

STUDY REPORT

# TRANSPARENCY OF SLOVENIAN LOCAL GOVERNMENT ELECTIONS IN 2014

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# 1 Introduction

Elections are one of the most important instruments of a democratic state; they are a tool by which we choose our representatives, who in turn make important decisions concerning the functioning of the state, devise the frameworks for improving the quality of life of all citizens and shape our future. Elections lay the groundwork for a fair society and its progress. That is why Transparency International Slovenia and its Polish (Instytut spraw publicznych – Institute of Public Affairs) and Slovak (Inštitút pre verejné otázky) partners decided to delve into the setting of election campaigns during the 2014 local elections and determine the facts on the ground and the actual degree of transparency in local election campaigns, whether they complied with the law and how well oversight bodies performed their function.

Slovenian law makes a distinction between national (and European) elections and local elections. National and European elections are held to elect political parties to the National Assembly, the President of the Republic and MEPs, and vote in referendums. Local elections for municipal authorities are governed by rules that differ somewhat from those regulating national and supranational elections. While the scope of this report is limited to local government elections, the majority of the changes proposed herein could also be applied to the (supra-)national level.

The chance and the right to vote in local elections is afforded to all Slovenian citizens above the age of majority as well as Slovenian residents permanently residing within the bounds of the municipality holding the election. This right – the right to vote – is known as active suffrage. There is also a concept known as passive suffrage – the right to run for office. In municipal council elections, both of these rights are broader than in national elections; in addition to Slovenian citizens above the age of majority, the right to run for office is also granted to citizens of other countries with the status of a permanent or temporary Slovenian resident. The office of mayor is restricted to Slovenian citizens above the age of majority.

In local elections, the office of mayor, municipal council seats and local community seats may be filled by members of political parties as well as independent candidates. Unlike national elections, local elections largely feature independent candidates or members of small coalitions of candidates and obscure political parties. Party affiliation is one of the criteria voters take into account, though they can also be swayed by the candidate's political programme, physical appearance, way of communication, key messages, tradition or their promotional campaign. All of the above is part of an **election campaign**. There are as many criteria as there are voters.

Contrary to what one might expect, principal agents of election campaigns are **election campaign organisers** (which may be the candidates themselves, their political party or another entity), who are responsible for the campaign's finances and compliance with the law, rather than the candidates themselves. Despite the influence election campaigns have on the outcome of an election, TI Slovenia would like to note that the style and transparency – or rather, the lack of transparency – of election campaigns are rarely discussed despite the fact that they can be a good indicator of a candidate's integrity. How a campaign is run and how its funds are spent is significant in part because of the fact that a portion of a candidate's campaign expenses is reimbursed from the public (municipal) purse.

Local elections play a key role in the everyday lives of regular citizens. An individual – be it an elected representative or the voter in a municipality – can make a difference most effectively at the micro (i. e. municipal) level. Residents of a municipality are able to participate in shaping their local communities; similarly, the decisions that have the largest impact on their quality of life are made by municipal governments (ranging from local infrastructure and development strategies to the degree of the municipality's openness, participation mechanisms and so forth). On the other hand, local government officials manage over €2 million of public funds per year, which makes integrity at the

local level extremely important when disbursing public funds. The approach to participation in the election process can be indicative of the approach to getting things done by future elected representatives.

**As such, the development of democracy and citizen participation in democratic processes and helping shape the future of local communities are crucial. This is, however, impossible if campaigns lack transparency and misrepresent the transparency of potential leaders on various levels.**

Given that elections are a space where decisions are made about heads of state and the management of the institutional framework of our lives as well as taxpayer money, TI Slovenia decided to monitor election campaigns in the selected municipalities in the field in real time. In doing so, we sought to find out how campaigns were actually run, look behind the scenes, investigate whether the law was being followed and determine any grey zones between legally permissible and ethically questionable conduct by the candidates or election campaign organisers. We worked in the field, scrutinised media reporting, analysed applicable legislation and cooperated with the key entities involved. It is our hope that these recommendations help increase election campaign transparency in the future. These recommendations serve as the basis for specific changes for which we plan to advocate in cooperation with various stakeholders in the future.

## 2 Summary

This report by TI Slovenia outlines the findings of the Transparency of Local Government Elections in Central and Eastern Europe project. This report includes a detailed analysis of pre-election activities across five Slovenian municipalities as they unfolded in the field<sup>1</sup> as well as observations from in the field, which were then compared against the financial reports of political parties and campaigns. The latter were evaluated in terms of compliance with the law and the transparency of election campaign organisers. The study also looked into whether any sanctions were imposed as provided for by the law for reported election law violations.

This study was the first ever instance of real-time monitoring of local election campaigns in the field in the history of Slovenia; the project was carried out by TI Slovenia, an independent, non-partisan NGO. **The findings and conclusions of this report clearly signal a pressing need to carry out similar monitoring of all elections. Raising awareness is necessary to ensure greater involvement of citizens and the civil society in monitoring election campaigns in order to improve transparency.**

As established by the monitoring, a large share of funding spent by campaign organisers to win over voters comes from public funds. Parliamentary parties that participate in local government elections receive as much as 75.1%<sup>2</sup> of their funding from the public purse. These funds are used to finance campaigns, while the remainder of their budget is made up of contributions by private citizens. This piece of information clearly indicates that parties are in fact mostly financed by the taxpayer, which makes it imperative to ensure transparency and compliance with the Access to Public Information Act during the campaign itself.

In light of all the violations and shortcomings we uncovered and the sheer number of candidates, we believe it to be absolutely crucial to ensure transparency in funding and managing election campaigns. In addition to the technical considerations for ensuring transparency (immediate release of data online), transparency needs to be improved in terms of content as well, seeing that the public has yet to be granted access to the appendices (invoices, contracts, specifications) to campaign financial reports. In order to determine the actual expenditure of individual election campaigns, which is the only way to ensure fair elections, the Government, its ministries, the National Assembly and oversight bodies must ensure **the total, proactive and immediate transparency of campaign funding.**

It was found that the competent authorities failed to perform their oversight duties effectively, owing to flawed legislation, inadequate financial and human resources, and possibly to poor awareness of the significance of local elections.<sup>3</sup> **Oversight bodies should be granted the powers and provided with the resources that would allow them to monitor campaigns effectively. In additions, the government budget should allocate funds for civil society organisations to provide additional campaign monitoring in the field and as such act as a credible source of information for government authorities. In a similar vein, decision-makers should realise that if election campaigns were truly transparent, the oversight role could be assumed by the civil society and the residents of specific municipalities.**

**Sanctions are one of the most critical areas analysed in the course of campaign monitoring, and are pointed out in the report as such.** The majority of observed irregularities that we documented and reported to the authorities went unpunished. The Internal Affairs Inspectorate particularly stands out

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<sup>1</sup> Ljubljana, Kranj, Koper, Ajdovščina and Kamnik.

<sup>2</sup> Habič, Simona, ed. 2015. *Ali so informacije javnega značaja res javne? [Is Public Information Really Public?]*. Ljubljana: Transparency International Slovenia, p. 21.

<sup>3</sup> The Court of Audit only carried out one audit of an election campaign, and of the 101 suspected violations reported to the Internal Affairs Inspectorate, only one campaign organiser was fined.

in this regard as it only issued a fine in a single case out of the 101 complaints received. This was partly to do with divergent interpretations of the law by the relevant institutions as well as the perception that local government elections were of minor importance relative to the effort exerted.

In order to adopt GRECO recommendations,<sup>4</sup> the Slovenian government and the National Assembly amended legislation on funding election campaigns and political parties. By engaging volunteers, monitoring elections and analysing financial reports, TI Slovenia was able to identify a large number of irregularities, manipulations and borderline or explicitly illegal practices. In the wish for improved regulation of election campaigns and campaign funding, this report also highlights further findings and proposes solutions.

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<sup>4</sup> GRECO. 2012. *Transparency of Party Funding. Third Evaluation Round. Second Compliance Report on Slovenia*. Retrieved from: [http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282012%296\\_Second\\_Slovenia\\_EN.pdf](http://www.coe.int/t/dghl/monitoring/greco/evaluations/round3/GrecoRC3%282012%296_Second_Slovenia_EN.pdf) (15/11/2015).

# 3 Recommendations for decision-makers

These recommendations for legislation amendments and practical changes in election campaigns will help voters make informed decisions when voting. Candidates will benefit from fairer competition. These changes will also improve the implementation of sanctions, which are only effective when properly imposed. Moreover, these changes will limit corruption risks. The following recommendations are clearly laid out and explained below.

## **Recommendations concerning election campaign transparency and the provision of information to voters**

1. Proactive and immediate transparency of the election campaign process must be established.
2. The legal status of election campaign organisers must be clearly defined by law.
3. Election campaign organisers must be required to disclose information under the Access to Public Information Act.
4. The timeframe for pre-election tasks must serve the purpose of the campaign, i. e. informing voters.
5. Accountability of candidates and election campaign organisers must be established before the official launch of the campaign.
6. Providing training to campaign organisers is crucial.
7. Municipal media activity must be regulated by law.

## **Recommendations concerning election campaign funding**

8. Campaign finance reports must contain all supporting documentation.
9. The financing and traceability of campaign posters must closely follow the spirit of the law and common practice.
10. Partial reimbursement of campaign expenses must be contingent upon the submission of an accurate campaign finance report.
11. The issue of debt incurred due to election campaign activities must be regulated by law.
12. No cash contributions should be permitted.

## **Recommendations concerning oversight and sanctions**

13. Sanctions should be regulated by law as to be effective, serve their purpose and be enforced in practice.



### 3.1 Proactive and immediate transparency

Proactive and immediate transparency of the election campaign process must be established, since local elections are too fragmented to be effectively monitored as they unfold. The deadline for submitting campaign finance reports under the current law is too long (4 and a half months after the election). This makes it impossible to verify whether all actual expenses were included. That is why it is imperative that campaign organisers publish all contributions, expenses and activities in real time, largely to keep voters informed.

We propose the creation of an online platform under the auspices of the State Election Commission, the Court of Audit or the Commission for the Prevention of Corruption used by campaign organisers to upload data on contributions raised and all campaign-related expenses within an appropriate time period<sup>5</sup>. In addition, campaign logs should be introduced in order to link expenses to events in the field. All of the above should be part of the Election and Referendum Campaign Act.

### 3.2 Legal status of election campaign organisers

A substantial share of campaign organisers in local elections are not affiliated with any political parties. The law on the legal status of such campaign organisers is unclear. This has led to divergent interpretations of the law by oversight bodies and prevented comparability and effective oversight. This also means that organisers of election campaigns for independent candidates are not responsible for any promotion before the official launch of the campaign. The same goes for the post-election period after they cease their work as organisers. The legal status of election campaign organisers must therefore be clearly defined by law.

Managing the campaign is the sole responsibility of the campaign organiser, not the candidate. Our belief is that candidates should also bear some responsibility as they stand to be in charge of political decisions if elected.

### 3.3 Access to public information

As recipients of public funds with decision-making powers over the organisation of the state and local communities, election campaign organisers and political parties must subject themselves to civic monitoring through mechanisms provided by the Access to Public Information Act. This is also vital in order to improve trust in their work, which is extremely low in Slovenia.<sup>6</sup>

The principle that campaign organisers should not enjoy the protections afforded by the Access to Public Information Act was also upheld by the Slovenian Information Commissioner.

The Election and Referendum Campaign Act requires all election campaign organisers to submit finance reports and holds them liable for their accuracy. Unfortunately, enforcement thereof is weak, as **the Court of Audit is only required to audit finance reports by parliamentary parties following a national election, whereas audits of finance reports for local election campaigns are optional and only performed at the discretion of the Court. As such, no systematic oversight of campaign finance reports in local elections exists and the audits of a select few reports do not suffice for a proper analysis, which means the public cannot access this information.**

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<sup>5</sup> Which should absolutely not exceed two weeks.

<sup>6</sup> European Commission. 2014. *Standard Eurobarometer 81*. Retrieved from: [http://ec.europa.eu/public\\_opinion/archives/eb/eb81/eb81\\_publ\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb81/eb81_publ_en.pdf), p. 62–6.

### **3.4 Timeframe for pre-election tasks**

The purpose of an election campaign is to inform voters and enable them to make informed choices when casting the ballot for future national and local leaders. Because the current election task schedule makes this impossible, it must be modified to accommodate the purpose of campaigning, i. e. the timely and transparent provision of information to voters.

**The identity of the person running for public office is the only piece of information that is not officially revealed before or upon the launch of an election campaign. That is absolutely unacceptable for reasons of democracy and participation.**

TI Slovenia proposes amending the timeline of pre-election tasks as follows:

- Opening a special-purpose bank account should trigger the public release of all information about the organisers of the election campaign, the authorised representative of the campaign organiser, the special-purpose bank account and the candidate.
- All candidates should be approved and known to the public no later than upon the launch date of the campaign, and their names published on a publicly available list (as well as electronically).
- All transactions from and to the special-purpose account should be published on a public website in real time and available to the public at all times.
- Campaign finance reports should be submitted no later than 1 month after the election, and all outstanding claims and expenses should also be paid by the same date (with the campaigns being unable to claim any new expenses thereafter since campaigning is suspended on election day).

### **3.5 Accountability of candidates and campaign organisers**

By deciding to run for office or manage an election campaign, candidates and campaign organisers should be subject to the same clearly defined rules regardless of whether they are part of a political party or not. This should be the case from the very moment they decide to run in an election and open a special-purpose account. From that moment on, their information should be public in order to inform, persuade and win over voters.

In practice, abuses took place because a distinction could be drawn between “collecting signatures” and campaigning. The period for collecting signatures is not subject to regulations and lacks transparency, which means that in practice, a candidate can receive financial backing by legal entities during this period, unlike during election campaigns.

TI Slovenia therefore proposes the introduction of rules regulating the conduct of election campaign organisers from the moment that they attain that status (under the current law, that occurs when they open a special-purpose account) in the manner laid out in the Election and Referendum Campaign Act or, in the case of political parties, the Political Parties Act.

### **3.6 Training for campaign organisers**

In the course of the study, it became apparent that some of the election organisers lacked sufficient knowledge of applicable legislation (especially the Election and Referendum Campaign Act, the National Assembly Elections Act and other legal instruments, including rules available through the State Election Commission website). Some of them failed to submit campaign finance reports at all, while others used the wrong forms to do so.

We propose holding regional training courses on election tasks, applicable legislation and reporting methods before the official deadline for opening a special-purpose bank account. These courses would be held by the State Election Commission in partnership with municipal election commissions (or other bodies such as the Association of Municipalities and Towns of Slovenia or regional hubs) and nongovernmental organisations. The State Election Commission – or those carrying out such courses – would also be required to provide resources with points of clarification, legal requirements and practical examples available online (if no printed copies are provided) in one organised place – not unlike the current schedule for election tasks, except broader.

### **3.7 Municipal media**

The operation of municipal media is a complex problem that requires a detailed analysis and proper regulation.

Our analysis was able to reveal that municipal media often use municipal employees or municipal institute staff as writers, rather than journalists. As such, these writers are not bound by journalism ethics or subject to media legislation, and the content is often connected to commercial services or primarily serves the interests of municipal leaders, usually the mayor. Moreover, their public funding creates an anomaly on the market where media outlets compete with one another, as municipal media enjoy a clear financial advantage.

In the course of the election campaign period, our field teams detected several cases of municipal newsletters that were overwhelmingly tailored to the advantage of the officials in power at the time. Moreover, some of the cases involved the misappropriation of public funds for the purposes of their election campaigns. Some of the media outlets openly promoted the sitting mayor and were published more frequently during the election campaign (such as the KP MOK newsletter, which was published twice in the course of the campaign despite never being published once in the 10 months before the campaign or over a year since the election).

### **3.8 Supporting documentation**

The supporting documentation (invoices and contracts) must constitute an integral part of the campaign finance report. It must be classified as public information and be available to the public electronically. Under the current law, the Court of Audit is the only body with access to supporting documentation, which it can request from the campaign organiser upon commencing an audit at its own discretion.

In practice, it became apparent that certain campaign finance reports for local elections were deficient and contained insufficient information; in some cases, key information could not be gleaned from the reports. That is why it is crucial to require mandatory campaign logs<sup>7</sup> used by campaign organisers to record all campaign-related activities in order to track expenses.

We recommend solving this flaw by changing the status of this information to public and introducing electronic reporting of expenses and documents in a machine-readable format.

### **3.9 Financing and traceability of campaign posters**

Observations in the field indicate there is a need for legislative amendments of the regulations governing campaign posters, which were last amended in 2014 to increase their traceability. In

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<sup>7</sup> An anonymous election campaign organiser. 2015. Interview with the author. Ljubljana, 10 November 2015. The identity of the source is known to TI Slovenia and withheld at the request of the source.

practice, the law is being broken en masse, yet there is no effective enforcement system in place as the current oversight body, the Internal Affairs Inspectorate, has proven inadequate in several aspects.

As TI Slovenia discovered, the Inspectorate cited the supposed vagueness of the law on numbering posters as the justification for their inaction; this subject should be regulated more effectively and appropriately before the next elections.

Aside from the incorrect labelling of campaign posters, our field operation observed a high number of campaign posters and other promotional materials inside catering establishments. Such establishments, which are not registered as providers of such services, should therefore be regulated (window advertising), as this form of free advertising may constitute an impermissible campaign contribution by a legal entity, which is against the law.

### 3.10 Reimbursement of expenses

As the law clearly lays out mandatory elements of campaign finance reports, the form is easy to fill out and basic information is provided in a clear, concise way, it is important to ensure that municipal budgets only reimburse election campaigns for incurred expenses based on a vetted campaign finance report.

We propose making reimbursements contingent upon the reconciliation of the report, which may be performed either by a municipal authority or a national body (such as the Court of Audit). Under the current law, no institution is in charge of this issue in local elections.

If the report is filled out incorrectly, the body tasked with reviewing the campaign finance report must demand an explanation for the error and its rectification, or deny the request to reimburse campaign expenses from municipal funds.

### 3.11 Debt

The Election and Referendum Campaign Act prohibits the accumulation of debt. Article 6, Paragraph 1 states clearly that the campaign organiser shall *“pay for all election campaign expenses /.../ solely through this account”*<sup>8</sup>. Loans are regulated with a similar provision in the same Article, stating that *“the maturity date of a loan /.../ shall not fall within 30 days before the account is set to be terminated”*.<sup>9</sup>

If the campaign organiser takes on a loan as a private citizen (we have at least one case on record), sources of financing are kept secret. There is also the risk that the creditor may later write off debt, which would constitute an act of *de facto* financing by a legal entity and a direct violation of the law. In the case of the latter, it is also conceivable that an arrangement about writing off debt may exist upon incurring the expense itself, which would lead to a higher corruption risk. The creditor may also “forget” about the debt and fail to collect it. This would also constitute an increased risk of corruption. This makes finance transparency impossible and raises doubts about the legitimacy of financial transactions.

In light of these findings, we propose amending the Election and Referendum Campaign Act in line with the opinion of the Court of Audit on regulating loans to prevent corruption risks.

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<sup>8</sup>Access to Public Information Act. Official Gazette of the Republic of Slovenia, No. 51/06. Retrieved from: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3336> (15/11/2015), Article 16.

<sup>9</sup> Ibid.

## 3.12 Cash contributions

TI Slovenia has already drawn attention to the problematic nature of cash transactions in our report on transparency in funding political parties,<sup>10</sup> seeing that cash transactions lack transparency and hinder traceability.

Under the current law, private citizens may make cash contributions to election campaigns of up to EUR 50, while higher amounts must be transferred from a bank account.

Political parties are privileged in this respect, as they can receive individual cash contributions of up to EUR 420.00, which is then transferred to a special-purpose bank account.

Because cash contributions severely increase the risk of illegal political funding, we recommend **outlawing all cash contributions and only permitting wire transfers between bank accounts.**

## 3.13 Sanctions

The Election and Referendum Campaign Act clearly defines violations, sanctions and institutions in charge of imposing these sanctions. It dictates fines for specific violations of the law. Issues arise in the cases in which the Act lays out the sanction, but neglects to specify the procedure for imposing the sanction. In addition, the sanction authorities listed in the Election and Referendum Campaign Act have divergent views on their execution.

The law does not lay out mandatory duties for the body in charge of funding-related sanctions – the Court of Audit, which is an audit rather than a sanction authority. Audits of local election campaigns are not part of the legally mandated duties of the Court of Audit. Moreover, the Court cannot provide adequate staff to carry out proper audits of local government elections across all 212 municipalities in Slovenia. Due to the limitations of the Court of Audit Act,<sup>11</sup> **no sanctions were imposed for the violations observed by TI Slovenia in the field. However, this is far from the only issue in this area.**

We recommend that sanctions be regulated effectively and the powers and duties of oversight bodies with the power to enforce sanctions be clearly defined, with adequate funds allocated for the purpose in the state budget.

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<sup>10</sup> Habič, Simona, ed. 2014. *Transparentnost financiranja političnih strank [Funding Political Parties and Transparency]*. Ljubljana: Transparency International Slovenia.

<sup>11</sup> Court of Audit Act. Official Gazette of the Republic of Slovenia, Nos. 11/01 and 109/12. Retrieved from: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2550> (20/11/2015).

# 4 Pressing issues

## 4.1 Media role in election campaigns

By shaping the public perception of candidates, the media are an important, or rather a key element in any election campaign. In this capacity, they can have a decisive impact on the outcome of an election, which is especially true for municipalities in which candidates are tied or a significant portion of the electorate is undecided before the start of the campaign. Several aspects of the Slovenian media landscape have proven to be problematic, including political pressures, a lack of sanctions for infringing on their independence, advertiser pressure, insufficient training in investigative reporting, very limited public funding for promoting journalism, and economic pressures on reporters, all of which substantially hinder high-quality journalism and investigative journalism efforts in particular.<sup>12</sup>

In the course of monitoring election campaigns, TI Slovenia collected news items by employing the “press clipping” method<sup>13</sup> across Slovenian media outlets, using the names of candidates for mayor as queries. The press clipping method uncovered a total of 2249 mentions of the names of candidates for mayor in the municipalities monitored across media outlets (print media, TV, radio, Web-based media).<sup>14</sup> As few as 88 articles (slightly below 4%) only mentioned a single candidate or were dedicated to a single candidate or the candidate’s coalition on the ballot.

94 of the articles (4.1%) dealt with issues unrelated to the election campaign, with mayors leading in this category. Mayors had the highest number of press items written about them of all candidates across all monitored municipalities. Mayors’ presence at events covered by the media can be divided into three groups:

1. events that would have definitely happened regardless of political considerations where the mayor’s presence is required or highly anticipated (e. g. an event presenting the Youth-friendly Municipality award or pronouncing the town as a tourist-friendly space),
2. events that took place independent of the campaign where the mayor’s presence was merely desirable (e. g. festivals, World Heart Day, visits/speeches at schools, pre-marathon speeches),
3. events that are highly likely to have been planned to coincide with the election campaign (opening ceremonies for shopping centres, squares, Red Cross facilities, an Association of Friends of Youth anniversary celebration).

The privileges of acting as mayor during an election campaign are particularly apparent when it comes to highly visible public appearances in the municipality and the possibility of influencing the progress of the projects financed by the municipality.

Apart from the press items about candidates at events, let us also mention the pieces concerning more overly negative aspects of the candidate’s lives. These mostly involved court proceedings over crimes (e.g. Koper Mayor Boris Popovič), involvement in questionable business deals (e.g. Ljubljana Mayor Zoran Jankovič) and hate crime allegations (e.g. candidate for the mayor of Ljubljana Zmago

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<sup>12</sup> Habič, Simona, ed. 2012. *Nacionalni sistem integritete v Sloveniji [The National System of Integrity in Slovenia]*. Ljubljana: Transparency International Slovenia, p. 132.

<sup>13</sup> The monitoring of the election campaigns was performed by Press clipping, d. o. o., whom we would like to thank for the donation.

<sup>14</sup> The figure does not include any paid-for items or advertisements.

Jelinčič). We also identified cases of rows between candidates and related “scandals” (e.g. Boris Popovič vs. Polka Boškovič in Koper and Mohor Bogataj vs. Boštjan Trilar in Kranj).

Candidate visibility also partly depends on being affiliated with an established party if a well-known politician (e. g. the Minister of Agriculture, the Prime Minister) attends a campaign event.

Being featured in the media is contingent to the greatest extent on being the acting mayor and, to a lesser extent, affiliation with an established parliamentary party.

#### **4.1.1 Media coverage and event attendance by mayors during election campaigns**

We looked into the question of whether mayors abused their position to promote themselves and get free election coverage. This was partly due to the complaints by concerned citizens. Analysing the content of the articles revealed that the pieces in question were mostly news reports from public events attended by current mayors. These events are frequently opening ceremonies, as indicated by investment patterns.

Mayors in attendance at opening ceremonies does not involve spending public funds directly to them, the funds are usually allocated by the municipality for investment projects the opening ceremonies of which (are planned to) coincide with the election.

The issue at hand is whether this type of conduct, which substantially differs from their regular work duties, can be regulated effectively. Frustrated citizens turned to us during elections with tips about how, for example, opening ceremonies are put on hold for months before the elections in order to delay them to coincide with the campaign. Such activities would be difficult to define due to their diverse nature and oversight would be difficult due to the fragmentation of local campaigns. In light of this, laws are unlikely to produce the desired effect. This type of conduct is, however, indicative of the low degree of integrity among candidates.

This is further exacerbated by the style of journalism that bases stories on official sources (using copy&paste) and frequently precludes critical thinking and in-depth reporting. This is due to the difficult work conditions of many journalists (precarious work, a decrease in regular employment relationships, time pressure etc.). As pressures on journalists grow, their autonomy is eroding, as is awareness of current events among the public. In the case of election campaigns, this means candidates and political parties realise oversight by the media is limited and concealing violations increasingly easy.

#### **4.1.2 Municipal newsletters and their role in election campaigns**

Municipal newsletters are especially critical as our analysis revealed that they were used during election campaigns for the purposes of the officials in power in several municipalities. Some of the cases could be characterised as the misappropriation of public funds for election campaign purposes. Several citizens alerted us to their municipality’s newsletter during the election campaign itself as they took them to be political propaganda. An analysis of the newsletters showed they usually involved forewords or formal addresses by mayors summarising their performance during their term in office; several of them also contained reports from opening ceremonies at which the mayor took centre stage as the representative of the investor.

**In the cases of the cities we took a closer look at (Koper and Ljubljana),** the newsletters clearly deviated from their usual content and format. Ljubljana households received the *Ljubljana*

newsletter<sup>15</sup> in the mail one week before the election. The newsletter was published ahead of its usual schedule, indicating that the particular issue was an exception to the rule, especially seeing that the publication of previous issues in 2014 was delayed.<sup>16</sup> A detailed analysis of the newsletter's content revealed that several candidates from the mayor's coalition of candidates appeared in the newsletter. Other candidates and coalitions of candidates were missing from the newsletter, indicating unfair treatment and unequal access of candidates to appearing in the newsletter. We also observed similarities between some of the newsletter's design elements and the design elements used in the election campaign of the aforementioned coalition of candidates. The newsletter contained nearly 55% more content than the average 2014 issue, which also points to the conclusion that the issue exceeded its usual function.

The case of the **City of Koper** is even more extreme; its newsletter was issued twice during the campaign despite a 10-month break. The last issue before the pre-election editions was published in December 2013 and contained nearly 50% less material. By the time of publication of this report, the newsletter has not been issued once since October 2014. In addition to an 8-page interview with Mayor Popovič, the first pre-election edition featured five (of 23) representatives of local communities, four of which ran for office on the *Mayor's Slovenija za vedno* party ticket. It contained an interview with the candidate for mayor of Piran, a neighbouring municipality, running on the same party ticket; an interview with the captain of the Koper fire brigade, who happened to be the top-billed candidate of the Slovenia Forever ticket for city council; an interview with the candidate for mayor of Ankaran, another neighbouring municipality, running on the same party ticket; pages 40–41 featured statements by eleven city councillors,<sup>17</sup> all of which run for office on Mayor Popovič's coalition of candidates called *Koper je naš*. Other candidates for councillor or mayor were not featured in or interviewed for the issue, indicating a pronounced bias in favour of the officials in office.

The second pre-election edition of the newsletter featured interviews with the sitting mayor and two candidates for mayor in neighbouring municipalities (both of whom were affiliated with the Mayor's party) as well as several statements purportedly made by residents of the municipality. Of those, 14 ran for office as members of one of the candidate coalitions represented by the Mayor, which reveals editorial bias as well as the wilful misrepresentation of candidates for office as random passers-by. These candidates served as a front for the ulterior motives of both coalitions of candidates. The Mayor used the newsletter to explicitly encourage voters to vote for one of the candidates for mayor of Ankaran in an open letter. A DVD enclosed with the newsletter featured video content focusing on the Mayor, both in a professional as well as personal capacity, and presented the achievements of the municipality as the Mayor's personal projects. Several segments of the video contained motifs from the sitting mayor's election campaign, pointing to the reciprocal relationship with his election campaign.<sup>18</sup>

These examples demonstrate that municipal newsletters can be hugely problematic, especially in cases clearly deviating from common practice. This manner of public funds misappropriation for election campaign purposes is against the law. Candidates would also likely drastically exceed legally set maximum campaign funds if publication expenses were added to the campaign balance sheet.

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<sup>15</sup> Šumi, Nada, ed. 2014. *GlasiLO MO Ljubljana [The City of Ljubljana Newsletter]*, XIX/8. Retrieved from: [http://www.ljubljana.si/file/1572144/glasilo-ljubljana\\_08\\_2014.pdf](http://www.ljubljana.si/file/1572144/glasilo-ljubljana_08_2014.pdf) (10/10/2015).

<sup>16</sup> Jesenšek, Maša. 2014. MOL: Očitki o zlorabi občinskega glasila in proračunskih sredstev [The City of Ljubljana: Allegations of municipal newspaper misuse and misappropriation of public funds]. *Delo*, 1/10/2014. <http://www.delo.si/novice/lokalne-volitve-2014/mol-ocitki-o-zlorabi-obcinskega-glasila-in-proracunskih-sredstev.html> (2/10/2014).

<sup>17</sup> The city council of the City of Koper comprised 33 seats in the preceding term.

<sup>18</sup> Let us note that judging by media reports, this is common practice in the City of Koper. See: STA. 2011. Zares motijo predvolilni oglasi v koprskem glasilu [The ads in Koper's newsletter are a disgrace]. *Primorske novice*, 22 November 2011. Retrieved from: <http://www.primorske.si/Slovenija-in-svet/Parlamentarne-volitve-2011/Zares-motijo-predvolilni-oglasiv-koprskem-glasilu.aspx> (13/8/2015).



The *Ljubljana* newsletter, for example, needs approx. €400,000 to produce 10 issues per year.<sup>19</sup> TI Slovenia filed complaints with the relevant authorities during the election campaign itself.

**The Internal Affairs Inspectorate has stated it has discovered no violations. Although the Court of Audit did commence an audit in six municipalities concerning municipal newsletters, its efforts have not focused on the city in which TI Slovenia recorded the highest incidence of suspected violations.**

There are also grounds for suspicion that such newsletters are in contravention of the Media Act,<sup>20</sup> which grants autonomy to editors and journalists.<sup>21</sup> What is more, neglecting to label promotional content as such equals wilfully misleading readers as the outlet gives off the impression of objectivity. Another clearly contentious issue at hand is the fact that on the one side, media are having to deal with financial trouble and a consequent drop in quality, while on the other hand, municipalities have been allocating large sums for newsletters that go beyond simply informing residents of current affairs in the municipality and serve private interests during elections or other occasions.<sup>22</sup>

Seeing as how newsletters are not only problematic during election campaign and constitute a wider systemic issue, **media legislation must be amended in order to regulate these issues in a more appropriate manner.**

## 4.2 Violations and sanctions

### 4.2.1 Common violations

The Election and Referendum Campaign Act provides a legal framework outlining the violations, sanctions and bodies in charge of executing sanctions. An overview of applicable legislation indicates that in theory, the law provides appropriate mechanisms for uncovering irregularities given that a sanction authority and relatively high fines are dictated for violations of individual articles. This is especially true for small local communities, where fines can often exceed the total value of a campaign.

TI Slovenia volunteers identified 101 suspected violations, which were then documented and submitted to the relevant authorities (the Internal Affairs Inspectorate). As many as 85 complaints involved violations related to the labelling of posters, bulletins and other print materials. Six cases concerned destroyed or covered up posters, while five cases involved the misappropriation of public funds for campaign purposes.

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<sup>19</sup>Jesenšek, Maša. 2014. MOL: Očitki o zlorabi občinskega glasila in proračunskih sredstev [The City of Ljubljana: Allegations of municipal newspaper misuse and misappropriation of public funds]. *Delo*, 1/10/2014. <http://www.delo.si/novice/lokalne-volitve-2014/mol-ocitki-o-zlorabi-obcinskega-glasila-in-proracunskih-sredstev.html> (2/10/2014).

<sup>20</sup>*The Media Act*. Official Gazette of the Republic of Slovenia, No. 110/06. Retrieved from: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1608> (10/11/2015).

<sup>21</sup>*The Media Act*. Official Gazette of the Republic of Slovenia, No. 110/06. Retrieved from: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1608> (10/11/2015). See also: Verdnik, Barbara. 2014. *Občinski mediji – spodbujanje sovraštva, ki ga financirajo davkoplačevalci* [Municipal media: Inciting hatred, paid for by the taxpayer]. Retrieved from: <http://podcrto.si/barbara-verdnic-obcinski-mediji-spodbujanje-sovrastva-ki-ga-financirajo-davkoplacevalci> (15/9/2015).

<sup>22</sup>For additional examples, see Verdnik, Barbara. 2014. *Občinski mediji – spodbujanje sovraštva, ki ga financirajo davkoplačevalci* [Municipal media: Inciting hatred, paid for by the taxpayer]. Retrieved from: <http://podcrto.si/barbara-verdnic-obcinski-mediji-spodbujanje-sovrastva-ki-ga-financirajo-davkoplacevalci> (15/9/2015).

The suspected cases of misappropriated public funds for campaign purposes are mostly related to municipal newsletters. However, we have also discovered one case in which the sitting mayor listed the toll-free telephone number of municipal administration as his contact information on his election campaign website. The candidate removed the data following our complaint.

## 4.2.2 Oversight and sanctions

Although the legal framework is unambiguous, serious shortcomings impacting its effectiveness are common in practice. The Election and Referendum Campaign Act<sup>23</sup> designates four oversight bodies in charge of enforcing the law. The Internal Affairs Inspectorate is responsible for the majority of its provisions. Oversight over the enforcement of Articles 5–7 is within the purview of the Culture and Media Inspectorate, Articles 8, 9 and 11 fall under the auspices of the inspectorate or municipal patrol of individual local communities, while financing is overseen by the Court of Audit (Articles 4, 14, 16, 18, 19, 22, 23, 29 and 30).

TI Slovenia submitted several bundles of complaints documenting over 100 cases of suspected violations to the Internal Affairs Inspectorate in the course of the election. Inspectors initiated no proceedings in 69 cases, issued no decision in 27 cases, determined two cases to be negligible infractions and imposed no sanctions, and in one case, the inspector found that it would not be expedient to institute proceedings. One case was referred to the Court of Audit. The Inspectorate imposed sanctions in a single instance involving an unlabelled poster.<sup>24</sup> The sanction was a €700 fine. The Inspectorate issued 9 decisions on infractions; a fine was imposed in six of the cases, and a warning was issued in three others.<sup>25</sup>

The Inspectorate only found 10 suspected infractions to be substantiated in total, which is an extremely low number given the observations in the field in just five municipalities and the total number of Slovenian municipalities.

Electronic and verbal exchanges between TI Slovenia and the Inspectorate betray several failings on part of the Inspectorate, which has failed to take action to the extent provided for by the law. Due to such systemic shortcomings concerning the status of those alerting the authorities of infractions, TI Slovenia is advocating for Inspectorate decisions to be made public and for the role of parties reporting irregularities to be strengthened.<sup>26</sup>

In addition to the issues listed above, we consider the Internal Affairs Inspectorate to be an unsuitable choice for overseeing elections seeing as how by its own admission, its election oversight taskforce comprises between 5 and 7 inspectors – a decidedly insufficient number in particular for local elections, which take place in all 212 municipalities at the same time. An oversight body should oversee the elections in the field, proactive oversight included, and respond to complaints immediately.

**TI Slovenia advocates for assigning a share of oversight duties to local oversight bodies, such as municipal inspection authorities or municipal patrol.** We are aware of the potential conflict of interest and their subordinate status in relation to local authorities, which could, however, be ameliorated by introducing an efficient two-step process for processing infractions. This solution would help reduce the workload of the Internal Affairs Inspectorate, ensure a faster response and

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<sup>23</sup>*The Election and Referendum Campaign Act*. Official Gazette of the Republic of Slovenia, Nos. 41/07, 103/07. Retrieved from: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4749> (15/11/2015).

<sup>24</sup> Internal Affairs Inspectorate. 2014. *Infraction decision No. 221-600/2014/2 (4-08)*.

<sup>25</sup> The data was obtained by TI Slovenia through requests pursuant to the Access to Public Information Act.

<sup>26</sup> Habič, Simona, ed. 2015. *Ali so inšpekcijski postopki res transparentni in učinkoviti? Priporočila za odločevalce [Are inspection procedures really transparent and effective? Recommendations for decision-makers]*. Ljubljana: Transparency International Slovenia. Retrieved from: [http://transparency.si/images/publikacije/PP\\_inspekcije.pdf](http://transparency.si/images/publikacije/PP_inspekcije.pdf) (30/11/2015).

evidence collection at the local level and introduce a mechanism for preventing the abuse of local oversight bodies. The Internal Affairs Inspectorate would, however, need to retain its current duties and powers.

We submitted seven<sup>27</sup> audit initiation requests for election campaigns and infraction complaints to the Court of Audit. The Court only carried out one audit of a local election campaign,<sup>28</sup> which resulted in a negative opinion concerning its business activities and a qualified opinion concerning its reporting. Given the sheer number of observed infractions, this is an absolutely insufficient effort to ensure systematic oversight over local elections.

It should be noted that local elections may produce conflicts of interest, such as awarding public tender contracts to companies supporting candidates in various ways, despite such practices being illegal. This is why campaign financing in local elections should be one of the top priorities of institutions in charge of oversight of the field.

Despite staff shortages, fragmented municipalities and relatively low campaign expenses, the role of the Court of Audit raises several questions. It is a matter of fact that some of the infractions observed by TI Slovenia do not require elaborate proceedings such as an audit. This applies to the failure to submit a campaign finance report, for example, which is punishable by a fine of at least €10,000. An offence of this kind was reported to the Court of Audit, which, however, imposed no fine.

The Court cannot act more effectively in such cases due to a deficient legal framework. **These legal provisions are unsuitable for dealing with simple offences that do not require an audit.** This issue was also raised by the Court of Audit itself, which agrees that in such cases, the law needs to provide an option of initiating proceedings that do not involve an audit.

We also advocate for a legal arrangement where the Court of Audit will not be limited to proposing sanctions to a court of law upon identifying a violation as is the case now. We believe this is unnecessary and decreases the effectiveness of prosecuting campaign-related violations.

The Court of Audit is not a suitable venue for prosecuting violations as it is not required by law to respond to complaints by civil society or private individuals. This is a particularly important point of contention in observing local elections, seeing that the high fragmentation of municipalities makes private individuals crucial for detecting irregularities in the field and should therefore carry more weight in proceedings.

**Lawmakers need to come up with ways to strengthen oversight over financial dealings of candidates in local elections and improve the sanctions system as the system would be ineffective and pointless without them.**

**TI Slovenia believes that lawmakers have two options: amending the Court of Audit Act and the Minor Offences Act or provide another oversight body as part of the Election and Referendum Campaign Act with sufficient powers and duties concerning sanctions.**

Although we did not submit any complaints to the Culture and Media Inspectorate concerning Election and Referendum Campaign Act violations, the body did receive a total of five complaints related to the 2014 local elections. By 16 November 2015, over a year after the elections, the Inspectorate has yet to close a single case.<sup>29</sup>

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<sup>27</sup> Some of these requests concerned several candidates for an audit.

<sup>28</sup> This may be in part due to a TI Slovenia initiative, though we cannot be sure seeing that the Court of Audit does not disclose this information.

<sup>29</sup> Tamara Javornik, inspector-councillor, Culture and Media Inspectorate of the Republic of Slovenia. 2015. Electronic exchanges with the author. Ljubljana, 16 October 2015.

## 4.3 Municipal budgets in an election year

Sitting mayors are frequently faced with accusations of misappropriating public funds for the purposes of election campaigns during elections; a yet more common charge has to do with investment projects that are completed during election season. This was often brought to our attention by our volunteers monitoring election campaigns in the field as well as concerned citizens in some cases. Specifically, the issue involves opening ceremonies.

This phenomenon is not subject to any specific legal limitations apart from the ban on using public funds for the purposes of election campaigns. We were unable to identify any cases of outright misappropriation of public funds for campaign purposes. Given the observed pattern, however, it may be wise to examine the concentration of municipal investment projects in election years, especially if such investments give sitting mayors an edge over other candidates. Opening ceremonies and accompanying events are an excellent opportunity for candidates to increase their visibility without spending their own resources.

An overview of final municipal budget proposals published by the Ministry of Finance<sup>30</sup> does indicate there is a trend of increasing investment in election years, specifically for new construction projects and renovations.<sup>31</sup> Aggregate data for all Slovenian municipalities between 2008 and 2014 demonstrated a sharp increase in spending in election years (2010 and 2014).

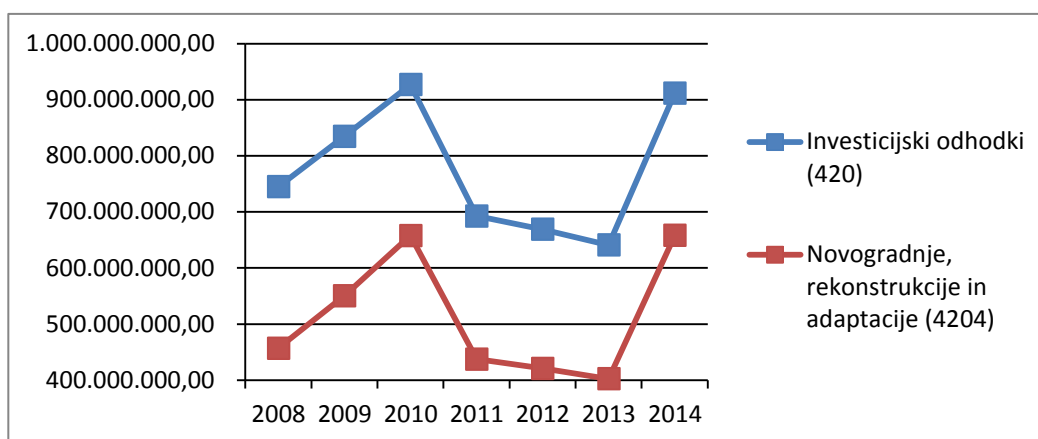


Chart 3: Investment expenditures (420) and expenditures for new construction projects, renovations and conversions (4204).

While investment expenditures (420) increased every year during the first term and peaked in an election year, there is a trend of reducing investment up to the election year during the second term when it increases dramatically. Compared to 2013, investment expenditures in 2014 increased for over €270 million, or 42%. As Chart 3 makes clear, there is a correlation between investment expenditures and expenditures for new construction projects, renovations and conversions, while other investment expenditures remain relatively stable.

The only time that expenditures for new construction projects account for over 70% of all investment expenditures is during an election year; there is also a noticeable increase in the share of municipal revenues allocated for investment in new construction projects in election years.

<sup>30</sup> Ministry of Finance. 2015. *Bilance proračunov občin [Municipal budget balance sheets]*. Retrieved from: [http://www.mf.gov.si/si/delovna\\_podrocja/lokalne\\_skupnosti/statistika/bilance\\_proracunov\\_obcin](http://www.mf.gov.si/si/delovna_podrocja/lokalne_skupnosti/statistika/bilance_proracunov_obcin) (10/10/2015).

<sup>31</sup> Standardised budgets consist of nine sub-categories of “investment expenditures” recorded under the ID number 420. These sub-categories include #4204, i. e. new construction projects, renovations and conversions.

As the data presented above makes abundantly clear, **sitting officials in an average municipality substantially increase investment in infrastructure during election years, raising doubts regarding the expedient use of public funds.** This is particularly alarming in light of relentlessly growing municipal debt.<sup>32</sup>

## 4.4 Financial operations, reporting and practice

By passing an amendment to the Election and Referendum Campaign Act in late 2013, Slovenia adopted the recommendations of the Court of Audit of the Republic of Slovenia, the Council of Europe GRECO group (Group of States Against Corruption) and the Organization for Security and Co-operation in Europe (OSCE) and eliminated gaps of the original Act identified in the field during previous elections. The core objective of the amendment was to increase transparency in funding election and referendum campaigns and the oversight thereof. The 2013 amendment was part of a set of two amendments passed simultaneously, the other being an amendment to the Political Parties Act. Campaign finance reports are now significantly more detailed and in-depth, they can be accessed via the AJ PES website, and contributions exceeding a set gross salary are made public. The changes are in line with the recommendations calling for greater transparency in funding political parties and their independence as well as preventing undue influence on political parties.

As asserted by an anonymous source,<sup>33</sup> these changes to the law have a significant impact on funding election campaigns run by political parties in 2014. Due to a ban on donations by legal entities, parties were forced to either reduce campaign expenditure or secure loans. There were very few contributions by private individuals. In addition, political parties began calling on the candidates running on their tickets to contribute to the campaign themselves, which was not the custom before the Election and Referendum Campaign Act was amended.

The financial aspect of the campaigns was one of the key aspects TI Slovenia focused on while monitoring election campaigns. Financial operations are an indicator of potential corruption risks, which become important particularly after an election when the “election bounty” is distributed. Our monitoring process involved a comparative analysis of recorded observations from the field and the reported financial statements by campaign organisers.

One of the most important elements of financial transparency is the **campaign finance report**, which must be submitted by the candidates after the election. That is the only document made available to the general public.

The current method of reporting is problematic in several ways as it does not ensure sufficient transparency and is above all made available too late. Audits are also made difficult by the fact the responsible authorities have a hard time verifying whether a particular candidate’s financial operations actually match reality. It should be noted that every deviation from objective facts constitutes a risk.

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<sup>32</sup> 2014 data has not been made available. See: Ministry of Finance. 2014. *Poročilo o zadolževanju občin in pravnih oseb javnega sektorja na ravni občin v letu 2013 in zadolženost na dan 31.12.2013 [Report on borrowing by municipalities and legal entities at the municipal level in 2013 and total debt on 31/12/2013].*

Retrieved from:

[http://www.mf.gov.si/fileadmin/mf.gov.si/pageuploads/Lokalne\\_skupnosti/Statistika/Podatki\\_ob%C4%8Din\\_o\\_realizaciji\\_prihodkov\\_in\\_odhodkov/Zadolzevanje\\_obcin/2013/Porocilo\\_o\\_stanju\\_zadolzenosti\\_na\\_dan\\_31\\_12\\_2013.pdf](http://www.mf.gov.si/fileadmin/mf.gov.si/pageuploads/Lokalne_skupnosti/Statistika/Podatki_ob%C4%8Din_o_realizaciji_prihodkov_in_odhodkov/Zadolzevanje_obcin/2013/Porocilo_o_stanju_zadolzenosti_na_dan_31_12_2013.pdf) (20/9/2015).

<sup>33</sup> An anonymous election campaign organiser. 2015. Interview with the author. Ljubljana, 10 November 2015.

#### 4.4.1 Overreported expenses

By overreporting incurred expenses, a candidate may be unduly reimbursed for (a portion of) campaign expenses from the public purse. In practice, reporting expenses that were not incurred as part of the campaign is relatively common, as shown by audits performed by the Court of Audit. The Court discovered such deviations during the single audit performed in connection to the 2014 local elections. Nearly 16% of expenses reported by the campaign organiser were unjustified.<sup>34</sup> It is difficult to say whether this is done with the intent of obtaining personal gain or due to an accounting error or ignorance of applicable laws; however, the fact that so few entities entitled to public funds are subject to an audit of their finance reports is unacceptable under the principle of prudent use of public funds.

#### 4.4.2 Unreported expenses

On the other hand, all reports failing to report some of the election campaign expenses are equally problematic. Using this method, candidates can circumvent provisions on maximum permissible expenses. This also obscures the source of the funds, thereby increasing corruption risks. TI Slovenia discovered at least two such instances that left us unable to identify two major events from the campaign finance reports. The cases involved a concert by a well-known music band and a major event with at least 10 groups of performers.

#### 4.4.3 Misleading reporting

Reports that only contain one rate and one invoice for performed services are also problematic. Such cases usually involve an external agency that performs all campaign activities on behalf of the candidate. This type of reporting makes oversight by relevant authorities and the civil society all the more difficult. This method was used by the political parties Slovenija za vedno (in Koper and Ajdovščina) and Koper je naš. In addition, neither of these reports listed the entity that issued the invoice (which is a mandatory element of the campaign finance report under the Election and Referendum Campaign Act). This also makes it impossible to determine whether the reported expenses during the Koper election included advertising in bars and other catering establishments in the municipality. TI Slovenia has received several (anonymous) tips during the election campaign that owners of such establishments were pressured to hang up materials promoting both candidate coalitions or be banned from operating their businesses on the beachfront.

An election campaign expert<sup>35</sup> also pointed out that **services and expenses for intangible goods constituted the highest corruption risk when reports presented misleading data**. Due to poor oversight, a company may be able to issue an invoice for a ridiculously large sum of money, which is extremely difficult to verify in practice. This would be prevented by introducing **campaign logs** used by campaign organisers to record all campaign-related activities and associated costs.

Common practice and interviews<sup>36</sup> point to specific challenges in local elections where the risk of insufficiently transparent financial operations is particularly high in non-partisan candidates. Candidates affiliated with political parties tend to be subject to oversight within their own party and

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<sup>34</sup> Court of Audit of the Republic of Slovenia. 2015. *Revizijsko poročilo. Pravidnost financiranja volilne kampanje kandidata dr. Andreja Fištravca za volitve župana Mestne občine Maribor v letu 2014.* [Audit Report. Funding Propriety of dr. Andrej Fištravec's Election Campaign for Mayor of the City of Maribor in 2014.] Retrieved from: [http://www.rs-rs.si/rsrs/rsrs.nsf/I/K95121512F0D2E683C1257E9D0032A8CA/\\$file/LSVol15\\_Berlic.pdf](http://www.rs-rs.si/rsrs/rsrs.nsf/I/K95121512F0D2E683C1257E9D0032A8CA/$file/LSVol15_Berlic.pdf) (29/10/2015), p. 17.

<sup>35</sup> An anonymous election campaign organiser. 2015. Interview with the author. Ljubljana, 10 November 2015.

<sup>36</sup> Tadej Beočanin, Mayor of Ajdovščina. 2015. Interview with the author. Ajdovščina, 23/10/2015. An anonymous election campaign organiser. 2015. Interview with the author. Ljubljana, 10 November 2015.

their internal rules on campaign-related expenditures. Political parties pay or approve expenses via the party headquarters (in the case of major parties), thereby ensuring internal oversight. According to our expert, campaign organisers with no party affiliation are more prone to irregularities. At the same time, he disputes the theory that these irregularities emerge due to ignorance of the law or other objective reasons; instead, he believes those candidates and their supporters have a stronger interest in returning favours when elected.<sup>37</sup> Due to the sheer number of non-partisan candidates running in local elections, election campaigns at the local level should be subject to a separate set of regulations.

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<sup>37</sup> An anonymous election campaign organiser. 2015. Interview with the author. Ljubljana, 10 November 2015.

# 5 Conclusion

For the first time in Slovenia's history, TI Slovenia systematically monitored election campaigns at the local level in its capacity as a member of civil society, using a variety of approaches and methods developed in cooperation with foreign partners and based on internationally recognised methods for monitoring elections. We based our work on best practices and experience from other countries. By conducting monitoring in the field and engaging volunteers and relevant institutions, our study could be adapted to the needs and special features of Slovenian municipalities.

This was the first test of freshly amended legislation concerning election campaigns. We used experience, field research and analytical work to formulate recommendations we considered important for evolving into a society where transparency and integrity are the norm. These recommendations need to be adopted in applicable legislation and practices in an effective manner.

The technology at our disposal makes transparency perfectly feasible. It allows us to quickly share data with a broad range of residents and other interested parties (the civil society, research institutions). That is, however, only possible if data is made available in a machine-readable format and as soon as possible after an election. This would allow us to analyse data quickly and efficiently, allowing us to monitor violations of the law and deal with them.

Mature democratic societies that greatly value integrity do not need detailed regulations and instead make do with guidelines. Our study, however, demonstrated that even clearly formulated legal provisions allowed several interpretations. This applied both to campaigns (campaign organisers and candidates) as well as oversight bodies. The fact that oversight bodies themselves cited supposedly too loosely defined legal requirements points to a low degree of integrity. It should be noted, however, that oversight bodies were willing to participate in the study and presented their points of view, which allowed us to carry out a high-quality study and formulate recommendations.

We missed proactive oversight in the field that would provide oversight bodies with an opportunity of cooperating with local inspection authorities, municipal patrol and citizens to prevent, inform and sanction violations of the law. We believe that oversight bodies should allocate time and resources in a way that would allow them to actively monitor enforcement of and compliance with the law during election campaigns. The applicable legislation was created in line with international recommendations and in order to improve transparency and integrity. A mechanism must be in place to enable civil society to monitor elections and report findings to institutions with the power of imposing sanctions. Shifting blame is unproductive and we hope it will cease in the future.

In the future, similar monitoring could only be carried out with the same standard of quality if public funds were allocated for the purpose. The funds could be provided to existing institutions to allow them to perform monitoring duties in the field and process citizen complaints. The funds could also be made available to independent organisations (civil society), which can perform similar high-quality cost-effective monitoring duties.

TI Slovenia wishes that transparency became the norm and integrity were recognised as a value unambiguously embraced by the very decision-makers we vote as our representatives at the national and local level.