. Votes FOR were 13, 25 percent, or 104,312 voters and AGAINST 86.75 percent or 682,760 voters.



slika 5: 8 of March Institute, February 17, 2021

Sources

1. <https://www.gov.si/novice/2021-02-23-pobuda-za-vlozitev-predloga-zakona-o-spremembah-in-dopolnitvah-kazenskega-zakonika/>
2. <http://pisrs.si/Pis.web/pregledPredpisa?id=USTA1>
3. https://www.dz-rs.si/wps/portal/Home/odz/pristojnosti/PoslovnikDrzavnegaZbora/Besedilo/fb037c21-1a9f-418c-95ca-bf79eb2d62e0!/ut/p/z1/jZHLDoJDEW_xQYtAZwkmChfed2ZjhZA6GmMg_r2sTHygdttf0ntzeFhRsQBldITt9LU9GH5peKnc7jmYxD8jH3tAjjGjuO9N4QRi6sH4WzDgNMBL2sGtPlogDBPVlvLJ_8ML6j8eW8n_6r0AGIPdR6lf16zLvadV3L9nwXivPEdZVmdcgzOlybl4bgwJ1TssMZJGg7aUWMdK8YF3qpYw7qWZJ4fE8sTLXyhFC hNFzng__6D_SKILzUQhbkYQqvq263TuiiruRQ!!/dz/d5/L2dBISEvZ0FBIS9nQSEh/
4. <https://www.dvk-rs.si/index.php/si/medijsko-sredisce/gibanje-za-pitno-vodo-odgovor-dvk-st-042-14-2021-100>
5. https://www.dz-rs.si/wps/portal/Home/seje/evidenca!/ut/p/z1/04_Sj9CPyKssy0xPLMnMz0vMAfljo8zivSy9Hb283Q0N3E3dLQwCQ7z9g7w8nAwsPE31w9EUGAWZGgS6GDn5BhsYGwQHG-IHEaPfAAAdwNCBOPx4FUfiNL8gNDQ11VFQEAF8pdGQ!/dz/d5/L2dBISEvZ0FBIS9nQSEh/?andati=VIII&type=magdt&uid=A4FD1C4E677F620DC12586EE0048E587
6. <https://www.gov.si/teme/referendum-ljudska-iniciativa-in-evropska-drzavljanska-pobuda/>
7. <https://www.rtvsllo.si/slovenija/uzakonjen-model-samo-ja-je-ja-nevladniki-to-je-jasno-sporocilo-o-popolni-netoleranci-nasilja/582970>
8. <https://www.rtvsllo.si/slovenija/institut-8-marec-v-dz-vlozil-pobudo-za-zbiranje-5000-podpisov-za-redefinicijo-spolnega-nasilja/551062>
9. https://www.dz-rs.si/wps/portal/Home/zakonodaja/zakonodajniPostopek!/ut/p/z1/04_Sj9CPyKssy0xPLMnMz0vMAfljo8zivSy9Hb283Q0NDlydnA0CXUL8zVwtgwwNDI31wwkpiAJKG-AAjgb6BbmhigDg9ZsR/dz/d5/L2dBISEvZ0FBIS9nQSEh/#!
10. <https://www.samojapomenija.si/>
11. https://www.dz-rs.si/wps/portal/Home/is/sporocilaZaJavnost/sporociloZaJavnost/8a7e1b30-ae93-470f-be42-3bc09affed3b!/ut/p/z0/jY-xTsMwFEV_JR06Ws-OS5OOgQEktBKdUi_oOXaCk8avTd0A_npSMYM63qtzj3RBQQnK4-gaDI48Hqa8V8v3--3ubv3yKHi-ywR_k-vt8vVJiDTn8AyaqOZD-RdNh87BpQB0xfDDna4lyYkeeDLYlpYt6QK-uTdGF6_R_92R07emkCIAV-WC_ApQmJoaqS299OM95b41r3Zwb9PacijlKZlo7e9knUNFymnhoy3QTkmFmhJWdoV5ltMl4zbRcpk7riK6xra6T-48FN02On9kzp789iNvsB1leakg!!/
12. <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO324>
13. https://sl.wikipedia.org/wiki/Referendum_o_Zakonu_o_spremembah_in_dopolnitvah_Zakona_o_vodah#Ozadje
14. <https://zapidnovodo.si/>
15. <https://volitve.dvk-rs.si/#/rezultati>
16. www.jaztudi.si

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