Yugoslavia
25 November 1964

LIBERALIZATION OF YUGOSLAV ELECTION LAW

On 18 November 1964 the Federal Chamber and the Political-Administrative Chamber -- two of the five chambers of the Yugoslav National Assembly -- adopted amendments to the current Electoral Law which allow more than one candidate to compete for each seat in various low and high level elective bodies. In the spring of 1965 half of this number is to be elected for a four-year term. The other half will come up for election in 1967, likewise for a four-year term. Originally the Constitution provided that from 1967 on, members of an assembly could not be re-elected. The Party has now decided to advance the date on which this rule goes into effect so that it will apply to the 1965 election. The purpose of this "system of rotation" is to prevent the development of professionalism in politics.

The major Yugoslav papers gave rather limited coverage to the passing of the amendments, but nevertheless stressed that "the Electoral Law has been changed to the effect that there are no longer any procedural or legal obstacles aimed at preventing two or more persons from becoming candidates for the Federal
Chamber of the National Assembly.\textsuperscript{1}

The Changing Structure of the Yugoslav National Assembly

Under a March 1954 amendment to the 1953 Constitutional Law, a bicameral system was introduced into Yugoslavia: the National Assembly consisted of a Federal Council and a Council of Producers. The Federal Council was made up of 704 deputies. Out of this number, 352 were elected on the basis of one deputy for every 60,000 inhabitants, while 282 deputies were elected indirectly -- by the District and Town People's Committees. In addition, 70 deputies were elected on the nationality principle to make up the Council of Nationalities; they were delegated by the six republics (10 deputies each) and two autonomous provinces (5 deputies each). The Council of Producers was composed of 202 deputies representing the "working people." This body -- both in its functions and its composition -- was a class body aimed at guaranteeing the primacy of the working class. The 1963 Constitution abolished the Council of Producers and divided it into four separate chambers, and a Federal Chamber replaced the Federal Council. The deputies of the Council of Producers were elected by members of the District Councils of Producers, and each deputy represented 70,000 members of the "productive population," with the peasants allowed to take part in elections only provided they were members of agricultural cooperative groups.

The present 670-member-strong National Assembly thus consists of five chambers: 1) the Federal Chamber (the most powerful political chamber of the Assembly, consisting of 120 deputies, plus the 70 members of the Council of Nationalities; 2) the Economic Chamber; 3) the Educational and Cultural Chamber; 4) the Social and Health Chamber; and 5) the Political-Administrative Chamber. Each of the four last-named chambers also has 120 members (5 x 120 + 70 = 670).

Under the Yugoslav 1963 Constitution, a bill becomes law only when it is approved by at least two of the five chambers. Only in special emergency cases do all five of the chambers meet in plenary session.

\textsuperscript{1} Borba, 19 November 1964
Single-Member Constituency

The Yugoslav electoral system is a very complex one, for the aim of the Party has been, while giving the impression that elections are quite free, to take all possible precautionary measures to ensure the election only of persons loyal to the Party. A short review of the procedure for electing the Yugoslav National Assembly would therefore appear to be in order.

While in the past, especially in the Cominform era, elections in Yugoslavia were similar to those in all other Soviet bloc countries, resembling, as they did, a "one-horse race," in some cases the June 1963 elections were like a race between two horses with only one jockey. Present changes stick firmly to the single-member constituency principle, in accordance with Article 166 of the 1963 Constitution, which reads:

Each chamber shall have 120 deputies, who shall be elected according to the ratio of one deputy for a number of inhabitants which is the same for all electoral units, so that one or more communes, as a constituency, shall elect one deputy to each chamber.²

According to Article 169 of the Constitution, "a candidate shall become a member of the Federal Chamber when he is elected in the Communal Assembly or Communal Assemblies by a legally determined majority and when, after the election, he receives the votes of the majority of all voters in the constituency; and if several candidates are

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2) The Constitution of the Socialist Federal Republic of Yugoslavia, the English version published in 1963 by the Belgrade Secretariat of Information, p. 61 and 62. (In Poland, where there are electoral districts with more than one seat, normally a number larger than that to be elected is nominated. However, on the ballot distinction is made between "preferred" candidates and the others. The names are not arranged in alphabetical order, but instead the "preferred" candidates names are given first. It is very unusual for a non-"preferred" nominee to be elected. At best there may be a difference in the number of votes received by those in the "preferred" group, and thus a kind of index of relative popularity.)
elected, that candidate shall become a member of the Federal Chamber who has received the largest number of votes in the constituency."³ In Yugoslavia there are 120 constituencies: Bosnia and Herzegovina 21, Montenegro 3, Croatia 27, Macedonia 9, Slovenia 10, and Serbia 50.

As far as other chambers of the National Assembly are concerned, this same Article 169 of the Constitution says that a candidate shall become a member of one of these chambers "if he is elected by a legally determined majority in the Communal Assembly or Communal Assemblies."⁴ In other words, deputies of these chambers do not have to be confirmed by a referendum of citizens voting by secret ballot.

The Electoral Procedure

In the past the most important part of the election procedure was not the voting on election day itself, but rather the nomination of candidates which took place beforehand. The nomination of candidates was made either by "meetings of voters" or by groups of at least 200 voters. The procedure was actually taken from the 1953 Electoral Law, which was amended in 1958 to provide for the voters' meetings to choose only delegates to District Nominating Conferences; these, in turn, then nominated the actual candidates. The nominated candidates were then placed before the voters' meetings, which approved or rejected their nomination by a simple majority. It goes without saying that all the nominees had to be approved by the Party, which made it impossible for "anti-socialist elements" to infiltrate the ranks of the "working people."

Let us now explain, in as simple terms as possible, the highly complicated electoral procedure in Yugoslavia.

The first step is the nomination of candidates for both Communal Assemblies and the Federal Chamber. The Communal Assemblies are the top organs of both State and self-management authorities in a Commune (opština). A Communal Assembly is, according to Article 96 of the Constitution, "the basic social-political community" whose

³) The Constitution, p. 63
⁴) Ibid.
territorial competency "shall be determined by republican law." 5 It consists of two chambers: 1) the Communal Chamber and 2) the Chamber of Working Communities. The latter chamber is a sort of "central workers' council" representing all working collectives within the territory of a given commune, and not the economic enterprises alone, as was the case with the old Council of Producers.

Every voter living in the territory for which a voters' meeting is held has the right to attend it and, if he so desires, to propose a candidate for nomination, both for his Communal Assembly and for the Federal Chamber. If a nomination proposed verbally by a voter at the meeting is seconded by four other voters present, then the nominee is included on the list of nominees for that meeting. This means that there can be several nominees. After the list of nominees is completed, the participants at the voters' meeting vote by a show of hands for one of the nominees. The one who receives the most votes is then proclaimed the candidate of that particular voters' meeting.

This means that the person who has collected the most votes at a voters' meeting is not yet a candidate for deputy of an electoral unit. To become a candidate, his nomination must be confirmed at several different voters' meetings, with at least a fifth of all of the voters in this electoral unit participating.

As mentioned earlier, a person can also be nominated by a group of at least 200 voters who have submitted a proposal in writing. All 200 persons have to be from one and the same electoral unit.

A person whose nomination has been confirmed by several voters' meetings can be proclaimed a full-fledged candidate for election to the Communal Assembly only if the competent Electoral Commission has approved his nomination. Prior to the June 1963 elections, the old National Assembly appointed a Federal Electoral Commission, made up of devoted Party people, whose task it was to organize and

5) Ibid. p. 41.
conduct the elections. This Federal Electoral Commission, in turn, appointed Republican and Communal Electoral Commissions, so as to prevent "anti-socialist elements" from being nominated as candidates. For the Electoral Commissions are authorized to reject the nomination of a candidate if his nomination "is not in accordance with the law."

In addition to the candidates for the Communal Assemblies, voters' meetings also have to propose candidates for the District, Provincial, Republican and Federal Assemblies.  

The June 1963 Elections

The way in which the system functions can best be illustrated by examining the 1963 elections in Yugoslavia, which were divided into three phases:

Phase One (26 May 1963): The members of the Communal Chamber and the Chamber of Working Communities of Communal Assemblies were elected, and nominees for candidates for the Federal Chamber as well as for District, Provincial and Republican assemblies proposed.

Phase Two (3 June 1963): Communal Assemblies proposed candidates for the District, Provincial, Republican and Federal Assemblies taken from the lists of candidates nominated by voters' meetings.

Phase Three (16 June 1963): Candidates selected by Communal Assemblies were then presented to popular referendum ("secret ballot") for confirmation.

While there were in some cases during the course of Communal Assembly elections, more candidates than seats,  

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7) According to Borba of 18 May 1963, there were some villages and towns in Yugoslavia where there were more candidates than seats. For instance, in the Croatian town of Kistajnica there were 60 candidates for 58 seats in the Communal Assembly; in the Serbian town of Pirot 75 candidates were proposed to occupy 50 seats in the Communal Assembly, and in the Montenegrin town of Budva there were 64 candidates for 52 seats. The paper also reported, without giving detailed data, that "in many electoral units (in Macedonia) there were two or more candidates campaigning for one seat in the assemblies."
only one candidate per seat for all other assemblies was presented to a referendum. If the Communal Assembly chose two or more candidates, the one with the most votes was elected as a candidate to be presented to the referendum. During the June 1963 elections it was forbidden to use the term "opposing candidate," because all candidates were considered to be in favor of the policies advocated by the Party and the Socialist Alliance. 8

In their election speeches the candidates were not permitted to attack each other or to advocate a line which was against that of the Party. In general, no personality issues were allowed to be introduced into the electioneering. Instead the candidates were instructed to speak about the programs, daily tasks, economic plans and successes thus far achieved — thanks to the Party.

On 16 June 1963 the voters in Yugoslavia had only to endorse the choice made by Communal Assemblies, which had proposed 120 persons for membership in the powerful Federal Chamber. Most of the top Party leaders were directly elected to the Federal Chamber. This was, however, the case neither with Vladimir Bakarić, the Communist boss of Croatia, Jovan Veselinov, Communist boss of Serbia, nor Djurko Pucar, Communist boss of Bosnia and Herzegovinia. They entered the Federal Chamber when their respective republican assemblies elected the 70 deputies to the Council of Nationalities. This procedure was necessary because only these 70 deputies of the Federal Chamber are allowed to be members both of the Republican Assemblies and of the Federal Chamber. This means that if Vladimir Bakarić, for example, had been elected directly to the Federal Chamber in Belgrade, he would not have had the right to occupy any function in Croatia. However, as a member of the Croatian Assembly, he was elected as one of the 10 members of this assembly to become a member of the Council of Nationalities and in this way was able to occupy two posts.

Discussion On The Proposed Changes

The heated debate which took place in Yugoslavia on the reform of the electoral system which has been described above throws considerable light on the thinking and fears of various Party members with regard to this issue, and as such deserves closer attention.

8] Ibid.
One of the parts of the Electoral Law which has now been changed is Article 98. This Article was attacked by a group of deputies who posed the following question:

Would it be good and useful for the further democratization of the present system if this Article of the [Electoral] Law were changed so that citizens would as a rule be allowed to choose from among two or more candidates for Federal Chamber deputy?

The parliamentary correspondent of Borba Sl. Krstanovic, revealed that not only had there been deputies who favored changing Article 98, but also "some who have been against" any change. The deputies who demanded changes claimed that the current system "has favored -- single candidates;" in other words, "citizens actually do not elect but simply confirm or reject proposals made by Communal Assemblies." They point to the fact that citizens are legally entitled to elect "only one candidate, except in cases -- which are not likely to occur -- where several candidates have received exactly the same number of votes. In all other cases, the second candidate -- even if he has received only one vote less in the Communal Assembly -- cannot be put up for a referendum." 10 The deputies who favored a change therefore insisted that more than one candidate should be allowed to be presented to popular referendum.

The deputies who were opposed to any change in the present electoral system presented the matter as follows:

Taken as a whole, what would the electoral system and democracy in general gain by change?... They doubt that there would be any great benefit. They say: From the formalistic point of view, the rights of citizens would be extended only superficially, if one takes into consideration the fact that "electoral duels" would be made legally possible. However, the big question is whether all this would be of any use! For, in place of the favoring of one single candidate, the opponents claim, quite unnecessary rivalries would be encouraged in our

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9) Borba, 22 August 1964.

10) Ibid.
system; relations between the two or more candidates would be strained, which would lead to political consequences which cannot be foreseen at present but which would probably be negative. 11

A "third way" could also be observed among the deputies, and it "collected the greatest number of adherents." This "third way" proposed the following solution:

The change should take place, but only to the extent that a candidate who has received a majority of votes in a Communal Assembly should be considered as elected to be presented to a popular referendum, and along with him also any candidate who has received at least 40 per cent of all deputies' votes in a Communal Assembly. 12

However, following discussion in the Federal Chamber Committee which deals with organizational and political questions, the following formulation was accepted on November 10:

If no candidate has received a majority of votes in each Communal Assembly, the citizens shall elect as deputy to the Federal Chamber the one candidate who in each Communal Assembly in the territory of the respective electoral unit has received at least one-third of all the votes or has received a majority of the votes of all Assembly members in at least two Communal Assemblies on the territory of the respective electoral unit. 13

The deputies who opposed this formulation were afraid that "in this way localistic tendencies will be encouraged." They said: "If we allow that a candidate needs for his election only a majority in two Communal Assemblies, we shall make it possible for each Commune (opstina) to nominate its own candidate, which in turn may have a negative effect on the relations between individual Communes. Is this not a policy of dividing Communes and political leaders?" — they asked. 14

11) Ibid.
12) Ibid.
14) Ibid.
Those colleagues of theirs who demanded changes posed a quite different question: "Why should we not allow each Commune to nominate its own candidate? We cannot simply ignore the view of the majority in two Communal Assemblies. This is a fundamental democratization of the electoral system, and it is up to the political leaders in the Communes...to fight a democratic struggle over 'their own' candidates."

(Emphasis supplied)

According to another parliamentary correspondent of Borba, N. Burzan, "the deputies/members of the Organizational-Political Committee/ have finally submitted to the Federal Chamber the "third way" solution and the alternative solution formulated on November 10. The latter was adopted on November 18 by the National Assembly. Both the reform and anti-reform deputies agreed, however, that in cases where there is only one candidate -- the rules currently in effect still apply.

Pandora's Box Opened

Article 55 of the Electoral Law, which covers the procedure for nominating candidates at voters' meetings, has now also been amended. This Article provided that one-fifth of all voters in the territory of an electoral unit had to give their votes in order for a person to be named as candidate. Under the amendment "a candidacy shall be officially recognized if it is confirmed by voters' meetings embracing at least one-tenth of the total number of voters."16

The major change, however, appears to lie in the fact that past practice which allowed only one candidate per seat has definitely been abandoned. A low-ranking official in the Dalmatian town of Split recently said that in the past "proposals for the nomination of candidates were made behind closed doors." Now "the nomination of the candidates should be in accordance with the wishes of the voters."17

15) Ibid.
16) Borba, 19 November 1964.
17) Rikard Sutlović, Chairman of the District Committee of the Socialist Alliance in Split, as quoted by Borba of 21 November 1964.
The kind of precautionary measures the Party has in mind to prevent "anti-socialist practices" during the elections can be seen from a speech made on November 2 by Mme. Lydia Sentjurc (pronounce: Shentyurts), Chairman of the Electoral Commission of the Executive Committee of the Socialist Alliance of the Working People of Yugoslavia, at the first session of the Commission in Belgrade. According to a Tanjug report of November 3, Mme. Sentjurc's explanation went as follows:

Speaking of the change in the Electoral Law, Lydia Sentjurc commented on views claiming that the possibility of the nomination of more candidates would open the door for uncontrollable actions, for attempts at demagogic outbidding, etc. The other extreme is represented by the view that one should render possible a contest between several candidates, but on the basis of their differences with respect to means, methods and pace of the implementation of the common aims. Both extremes basically underestimate the role of citizens and their organizations in the electoral procedure and actually represent conservative and outdated concepts.  

More important, however, is what Mme. Sentjurc had to say in connection with the omnipotent Electoral Commissions, which must therefore have also been the subject of a demand for change, which she rejected in the name of the Party. According to the above-mentioned Tanjug report, Mme. Sentjurc said that "the condition for the successful work of the Electoral Commissions has been the full independence, initiative and responsibility of the existing cadre organs in other organizations."  

In other words, the Party must keep entirely in its hands the right to decide who shall be permitted to be a candidate for the National Assembly and who not.

The Party is obviously concerned that it may be opening a Pandora's box, for it is at pains to stress that the new provisions should not be interpreted as establishing a hard

18) Politika, 3 November 1964.
19) Ibid.
and fast rule, that people should not believe that more than one candidate must in every case be put up. Both the radio and press repeated the explanation given by the Federal Chamber deputy Mirko Boskovic on November 18 that "the nomination of several persons does not mean a confrontation of candidates, because such a system would be outdated." He added that "although the new amendment facilitates and simplifies the process of nominating more than one candidate per seat, it at the same time encourages neither the principle of more than one candidate nor the principle of only one candidate." In this connection Boskovic stated:

The essential thing is that the voters gain the possibility of discussing potential candidates in a free atmosphere and that they select in such an atmosphere one or more candidates. By its flexible and clear provisions, the amendment makes this alternative possible, but only the organized practical political implementation by political and social organizations and by all of the people with a high degree of consciousness will make it possible for the one or the other alternative to acquire its real sense.

Spirit Changed

The Sarajevo daily Oslobodjenje is even more adamant in emphasizing the greater freedom of choice given to the voters in Yugoslavia. Writing editorially, the paper said that "the essence of the amendments to the Electoral Law is reduced to the necessity that our citizens, i.e. all the voters, are given the opportunity to express freely their opinion about the candidates, propose them according to their own wishes and standards, judge the candidates by their ability, in the broadest sociopolitical sense of the word... The simplification of the electoral procedure and, if we may say so, the liberalization of the principle of the voters' 'minimum', affords many possibilities for the realization of...social aims...It is obvious that voters' meetings are now allowed to propose more than one candidate for a deputy's seat."

21) Radio Belgrade, 18 November 1964, as monitored by RFE.
22) Ibid.
23) Oslobodjenje, Sarajevo, 19 November 1964.
Even though "one should not insist at any price" that citizens must propose more than one candidate per seat, the paper stresses that "it would also be absurd to insist on the nomination of only one candidate per seat, if the citizens desire as candidates two persons of equal caliber." 24

Still, however, great the precautionary measures that are being taken by the Party to retain full control over the elections, the very fact that more than one candidate may be allowed to compete publicly for popular votes represents a fundamental change in the political system of a Communist country. Once a right, however limited it may be, is granted, it is very difficult to take it away. As for the Yugoslav Communists, it would appear that their already gravely shaken "monolithic unity" will be shaken even more.

Only next spring's elections will show how Yugoslavia's citizens have understood the changes in the Electoral Law.

Slobodan Stankovic

24) Ibid.