

**ACT**  
**ON ELECTION OF**  
**REPRESENTATIVES TO THE**  
**CROATIAN PARLIAMENT**  
**(consolidated wording)**

On the basis of Conclusions of the Croatian Parliament of 2nd April 2003., The Committee for Legislature of the Croatian Parliament on its 110th session held on 9th April 2003 has established the consolidated wording of the Act on the Elections of Representatives to the Croatian Parliament.

The consolidated wording of the Act on the Election of Representatives to the Croatian Parliament contains the Act on elections of representatives to the Croatian national Parliament (the official gazette »Narodne novine« Nr. 116/99), and its amendments published in »Narodne novine« Nr. 109/00 and 53/03 where the exact term of their entering into force has been indicated.

Class: 013-01/03-01/04 Zagreb, 9th April 2003

President  
of the committee for legislature  
of the Croatian parliament  
Josip Leko, B.A.

**ACT**  
**ON ELECTION OF REPRESENTATIVES TO THE CROATIAN PARLIAMENT**  
**(consolidated wording)**

**GENERAL AND FUNDAMENTAL PROVISIONS**

Article 1

The election (hereinafter: elections) of representatives to the Croatian Parliament (Sabor) shall be regulated by this Act.

Article 2

The mandate of the representatives elected to the Croatian Parliament (hereinafter: Parliament) runs for 4 years and can be prolonged only in the case of war, or in cases form articles 17 and 100 of the Constitution of the Republic of Croatia.

The mandate of the representatives is not imperative and they are not revocable.

Article 3

The freedom of voters to take sides and to secret vote shall be guaranteed.

It shall be the right and obligation of voters to cast their vote only once.

No one can request the voters to proclaim their voting orientation.

No one can be called to account because of voting or for not having voted.

Article 4

The representatives in Parliament are being elected on ' the basis of direct universal and equal suffrage by all the Croatian citizens with full 18 years of age, except those who are by legally valid court sentence divested of business capacity (hereinafter: voters).

A Croatian citizen with full 18 years of age can be elected for a representative.

#### Article 5

The President of the Republic calls the elections for representatives and Parliament for the first session.

The elections day shall be determined by a resolution on election calling.

The elections day is not a working day.

Since the day of the calling, until the day of the elections for representatives minimum 30 days must pass.

#### Article 6

The elections are being conducted on polling stations in the territory of the Republic of Croatia and in the diplomatic-consular representative missions of the Republic of Croatia.

#### Article 7

Voters who have residence in the Republic of Croatia shall vote at the polling stations in the territory of the Republic of Croatia, determined according to their place of residence.

Voters who have residence in the Republic of Croatia, but on the election day are serving the armed forces of the Republic of Croatia, voters who are members of the maritime

and river Croatian ships crews, but on the election day are outside Croatia's borders, and voters divested of freedom, shall vote at special polling stations, determined in compliance with the provisions of this Act.

Voters who have residence in the Republic of Croatia, but on the election day are outside Croatia's borders, shall vote in the diplomatic-consular representative mission of the Republic of Croatia for representatives of the constituency according to its place of residence in the Republic of Croatia.

#### Article 8

Voters who do not have residence in the Republic of Croatia shall have the right to be represented in the Parliament and shall elect representatives according to the provisions of this Act.

#### INCOMPATIBILITY OF DUTY, SUSPENSION AND CESSATION OF THE REPRESENTATIVE MANDATE, AND DEPUTIZATION OF REPRESENTATIVES

#### Article 9

A representative, parallel with performing the duty of a representative cannot perform the following offices: a judge of the Constitutional Court of the Republic of Croatia, Attorney General, Deputy of the Attorney General, the People's Ombudsman, Deputy of the People's Ombudsman, Prime Minister or Deputy Prime Minister, a Minister or other member of the Government of the Republic of Croatia, Deputy Minister, Assistant Minister, Director of a State Administrative Institution, Deputy Director of a State Administrative Institution, Assistant Director of a State Administrative Institution, Secretary General of the Government of the Republic

of Croatia, Secretary general of a Ministry, Director of a Government's Office or Government's Agency, the Prime Minister's Chief of Staff, Director of the Office of the Council for National Security, ambassador, general consul, county head (Župan) or deputy county head (podžupan), the mayor of Zagreb or the deputy mayor of Zagreb, an active military person, a senior or junior employee in the military forces, a member of a board of directors of a company, institution or non-budget fund which is predominantly in the state ownership, and a director of a legal person that is according to the law obliged to submit reports to the Parliament.

During his/her mandate, a representative can accept to fill a post, that is according to the provisions of this act incompatible.

During the filling of an incompatible post, his/her mandate shall be in suspension, and he/she will be deputized by a deputy, according to the provisions of this Act.

#### Article 10

A mandate shall cease to a representative earlier than the period he/she has been elected for;

1. if he/she resigns,
2. if he/she is by a legally valid court sentence divested of business capacity,
3. if he/she is by legally valid court sentence sentenced to an unconditional sentence of prison longer than 6 months,
4. in case of his/her death.

#### Article 11

A representative whose mandate has ceased, and the representative who has incompatible parallel offices or mandate

suspension on the basis of a written request, shall be deputized by the deputy representative.

A deputy representative shall start to fill the representative post after the Parliament establishes the occurrence of legal preconditions for application of the institution of deputy

#### Article 12

A representative elected on a list in the constituency shall be deputized by a non-elected candidate from the same list, and determined by the political party that has proposed the list.

A representative elected on an independent list in the constituency shall be deputized by the first next non-elected candidate from the list.

A representative elected in a constituency for election of national minority representatives shall be deputized by the deputy elected in the same constituency.

#### Article 13

After cessation of filling the incompatible post, the representative proceeds to fill the post of a representative on the basis of mandate suspension cessation in the Parliament, if he/she submits a written application to the President of the Parliament within 8 days from the cessation of filling the incompatible post. The suspension of the representative's mandate shall stop on the eighth day from the day of filing the written application.

The proceeding of filling the representative post on the basis of cessation mandate suspension in the Parliament, can be requested by the representative once during his/her mandate.

#### Article 14

A representative shall have the right to put his/her mandate to suspension once during his/her representative's mandate, by submitting a written application to the President of Parliament.

A suspension of mandate cannot last less than six month. During that period the representative shall be deputized by his/her deputy.

A suspension of representative's mandate shall cease on the eighth day from the day when the representative, who has suspended his/her mandate, has submitted to the President of Parliament a written statement on the renewed filling his/her representative's post.

### THE RIGHT OF MEMBERS OF NATIONAL MINORITIES IN THE REPUBLIC OF CROATIA TO REPRESENTATION IN THE CROATIAN PARLIAMENT

#### Article 15

The Republic of Croatia guarantees to members of national minorities in the Republic of Croatia to exercise right of representation in the Parliament.

The members of national minorities in the Republic of Croatia shall have the right to elect eight representatives to the Parliament, who shall be elected in a special constituency being the territory of the Republic of Croatia.

#### Article 16

Members of the Serbian national minority shall elect three representatives to Parliament consistent to the Constitutional Act on the Rights of National Minorities.

Members of the Hungarian national minority shall elect one representative to Parliament.

Members of Italian national minority shall elect one representative to Parliament.

Members of Czech and Slovakian national minority shall together elect one representative to Parliament.

Members of Austrian, Bulgarian, German, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, Vallachian and Jewish national minority shall together elect one representative to Parliament.

Members of Albanian, Bosnian, Montenegrin, Macedonian and Slovenian national minority shall together elect one representative to Parliament.

Members of national minorities from Paragraphs 1, 2 and 3 of this Article, beside the representative candidate shall propose also his/her deputy, who shall be elected together with him/her.

Members of national minorities from Paragraphs 4, 5 and 6 of this Article propose only the representative candidate, and his/her deputy shall become the representative candidate who won the next most votes to the elected representative.

#### Article 17

The right to submit proposals for candidates for national minorities and their representatives have political parties, voters and associations of national minorities.

If a representative candidate for a national minority representative and his/her deputy is being proposed by the voters, for a valid nomination 100 voters' signatures shall be collected.

#### Article 18

The signatures of voters in the procedure of nomination of representatives and deputies of national minorities members, who are elected in special constituencies are to be collected on a required form, where name and family name, nationality and address of the proposed candidate shall be entered, and name, family name and address of the undersigned voter-proposer.

#### THE NOMINATION

#### Article 19

The right to propose party lists for the election of representatives to Parliament have all the political parties, that are registered in the Republic of Croatia on the day of publishing the resolution on calling of elections in the official gazette "Narodne novine".

The list for election of representatives to Parliament can be proposed by one political party independently or, two or more political parties (a coalition list).

Political parties determine their party lists and the sequence of candidates on them independently, in a manner foreseen by their statutes, or in compliance with special statutory resolutions.

#### Article 20

Voters propose nomination lists on the basis of signatures collected in a legally valid manner.

For legally valid proposal of a constituency list for the election of a representative to Parliament, minimally 500 voters' signatures must be collected.

#### Article 21

The proposals must arrive to the National Election Commission of Republic of Croatia (hereinafter: National Election Commission) not later than 14 days from the day of election calling.

In the constituency list proposal for the election of a representative to Parliament, the name of the list must be stated, and candidates must be ordered from the ordinal number 1 to the final number 14.

The name of the list shall be the name of the political party, or political parties or coalition that have proposed the list. If the political parties use the abbreviated name of the party, or parties, or coalition, abbreviations can be used in the name.

If the list is proposed by a group of voters, its name is »the independent list\*.

The holder of the list does not need to be a candidate on the list.

One can be a candidate only on one list and only in one constituency.

#### Article 22

The National Election Commission shall within 48 hours from the delivery of constituency lists for the election of representatives to Parliament, accept and publish all the legally valid lists for every constituency in all the daily papers in the Republic of Croatia and in the Croatian radiotelevision.

The National Election Commission shall publish for every constituency a collective list of all the legally valid lists.

A collective list contains the name of every list of the constituency, and name and family name of the holder of each

list. A party, or independent list shall be entered to the collective list according to the alphabetic order of the full name of the political party, or coalition of political parties proposing the list. If several political parties have proposed a common list, it shall be entered to the collective list according to the name of the first political party in the order of appearance in the proposal.

The National Election Commission shall within 48 term deliver to Croatian diplomatic-consular missions all the accepted lists for every constituency, and the collective list of every constituency for their publishing.

#### Article 23

Political parties that have proposed the accepted lists of candidates for the election of representatives to Parliament can withdraw of the list in the way foreseen by their statute or by a special resolution adopted on the basis of the statute, not later than 48 hours after it has been accepted and as such published by the election commission of the constituency. For an independent list the resolution on withdrawal is made by the list holder.

A written notice on withdrawal must arrive to the election commission of the constituency.

Withdrawal of one or more candidates from the list shall not be allowed after acceptance of list in which they are stated. The withdrawal of some of the candidates shall not be taken into consideration and such a list shall remain legally valid with names of all the announced candidates.

#### Article 24

Not later than 48 hours after it has been accepted and published, of the nomination for a representative to Parliament in constituencies where representatives of national minorities are being elected, can withdraw:

- an independent candidate by a written statement authorised by a notary public,
- a candidate nominated by a political party with a written agreement of a political party and
- a political party that has nominated the candidate.

A withdrawal of candidate from the Paragraph 1 of this Article refers also to their deputies.

#### Article 25

If some of the candidates on the lists for the election of representatives to Parliament or a candidate or deputy in constituencies in which representatives of national minorities are being elected dies in the period since the day of the lists announcement, the political party, or parties or associations of national minorities that have nominated that representative, can propose a new candidate instead of him, or a deputy, without special conditions for validity of nomination determined by this

Act, up to 10 days before the elections.

If some of the candidates on lists for election of representatives to Parliament dies after the period mentioned in the Paragraph 1 of this article, the provision of the Article 12 of this Act shall be applied accordingly.

#### THE ELECTION ADVERTISING CAMPAIGN

##### Article 26

The election advertising campaign shall start on the day of announcement of collective lists of constituencies, and ends 24 hours before the elections day.

On the election day until the closing of polling stations, and 24 hours before the election day, every election advertising is prohibited, publishing of estimations of election results, and announcement of previous, non-official results of elections, publishing of photos in means of public communication, statements and interviews of lists holders, or candidates, and voting of their statements or written work.

##### Article 27

During election advertising campaign all the political parties that have proposed their candidate lists have the right to express and explain their election programmes and election advertising under same conditions.

All the means of public communication are obliged in their work, to enable the exercise of rights from Paragraph 1 of this Article to political parties.

##### Article 28

In order to realize equality of all the political parties that have declared lists and equal possibilities of introducing their programmes and advertising of political parties, the Parliament shall, within 15 days since the entering into force of the Act on amendments of the Act on election of representative to the Croatian national Parliament (»Narodne novine« Nr. 53/03) adopt Regulations on proceeding of electronic media with national concession in the Republic of Croatia during election advertising campaign.

By the regulations from Paragraph 1 of this Article, forms and time of accompanying the election advertising of political parties shall be determined, ways of introducing programmes of political parties, candidates on party and independent lists, candidates for representatives of members of

national minorities, party officials, and regulations for programmes with confrontations of the list holders.

By the regulations from Paragraph 1 of this Article total airing time of all the programmes shall be established (telops, video clips, rally recordings, special programmes and similar) that by means of electronic media with national concession in the Republic of Croatia can be bought in the same duration by the political party that has the majority, the coalition and the opposition parties or coalitions, taking into account that the equal time shall be calculated according to the particular list participating on elections.

#### COST OF ELECTION ADVERTISING AND THE RIGHT OF COMPENSATION

##### Article 29

The right of compensation of election advertising expenses from the state budget of the Republic of Croatia shall be exercised by all the political parties who have registered their lists in at least one constituency for the election of representatives to the Parliament.

The right to compensation of expenses of the election advertising from the state budget of the Republic of Croatia shall also be exercised by the candidates for representatives of members of national minorities who are being elected in special constituencies and the holders of independent lists.

##### Article 30

Parliamentary political parties that have had representatives in the Parliament on the day of 31st December 2002 and that participate on the elections, have the right to compensate

the expenses of the election advertising in the one-year amount determined for the year 2003 according to the Act on Political Parties (»Narodne novine« Nr 76/93, 111/96, 164/98 and 36/01) and according to the

regulations adopted on the basis of this act.

The costs of election advertising from the Paragraph 1 of this Article must be paid to the political parties not later than 48 hours after the accepted lists have become final.

#### Article 31

Every political party that has a list for the election of the representatives to Parliament has the obligation by the beginning of the election advertising to announce approximate data on the amount and source of own means that it intends to spend for the election advertising.

Candidates for representative of members of national minorities are also obliged to announce data on the amount and source of own means that they intend to spend on the election advertising by the beginning of the election advertising

#### Article 32

Political parties, that on the day of 31st December 2002 have not been represented in the Parliament, and also the proposers of independent lists participating in the elections, have the right to compensation of costs of election advertising if they win at the elections more than 5% of valid votes of their constituency.

The right of expenditure compensation of the election advertising from the state budget of the Republic of Croatia shall also be exercised by the candidates for representative members of national minorities who shall win at least 5% of valid votes in a special constituency.

The compensation shall be paid within 30 days, from the day of the proclamation of official electoral results.

The amount of the compensation of the election advertising is to be determined by the Government of the Republic of Croatia by a special resolution. The resolution must be adopted not later than 20 days before the conducting of elections.

#### Article 33

Political parties, independent candidates and candidates for representatives of national minorities can finance the election advertising with their own financial means.

#### Article 34

The expenditures compensation of the election advertising shall be paid directly to central bank accounts of political parties in the place of their seat, or directly to independent candidates and candidates for representatives of national minorities.

### THE ELECTION OF REPRESENTATIVES TO PARLIAMENT

#### Article 35

140 representatives in the Parliament shall be elected in that manner that the territory of the Republic of Croatia shall be divided in ten constituencies, and in each constituency, on the basis of lists, 14 representatives shall be elected.

#### Article 36

The constituencies shall be determined by the Act on constituencies for the election of the representatives to the

Croatian Parliament, in a manner that the number of voters in the constituencies must not differ more than + - 5%.

When defining constituencies, account shall be taken as much as possible on territories of municipalities, counties and towns in the Republic of Croatia, determined by the law.

#### Article 37

The number of representatives that shall be elected from each list of a constituency shall be determined in the following way:

The total number of valid votes that each list (the electoral mass of the list) has won is to be divided with numbers from 1 to finally 14, decimal rest also taking into account. Of all the gained results, representative seats shall win those lists on which the 14 numerically biggest results are shown, including the decimal rests. Each of these lists shall win as much representative seats in the Parliament, as much single results among the 14 numerically biggest results it has won.

#### Article 38

The right to participate in the division of representative seats in a constituency shall be exercised by those lists that shall win in the elections at least 5% of valid votes.

#### Article 39

From each list, elected shall be the candidates from the ordinal number 1 to that ordinal number of how many representative seats a particular list has won.

Deputy candidates from each list of a constituency shall be the candidates who have not been elected.

#### Article 40

Voters who do not have their residence in the Republic of Croatia shall elect representatives on the basis of lists with the 14 candidates in a special constituency.

#### Article 41

The number of representatives to be elected by the voters not having their residence in the Republic of Croatia in a special constituency shall be determined in the following manner:

The total number of the valid votes in the ten constituencies in the Republic of Croatia shall be divided with 140, which is how many representatives have totally been elected in these constituencies. With the gained results, the number of valid votes in the special constituency shall be divided. The result achieved in that manner is the number of representatives elected in the special constituency. If the result is not a whole number, it shall be rounded to the whole number from 0.5 up and below 0.5 down.

#### Article 42

The total number of representatives elected by the voters who do not have residence in the Republic of Croatia in the special constituency determined by the Article 41 of this Act shall be divided among the lists nominated in this constituency according to provisions of the Article 37 to 39 of this Act.

#### Article 43

Members of national minorities from the Article 16 of this Act shall elect representatives to the Parliament by individual elections, in the manner that the candidate is elected who has won the most votes of the voters who have cast their votes. If two or more candidates win the same number of votes, the elections shall be repeated.

### THE ELECTION IMPLEMENTATION BODIES

#### Article 44

The bodies for implementation of elections for the Parliament are:

The National Election Commission, Constituency Election Commissions, Municipal and Town Election Commissions and Electors' Committee.

### THE NATIONAL ELECTION COMMISSION

#### Article 45

The National Election Commission has a permanent and expanded membership.

The permanent membership of the National Election Commission consist of a president and four members, and their deputies.

The President of the Supreme Court of the Republic of Croatia is by his/her position the president of the National Election Commission.

Members of the Commission, deputy president and deputies of the members of the permanent membership of the National Election Commission shall be appointed by the Constitutional Court of the Republic of Croatia from judges of the Supreme Court of the Republic of Croatia and other prominent lawyers who must not be members of political parties.

#### Article 46

The expanded membership of the National Election Commission shall be determined upon accepting, determining and proclaiming of the constituencies.

Members of the expanded membership of the National Election Commission have all the rights and obligations as permanent members of the National Election Commission.

#### Article 47

The expanded membership of the National Election Commission consists of three representatives of the majority party or coalition and three representatives of the political parties of the opposition or coalition proposed by agreement, consistent to the structure of the Parliament, and their deputies.

If no agreement can be achieved on the three opposition representatives, that by the structure of the Parliament are considered opposition, the election of the three members of the expanded membership and their deputies shall be decided by lot, at the Constitutional Court of the Republic of Croatia, among the candidates and their deputies.

Article 48 The National Election Commission shall:

1. take care of a legal preparation and conduct of the elections for representatives in the Parliament
2. appoint members of Constituency Election Commissions,
3. determine mandatory instructions for work for Election Commissions and electors' committees,
4. determine polling stations and election committees in Croatian diplomatic-consular missions of the Republic of Croatia,
5. regulate forms to be used in the process of preparation and conduct of elections
6. supervise work of Constituency Election Commissions
7. on the basis of legally valid proposals, publishes and proclaims lists of the constituencies, and drafts collective lists of the constituencies,
8. supervise regularity of the election advertising
9. announce results of elections for representatives in the Parliament,
10. ensure permanent service of reliable, competent and professional information of voters and providing answers connected to conduct of voting and elections,
11. perform other work regulated by this Act.

#### Article 49

Obligatory instructions for work of Election Commissions and electors' committees determined by the National Election Commission shall be published in »Narodne novine«, on Croatian radio-television and in all the daily newspapers in the Republic of Croatia.

#### THE CONSTITUENCY ELECTION COMMISSION

#### Article 50

The Constituency Election Commission has a permanent and an expanded membership.

The permanent membership of the constituency Election Commission consists of the president and two members, and their deputies.

The president, members, deputy president and deputy members of the permanent membership of the constituency Election Commission shall be appointed by the National Election Commission among judges

and prominent lawyers.

#### Article 51

The expanded membership of the constituency Election Commission shall be determined upon accepting, determining and proclaiming of party lists.

Members of the expanded membership of the constituency Election Commission shall have all the rights and obligations of permanent members of the Constituency Election Commission.

#### Article 52

The expanded membership of the constituency Election Commission consists of two representatives of the majority political party, or coalition and two representatives of parties of the opposition, or coalition, proposed by agreement, consistent to the party structure of the Parliament, and their deputies.

If no agreement can be achieved on the two opposition representatives, that by the structure of the Parliament are considered opposition, the election of the two members of the expanded membership and their deputies shall be decided by lot, at the National Election Commission, among the candidates and their deputies.

Article 53 The constituency Election Commission shall:

1. take care of a legal conduct of elections at the polling stations in its territory,
2. determine the polling stations on the proposal of Municipal and Town Election Commissions,
3. appoint the Town and Municipal Election Commissions,
4. appoint and dissolve Electors Committees,
5. according to obligatory instructions of the National Election Commission perform all technical preparations for conduct of elections in its territory,
6. collect and add results of the voting on polling stations in its territory from Municipal and Town Election Commissions
7. perform other tasks regulated by this Act.

#### Article 54

Provisions of the Article 53 of this Act shall be applied in the appropriate way also to the Constituency Election Commissions in which representatives of national minorities in the Republic of Croatia shall be elected.

### THE MUNICIPAL AND TOWN ELECTION COMMISSION

#### Article 55

The Municipal and town Election Commissions are appointed by the Constituency Election Commission.

To the structure of Municipal and Town Election Commissions the same rules shall be applied as to the election and structure of the Constituency Election Commission.

Article 56 The Municipal and Town Election Commission shall:

- propose to the Constituency Election Commissions to determine the polling stations in the territory of the municipality or town,
- propose the appointment of Electoral Committees in the territory of the municipality or town
- propose dissolution of Electoral Committees in cases envisaged by this Act,
- collect data on elections and proceed them to the Constituency Election Commission,
- perform other work delegated to them by the Constituency Election Commission from its scope

### THE ELECTORAL COMMITTEES

#### Article 57

Electoral committees directly conduct elections of voters on polling stations and ensure regularity and secrecy of voting.

An Electoral Committee shall consist of a president and four members, and deputy members. Two members and a deputy shall be appointed by the majority political party or coalition, and two members and deputies by the parties of the opposition or coalition consistent to the party structure of the Parliament.

Political parties must appoint members of particular Electors Committees and deliver their names to the responsible Election Commissions not later than 8 days before the elections day. If they fail to do so, the Election Commissions will appoint members of Electors Committees by themselves.

The president of the Electors Committee and his deputy must not be members of any political party, and shall possibly be lawyers.

Electors Committees for all the polling stations consistent to provisions of the Paragraphs 3 and 4 of this Article shall be appointed by the Election Commissions in charge according to the provisions of this Act, not later than five days before the election day.

#### THE IMPLEMENTATION OF ELECTIONS

#### Article 58

Not later than ten days before the elections, the National Election Commission for the polling stations abroad, and Constituency Election Commission for the polling stations in the territory of the Republic of Croatia, shall announce which polling stations have been determined, with the notice which voters shall vote on which location.

#### Article 59

The Minister of defense shall determine the polling stations for voters who serve in the Armed forces of the Republic of Croatia.

The Minister of maritime affairs, transport and communications shall determine the polling stations for voting of ship crews on seas and rivers under Croatian flag, who will be outside borders of the Republic of Croatia on the election day.

The Minister in charge of justice administration shall appoint the polling stations for voting of persons divested of freedom.

#### Article 60

When determining the polling station location, account must be taken of the number of voters who will vote, and accessibility and distance of the polling station.

The number of voters who shall vote at one polling station shall be determined in the manner that the voting can without difficulties be conducted in the period determined for voting.

For each polling station a separate voting room shall be determined, that must be equipped and arranged in the way ensuring the secrecy of the voting.

Each polling station has an ordinal number.

#### Article 61

Not later than eight days before the elections day the responsible body shall deliver to every voter a voting list extract, relating to him/her.

#### THE VOTING PROCESS AND ESTABLISHING OF RESULTS

#### Article 62

The voting is to be performed personally, by means of a voting slip.

No one can vote instead of another person.

The voting slip shall be printed in the state printing press determined by and supervised by the National Election Commission.

Each voting slip must have a serial number printed.

#### Article 63

The voting slip on which one shall vote for one of the lists in the constituency shall content:

1. name of the list,
2. name and family name of the list holder,
3. serial number

On the voting slip, the political parties shall be listed in that order in which they are listed on the collective list of particular lists. An ordinal number shall be placed in front of the name of the list.

#### Article 64

One shall vote only for constituency lists listed on the voting slip.

The voting slip is to be filled out in the manner, that the ordinal number in front of the name of the constituency list shall be encircled.

#### Article 65

The voting slip, on which one votes in the constituency in which a representative of a national minority is to be elected, shall content:

1. name and family name of the candidate and his/her deputy
2. full and abbreviated name of the political party, or parties or party coalitions that nominated the candidate. If the candidate has been nominated by a group of voters in accordance with the provisions of this Act, next to his/her name a notice »independent candidate« is to be placed.
3. serial number

Candidates shall be listed on the voting slip in that order in which they are listed on the list of candidates for election of representatives of national minorities. In front of name and family name of a candidate an ordinal number is to be placed.

One shall vote only for candidates for election of representatives of national minorities listed on the election slip, by means of encircling the ordinal number in front of the candidate's name.

#### Article 66

A valid voting slip is the one out of which one can with certainty and in a doubtless manner establish the will of the

voter, and for which list or candidate the voter has cast his/her vote.

Article 67 A non-valid voting slip is:

1. an unfilled voting slip,
2. a voting slip filled out in the way in which one cannot with certainty and in a doubtless manner establish the will of the voter and for which list or candidate the voter has cast his/her vote,
3. a voting slip in which the voter has cast his/her vote for two or more list or candidates.

#### Article 68

The voting shall be conducted permanently from seven to nineteen hours.

In the diplomatic-consular missions the voting shall last for two days and finish on the same day as the voting in the Republic of Croatia.

The polling stations shall close at nineteen hours. The voting shall be made possible to the voters who are

at the polling station the in the moment of closing,.

At least three members or their deputies of the electoral committee must be permanently present at the polling station.

#### Article 69

The president of the Electors Committee is obliged and authorised to ensure order and peace at the polling station during elections, and after the closing of the polling stations.

If it is necessary for preserving of order and peace and undisturbed development of voting, the president of the Electors Committee can ask for help of the police, that on the

election day must proceed according to his/her instructions and to its legal authorisations.

No one, except members of the police on invitation of the president of the Electors Committee, is allowed to come to the polling station armed.

#### Article 70

The president of the Electors Committee or a member authorized by him/her, must check every voter who approaches the polling station for voting if he/she has been registered in the voters list.

If the voter has not been registered in the voting list, the president of the electors committee shall not allow him/her to vote, except if the voter does not prove his/her right to vote by a certificate of a competent body of the state administration.

#### Article 71

A voter who due to some physical handicap or illiteracy cannot vote independently, may come to the polling station with another person who is literate and who shall by his/her authorisation and according to his/her instruction encircle the ordinal number in front of the list name, or the name of the candidate for who the voter is casting his/her vote.

A voter who is not able to come to the polling station, shall inform the Electors Committee of that fact. The president of the Committee shall determine at least two members of the electors committee or deputies, who will visit the voter and enable voting for him, taking into account the secrecy of the voting procedure.

The president of the Electors Committee is obliged to register to the Electors Committee work minutes particular

events like voting of voters with a physical handicap, illiterate voters, and voting outside the polling station by previous notice of voters.

#### Article 72

On completed voting the electors Committee must first count the unused voting slips and store them in a special envelope that shall be sealed.

Afterwards, the Electors Committee on the basis of minutes establishes the total number of voters who have cast their vote, or according to the extract of the voting list.

After establishing the number of voters who have cast their vote, the committee opens the ballot-box and counts the votes.

#### Article 73

If during the counting of votes shall be established, that the number of votes according to the voting list is bigger than the number of votes according to voting slips, the result according to voting slips shall be considered valid.

If during the counting of votes shall be established that a smaller number of voters have cast their votes from the number of votes in the ballot-box, the electors committee shall at once interrupt its work and accompanied by a report, send the material s to the Municipal or Town Election Commission.

The Municipal or Town Election Commission shall at once report the fact to the Constituency Election

Commission that will annul the voting on that polling station, dissolve the Electors Committee, appoint a new one and order a repeating of elections on that polling station within eight days.

#### Article 74

When the Electors Committee establishes the results of the voting at a polling station, the following facts shall be entered to the minutes of their work:

- the number of voters according to the voting list,
- how many voters have voted according to the extract from the voting list, and how many on the basis of a certificate of responsible state administration body and how many totally,
- how many votes has each list won, or a particular candidate for the election of a representative of national minority,
- how many voting slips have been declared non-valid.

All other fact important for the voting procedure shall be entered to the minutes on work of the Electors Committee.

Every member of the Electors Committee shall be authorised to give written notices to the minutes.

All the members of the electors committee shall sign the minutes.

Every member of the Electors Committee and every deputy is entitled to a photocopy or a transcript of the minutes on the work of the electors committee, authorized by their signatures of all the members of the committee.

#### Article 75

The Electors Committee delivers the minutes on its work with other election materials to the municipal or town Election Commission within 12 hours from the closing of the polling stations.

The Electors Committee in the Croatian diplomatic-consular mission delivers its minutes with other election materials directly to the National Election Commission within 48 hours from the closing of polling stations.

#### Article 76

Municipal or Town Election Commission shall take minutes where the following facts should be registered:

1. the number of voters registered to the extract of voting list in its territory
2. the number of voters who have cast their vote and the number of voting slips that have been declared non-valid
3. the number of voters that each list has won

Municipal or town Election Commission shall send the minutes with other election material to the Constituency Election Commission within 18 hours from the closing of polling stations.

#### Article 77

The Constituency Election Commission shall take minutes on its work, where the following facts shall be registered:

1. the number of voters registered to the extract of voting list in its territory
2. the number of voters who have cast their vote and the number of voting slips that have been declared non-valid
3. the number of voters that each list has won, and names and family names of candidates from each list who have been elected for representatives

Every member of the Constituency Election Commission can present written objections to the minutes. The minutes shall be signed by all the members of the Constituency Election Commission.

The Constituency Election Commission shall add all the results of voting on polling station in its territory within 24 hours from the closing of polling stations.

The Constituency Election Commission shall deliver the election results in its territory to the National Election Commission together with minutes on its work in the manner and term it has been determined to them.

#### Article 78

The National Election Commission shall establish the results of elections for representatives in the Parliament.

#### Article 79

When the National Election Commission establishes the voting results, it will announce without delay:

1. the number of voters registered in the voting lists, the number of voters who have voted in each constituency, how many votes each particular list has won in a particular constituency and how many non-valid voting slips have been,
2. the number of representative seats that each list have won, and names and family names of candidates elected for representatives,
3. name and family name of candidates and their deputies who have been elected in each constituency where a representative and his/her deputy of national minorities is being elected

#### Article 80

During the process of voting the National Election Commission may announce temporary results on the number of voters who have cast their votes.

#### Article 81

The National Election Commission may, at its discretion announce after closing of polling station temporary and non-official results of elections.

The official results are to be announced after all the legal means of voters protection rights have been exhausted or terms for their presentation expired.

#### EXPENDITURES OF ELECTION IMPLEMENTATION

#### Article 82

Financial means for the coverage of election expenditures are being ensured in the state budget of the Republic of Croatia, and the National Election Commission disposes of them.

The National Election Commission determines the way of usage of the financial means, conducts supervision on their expenditure and grants appropriate means to Election Commissions in the constituencies.

The National Election Commission shall publish in the media of public communication a complete report on the amounts of expenditures of elections and the manner of their spending within 30 days from the day of the official announcements of the election results.

#### PROTECTION OF ELECTION RIGHT

#### Article 83

Constitutionality and legality of elections shall supervise the Constitutional Court of the Republic of Croatia.

The Constitutional Court of the Republic of Croatia resolves election disputes that are not in the scope of courts of justice, deciding upon complaints on the responsible Election Commission.

#### Article 84

Every political party, holder of independent list, candidates for representatives to Parliament, minimum 100

voters or minimum 5% of the voters of a constituency in which the elections are being conducted may file an objection due to irregularities in the procedure of nomination or in the procedure of election.

If a list of a constituency has been proposed or a candidate for a representative of national minority has been nominated by several political parties, the objections will be deemed valid even if it has been presented by only one political party.

#### Article 85

An objection for irregularities in the nomination procedure and in the election procedure is to be presented to the National Election Commission within 48 hours from the expiry of the day when the disputable activity has been performed.

The National Election Commission must pass a resolution on the objection within 48 hours from the day the objection has been presented, or from the day when the election materials have been delivered, on which the objection is being related.

#### Article 86

If the National Election Commission, when deciding on the objection, establishes that there have been irregularities that have essentially influenced the results of the elections, it will annul these activities, and determine that these activities shall be repeated in a fixed term, which must enable that the elections are conducted on the day when they are called.

If there is no possibility of repeating the annulled activities or if the irregularities relate to the procedure of voting,

and they have essentially influenced or could have influenced to the result of elections, the National Election Commission shall annul the elections and determine a term in which they must be repeated.

#### Article 87

Against the resolution of the National Election Commission the objection submitter is entitled to file a complaint to the Constitutional Court of the Republic of Croatia.

The complaint shall be submitted to the Constitutional Court of the Republic of Croatia through the National Election Commission within 48 hours from the expiration of the day when the contested resolution has been received.

The Constitutional Court of the Republic of Croatia must pass a decision on the complaint within 48 hours from the day of its receipt.

#### Article 88

A submitted objection or a filed complaint in the procedure of the protection of election right do not postpone the performing of election activities that are determined by this Act.

#### Article 89

Administration fees are not to be paid for briefs and resolutions in the procedures according to the provisions of this Act.

### THE ETHICS COMMISSION

#### Article 90

The Ethics Commission is a supra-partisan body of generally acknowledged public reputation that by means of public

communications and warnings shall act on promotion and realization of ethics and democratic principles in elections.

The Ethics Commission shall evaluate the behaviour of the election participants during the election advertising campaign and the procedure of election itself and shall conduct an extra-administrative supervision of the election advertising campaign.

#### Article 91

The Ethics Commission shall have a president and six members, three members being nominated by the majority party and oppositional political parties, consistent to the structure of the Parliament.

The members of the Commission, on the basis of proposals of parliamentary political parties are being appointed by the Constitutional Court of the Republic of Croatia, from the group of prominent public personalities who are not candidates on the elections and who are not members of any political party.

#### Article 92

The President of the Croatian Academy of Arts and Sciences, by the positions of his/her office is the President of the Ethics Commission.

#### Article 93

After announcing the decision on the calling of election, and before the beginning of the election advertising campaign, the Ethics Commission shall adopt and publish the Election Code of Ethics containing a system of rules on behaviour of individuals and political parties in the election advertising and election procedure. Before the adoption of the

Election Code of Ethics the Commission shall ask for position statement of the parliamentary political parties.

#### ELECTION MONITORING BY NON-GOVERNMENT ORGANISATIONS

#### Article 94

Non-government organizations are entitled to observe the election procedure, and especially to monitor the implementation of the elections and work of Election Commissions and Electors Committees on all levels.

The interested organizations from the Paragraph 1 of this article must within eight days from the calling of the elections, ask from the National Election Commission a permit for monitoring of work of the Election Commissions and electors committees.

The National Election Commission shall allow the monitoring of the election procedure to all the organizations that are registered as associations with activities in the field of independent monitoring of elections procedures and/or promotion of human and civil rights.

On the basis of the adopted resolution from the Paragraph 3 of this Article authorized non-government organizations are obliged, to deliver to the National Election Commission within eight days before the beginning of elections, a list of names of their authorized monitors. The National Election Commission shall prepare official identification cards for every authorized monitor and send them to the seat of the non-government organization within three days before the elections.

By presenting the resolution of the National Election Commission and the decision of the authorized non-government organization on appointment of monitor from Paragraph 4 of this Article, the authorized monitor shall be given the minutes of the work of the electors committee and the right of insight in complete election material and monitoring of the total election procedure.

The National Election Commission shall within eight days from the day of the calling of elections and consistent to the Paragraph 1 of this Article, adopt rules in which rights and obligations of monitors of the non-government organizations in monitoring of the election procedures shall be described in detail.

#### TRANSITIONAL AND FINAL PROVISIONS

#### Article 95

On the day of entering into force of the Act on Election of Representatives to the Croatian National Parliament (Parliament) (The Official Gazette »Narodne novine« Nr. 116/99) the Act on Election of Representatives to the Parliament of the Republic of Croatia (»Narodne novine« Nr. 22/92, 1/93, 30/93 - consolidated wording, 11/94, 68/95 and 108/96) ceases to be valid.