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Strasbourg, 19 September 2000

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CDL (2000) 68

Engl. Only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**LETTER OF 7 SEPTEMBER 2000
BY THE PRIME MINISTER
OF THE REPUBLIC OF SLOVENIA**

**OPINION 135 / 2000
Constitutional Amendments
Concerning the Electoral System
In the Republic of Slovenia**

Hon. Dr. Antonio La Pergola, President
Commission for the Democracy Through Law- Venice Commission
Council of Europe
F-67075 Strasbourg, Cedex
France

Ljubljana, 7. 9. 2000

Dear Mr. President,

On behalf of the Slovenian Government I addressed to the Venice Commission, which You preside, two questions related to the ongoing constitutional dispute in Slovenia. Soon thereafter, on 25 July, the National Assembly of the Republic of Slovenia in a swift action adopted and promulgated the »Constitutional Act Amending Article 20 of the Constitution of Slovenia.«

Herewith a new constitutional situation was created, different from the one I reported in my letter of 21 July 2000. This new legal reality should of course be taken into consideration by the group of experts to be entrusted with the task of analysing the Slovenian constitutional dilemma.

It therefore seems to me that the first question which I posed became obsolete, while the second question remains pertinent. The second question, however, should be rephrased in

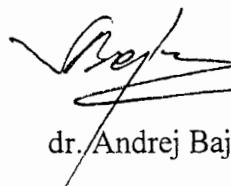
view of the new legal facts by substituting the words »would be« by the word »is« in the third line on page two of my letter. The question would therefore take the following form:

2. »The Government of the Republic of Slovenia (also) seeks to obtain an opinion from the Venice Commission on the issue of whether or not it is consistent with the European constitutional standards and tradition to amend the constitutional provisions on parliamentary elections in order to allow a new electoral law which would be, however, inconsistent with the one chosen by referendum whose results were upheld on two occasion by our Constitutional Court.«

May I at this occasion reiterate that my Government indeed also proposed to the National Assembly to amend the Constitution with a view, however, to allow a new legislative referendum to take place in which one of two competing electoral laws would be chosen. The presently enacted constitutional amendment however introduced only one of two electoral options, that is the proportional system which was neither upheld by the referendum nor confirmed by the constitutional judgements.

Please find enclosed the English translation of the newly enacted Constitutional Act which introduced the proportional system for the forthcoming parliamentary elections to be held on 10 October this year.

Respectfully yours,



dr. Andrej Bajuk

