
The Law on the Election of the President of the Republic of Croatia

General Provisions

Article 1

The president of the Republic of Croatia shall be elected by Croatian citizens who have reached the age of eighteen years (in further text: electors) at direct elections by secret ballot for a term of 5 years.

Article 2

Any Croatian citizen who has reached the age of 18 years may be elected president of the Republic of Croatia.

Article 3

Elections for the president of the Republic of Croatia shall be called by the Government of the Republic of Croatia within a term which makes it possible to conduct them within a minimum of 30 days and maximum of 60 days before the expiry of the incumbent president's term of office.

In the event of the termination of the term of office of the president of the Republic of Croatia according to Article 97, paragraph 1, of the Constitution, elections for the President of the Republic of Croatia shall be called by the Government of the Republic of Croatia so that they can be conducted within a term of 60 days from the date when the outgoing president ceased to perform his office.

Article 4

The day of elections for the president of the Republic of Croatia shall be determined by a writ to call the elections.

At least 30 days shall elapse from the date of the call for elections of the president of the Republic of Croatia and the holding of such elections.

Article 5

Electors who at the time of the elections find themselves outside the boundaries of the Republic of Croatia shall be ensured their electoral right concerning election of the president of the Republic of Croatia in diplomatic-consular missions and foreign offices of the Republic of Croatia.

Article 6

Freedom of electors' choice and secret ballot shall be guaranteed.

No one shall be called to account for the way he has voted or for not voting.

No one may demand that electors disclose their voting choice.

Nomination of Candidates

Article 7

Candidates for the president of the Republic of Croatia may be proposed by political parties registered in the Republic of Croatia, and by electors individually or in groups.

Two or more political parties registered in Croatia may propose one candidate.

Political parties shall propose candidates for the president of the Republic of Croatia in the way provided for by their by-laws or a special decision made on the basis thereof.

Article 8

All those who are proposed by one or more political parties and supported by signatures duly collected from at least 10,000 electors, or who have been proposed by electors on the basis of at least 10,000 duly collected signatures shall be eligible as candidates for president of the Republic of Croatia.

Article 9

Signatures of electors in the nomination procedure for the election of the president of the Republic shall be collected on a prescribed form in which their first and family names and identity numbers shall be entered, and the same data shall also be entered for each proposer signed.

A proposer may by his signature support only one candidate for the president of the Republic.

Article 10

Proposals for candidates for the president of the Republic of Croatia made in conformity with the conditions and the way specified in Articles 7, 8 and 9 of this Law shall reach the Electoral Commissions of the Republic of Croatia not later than 12 days from the date of the call for elections.

Proposals for candidates as referred to in the preceding paragraph shall be accompanied by a court-attested declaration of the candidate concerning their acceptance of the nomination.

Together with the proposal for a candidate for the president of the Republic, the political party concerned shall also submit a testified declaration signed by a person who according to the party's by-laws represents the party, which confirms that the party has proposed the candidate in conformity with the conditions specified in Article 7, paragraph 3, of this Law.

Article 11

The Electoral Commission of the Republic of Croatia shall within 48 hours from the expiry of the time-limit mentioned in Article 10, paragraph 1, of this Law, publish the list of candidates for the president of the Republic of Croatia in all daily newspapers in the Republic of Croatia and over Croatian Radio-Television.

The Electoral Commission of the Republic of Croatia shall, within the term mentioned in the preceding paragraph, send the list of candidates for the president of the Republic to diplomatic-consular missions and foreign offices abroad for its publication.

Article 12

Candidates for the president of the Republic of Croatia shall be entered in the list of candidates in alphabetic order of their family names. The name of the party or parties or the party coalition which have or has proposed the candidates shall be cited together with their first and family names and identity numbers. If a candidate has been proposed by electors, “independent candidate” shall be added to this first and family name.

Article 13

From the day when the Electoral Commission of the Republic of Croatia has published the list of candidates until 24 hours before the day of the elections, all candidates for the president of the Republic of Croatia shall have under the same conditions the right to present and explain their electoral programmes and electoral campaign.

Article 14

Croatian Radio-Television shall during the period of the electoral campaign, within the framework of its radio and television programmes, give each candidate equal time to present their electoral programme.

All media of public communication shall make it possible for all candidates for the president of the Republic to present their programmes and conduct their electoral campaign under the same conditions.

Article 15

On the day of the elections and 24 hours preceding it any campaign and any publication of preliminary results or estimates of results of the elections shall be forbidden.

Article 16

A candidate for the president of the Republic of Croatia who has at the elections obtained a minimum of 10 per cent of votes shall be entitled to an equal compensation for electoral campaign expenses.

Funds for covering the compensation referred to in the preceding paragraph of this Article shall be ensured from the funds for financing the election costs.

The amount of the compensation referred to in paragraph 1 of this Article shall be determined by the Government of the Republic of Croatia not later than 30 days before the date of the elections.

Elections

Article 17

The president of the Republic of Croatia, regardless of whether one or more candidates stand for the elections, shall be elected by a majority vote of all the electors who voted. If none of the candidates obtained such a majority, the elections shall be repeated after 14 days.

If several candidates were put up for the elections, the candidate who in the first round of voting obtained the largest number of votes shall have the right to stand for a fresh election. If one of the candidates withdraws, the candidate who is next in number of votes obtained shall have the right to stand for a fresh elections.

If, owing to the withdrawal of a candidate who under the provisions of the preceding paragraph had the right to stand for a fresh election, there remains only one candidate, elections shall be carried out.

At a fresh election the candidate who has obtained the largest number of votes shall be elected. If the candidates have obtained the same number of votes, the elections shall be held again.

Article 18

If one of the candidates for the president of the Republic dies between the day of the publication of the list of candidates and 48 hours before the day of the elections, the political party or parties may instead of him propose a new candidate. In such a case the conditions regarding the number of signatures cited in Article 8 of this Law shall not be required.

If one of the candidates who has the right to stand at fresh elections dies in the period from the day of the first voting at which none of the candidates obtained the majority referred to in Article 17, paragraph 1, of this Law and the date of the fresh elections, the entire electoral procedure shall be repeated.

Article 19

If according to the provisions of Article 17 of this Law elections for the president of the Republic of Croatia are repeated, in the period from the first day of voting and 24 hours before the day of the fresh elections, candidates for the president of the Republic of Croatia shall have all rights regarding the presentation of their electoral programmes and regarding the electoral campaign as determined in Articles 13 and 14 of this Law.

Bodies for the Conduct of Election

Article 20

Elections for the president of the Republic of Croatia shall be conducted by the Electoral Commission of the Republic of Croatia, commune electoral commissions and electoral committees.

Only persons having the right to vote may be members of the electoral commissions and electoral committees or their deputies.

Members of electoral commissions and their deputies shall be graduate lawyers and they may not be members of any political party.

Members of electoral committees and their deputies may not be members of any political party.

Article 21

The Electoral Commission of the Republic of Croatia shall consist of a chairman and four members, each of whom shall have a deputy, who shall be appointed by the Constitutional Court of Croatia from among members of the Supreme Court of Croatia and other outstanding lawyers.

A commune electoral commission shall consist of a chairman and two members, each of whom shall have a deputy, who shall be appointed by the Electoral Commissions of the Republic of Croatia from among judges and other lawyers.

Article 22

The Electoral Commission of the Republic of Croatia shall:

1. Ensure the lawful preparation and conduct of elections for the president of the Republic of Croatia;
2. Appoint members of commune electoral commissions and issue binding instructions for the work of commune electoral commissions and electoral committees;
3. Prescribe forms for the procedure of preparation and conduct of the elections;
4. Supervise the work of commune electoral commissions;
5. On the basis of valid propositions of candidates draw up a list of candidates for the president of the Republic of Croatia;
6. Supervise the correctness of electoral campaigns in conformity with this Law;
7. Announce the results of the elections for the president of the Republic of Croatia;
8. Carry out other work as specified by this law.

The Electoral Commission of the Republic of Croatia shall publish binding instructions for the work of commune electoral commissions and electoral committees in all daily newspapers in the Republic of Croatia and over Croatian Radio-Television.

Article 23

Commune electoral commissions shall:

1. Ensure the lawful conduct of the elections at the polling stations in their respective areas;
2. Designate polling stations;
3. Appoint electoral committees;
4. Make all technical preparations for the conduct of the elections in their respective areas according to the binding instructions of the Electoral Commission of the Republic of Croatia;
5. Collect and count the ballots at polling stations in their communes and send the results to the Electoral Commission of the Republic of Croatia in the way and within the time-limits set by the latter;
6. Perform other work specified by this Law.

Article 24

Electoral committees shall directly conduct voting at the elections for the president of the Republic of Croatia and ensure correctness and secrecy of voting.

An electoral committee shall be appointed for every polling station. An electoral committee shall consist of a chairman and two members. The chairman and the members shall have deputies.

Commune electoral commissions shall appoint members and deputy members of the electoral committees not later than five days before the date of the election of the president.

Registered political parties which have proposed candidates for the election of the president of the Republic of Croatia may appoint observers to monitor the work of the bodies in charge of the conduct of the elections.

The Electoral Commissions of the Republic of Croatia shall by its binding instructions determine the rights and duties of the observers and the way they shall monitor the work of the bodies in charge of the conduct of the elections.

Conduct of Elections

Article 25

Voting in elections for the president of the Republic of Croatia shall take place at polling stations in the territory of the Republic of Croatia and, in conformity with Article 5 of this Law, at the polling station in Croatian diplomatic-consular missions and foreign offices.

Every polling station shall have an ordinal number.

Not later than five days before the date of the elections, the Electoral Commission of the Republic of Croatia shall for polling stations abroad, and commune electoral commissions for the area of the Republic of Croatia, publish which polling stations have been determined, with the designation which electors shall vote at individual stations.

Article 26

Polling stations shall be determined with regard to the number of electors and territorial distances respectively, so that the number of electors at one polling station shall be such as not to cause any difficulties in voting at the time set for voting. A separate room shall be provided for each polling station.

Rooms provided for voting shall be arranged so as to ensure secrecy of voting.

Voting and Determining the Results of Voting

Article 27

Votes shall be cast personally.

Voting shall be carried out on ballots.

Article 28

A ballot shall contain:

1. First and family name of the candidate;
2. Full and abridged name of the political party or parties or the party coalition which have or has proposed the candidate. If a candidate has been proposed by Croatian citizens, his first and family name shall be followed by the designation “independent candidate”.

Candidates shall be listed on the ballots in the order in which they are cited on the list of candidates. An ordinal number shall be placed before the first and family name of every candidate.

At a fresh election for the president of the Republic, candidates shall be entered in the ballots so that first place is taken by the candidate who obtained more votes at the first voting.

Article 29

Votes shall be cast only for the candidates listed on the ballots.

Ballots shall be filled in by encircling the ordinal number preceding the name of the candidate voted for.

Ballots from which it is possible to determine with certainty and unambiguously for which candidate the vote was cast shall also be valid.

Article 30

Ballots which have not been filled in and ballots have been filled in so that it is not possible with certainty to determine for which candidate the vote was cast shall be deemed invalid.

A ballot on which an elector has voted for two or more candidates shall also be deemed invalid.

Article 31

Voting shall last uninterruptedly from 7 a.m. to 7 p.m. Polling station shall close at 7 p.m. Electors who find themselves at this time in the polling stations shall be enabled to vote.

A polling station at which all registered electors have voted shall be closed even before the time-limit referred to in the preceding paragraph.

Article 32

Members of electoral committee and their deputies shall be present at the polling stations during the entire time of voting.

The chairman of an electoral committee shall ensure maintenance of law and order during voting. In case of need, the chairman shall request assistance from the police, who shall when they arrive at the polling station, proceed according to the chairman's instructions and within the framework of their statutory powers.

No one may come armed to a polling station, except in the case referred to paragraph 2 of this Article.

Article 33

The chairman of an electoral committee or a member of an electoral committee authorized by him shall check in the electoral list whether the elector about to vote is entered in the list.

An elector who owing to a bodily defect or because he is illiterate would not be able to vote in the way provided for this Law, may come to the polling station escorted by another person who is literate and who will on his authority encircle the ordinal number preceding the name of the candidate for whom the elector wants to vote.

If an elector is not entered in the electoral list, the chairman shall not allow him to vote, unless the elector proved by a certificate of a competent authority that he has the right to vote.

If an elector who has no possibility to vote at the polling station notifies thereof the electoral committee, the committee shall make it possible for him to vote.

Voting in the way determined in paragraphs 2,3, and 4 of this Article shall be by name of the voter involved entered in the record of the work of the electoral committee.

Article 34

Electors serving in the armed forces of the Republic of Croatia shall vote at the polling stations designated for them by the ministry of justice and administration at the proposal of the defence minister.

Electors who as members of the crews of maritime and river vessels of the Croatian merchant marine find themselves at the time of the election outside the boundaries of the Republic of Croatia shall vote at the polling stations determined by the minister of maritime affairs.

Electors deprived of liberty shall vote at the polling stations determined by the minister of justice and administration.

Article 35

After voting has been completed, the electoral committee shall first count the unused ballots and place them in a separate folder and seal it.

After that the electoral committee shall, according to the electoral list or excerpts therefrom and on the basis of the record, determine the total number of the electors who have voted, and start opening the ballot boxes and counting the votes.

If at the counting of votes at the a polling station it is found that the number of those voting according to the electoral list is bigger than the number of votes according to the ballots, the results of the voting shall be valid according to the ballots cast.

If at the counting of votes at polling station it is found that the number of electors who have voted is smaller than the number of votes in the ballot box, the electoral committee shall be dissolved and a new one appointed, and voting at the polling station shall be repeated. Voting results at this polling station shall be determined within 24 hours after the repeated voting.

Article 36

When an electoral committee has determined the voting results at the polling station, it will in the record of its work register the number of electors according to the electoral list or an excerpt therefrom, how many electors voted according to the electoral list or the excerpt therefrom, and how many on the basis of Article 33, paragraph 3, of this Law, and how many altogether, and how many votes were received by each of the candidates, and how many ballots were declared invalid.

All other facts relevant to voting shall be entered in the record of the work of the electoral committee.

Each member of an electoral committee may enter his observations in the record.

The record shall be signed by all members of the electoral committee.

Article 37

An electoral committee shall send to the commune electoral commission the record of this work together with other electoral material not later than within twelve hours after the closing of the polling station.

Electoral committees in Croatian diplomatic-consular missions and foreign offices shall deliver the document referred to in the preceding paragraph directly to the Electoral Commission of the Republic of Croatia within twelve hours from the closing of the polling stations.

Article 38

A commune electoral commission shall add together the voting results at the polling stations not later than 24 hours after the hour of the closing the polling stations.

The commune electoral commissions shall transmit the voting results in its area to the Electoral Commission of the Republic of Croatia together with the record of its work in the way and within the term determined by the latter.

Article 39

A commune electoral commission shall keep a record of its work in which it shall enter:

1. The number of electors registered in the electoral list or excerpts therefrom;
2. The number of those who voted and of invalid ballots;
3. The first and family name of each candidate with the designation how many votes individual candidates obtained in the area of the commune.

Each member of the electoral commission of a constituency may enter his observations in the record. The record shall be signed by all members of the commune electoral commission.

Article 40

The result of the election of the president of the Republic of Croatia shall be determined by the Electoral Commission of the Republic of Croatia on the basis of the voting results at all polling stations.

Article 41

When the Electoral Commission of the Republic of Croatia has determined the results of the elections of the president of the Republic of Croatia, it shall immediately make known:

1. The number of electors registered in the electoral list, the number of electors who voted, how many votes individual candidates obtained, and how many ballots were found invalid;
2. The first and family name of the candidate elected.

If none of the candidates for the president of the Republic of Croatia has obtained the majority required for election according to Article 17, paragraph 1, of this Law, the Electoral Commission of the Republic of Croatia shall make known in all daily newspapers in the Republic of Croatia and over Croatian Radio Television the first and family names of the two candidates who have obtained the largest number of votes and who have the right to take part in a fresh election.

Election Expenses

Article 42

Funds for the defrayment of election expenses shall be provided in the budget of the Republic of Croatia.

The funds referred to in the preceding paragraph shall be disposed of by the Electoral Commission of the Republic of Croatia.

The Electoral Commission of the Republic of Croatia shall determine the way the funds for the conduct of the elections shall be used, and shall supervise their use.

The Electoral Commission of the Republic of Croatia shall allocate appropriate funds to commune electoral commissions.

Protection of Electoral Rights

Article 43

The Constitutional Court of Croatia shall supervise the constitutionality and legality of the election of the president of the Republic of Croatia and decide electoral disputes in conformity with the provisions of this Law.

Article 44

A political party, two or more political parties, and electors that have proposed a candidate for the president of the Republic of Croatia, and candidates for the president of the Republic of Croatia, may lodge a complaint concerning irregularities in the nomination procedure.

A complaint concerning irregularities in the electoral procedure may only be lodged by the political party, two or more political parties and electors whose candidates were voted on in the election of the president of the Republic, as well as the candidates for the President of the Republic themselves.

If a candidate for the president of the Republic was proposed by several political parties, or by several electors, the complaint shall be deemed as legally valid even if it was lodged by one political party only, or by any of the electors who proposed the nomination.

Article 45

A complaint concerning irregularities in the nomination procedure or in the procedure for the election of the president of the Republic of Croatia shall be lodged with the Electoral Commission of the Republic of Croatia within 48 hours from the expiry of the date when the act was committed against which the complaint is being lodged.

The Electoral Commission of the Republic of Croatia shall render a ruling on the complaint within 48 hours from the date of receipt of the complaint or the date of receipt of the electoral materials to which the complaint relates.

Article 46

If in considering a complaint as referred to in Article 45 the Electoral Commission of the Republic of Croatia finds that there were irregularities which substantially influenced, or might have influenced, the result of the election, it shall annul the acts in this procedure and order that these acts be repeated within a specified term, so as to make it possible for the election to be held on the day for which it was called.

If there is no possibility of repeating the annulled acts as referred to in the preceding paragraph, or if these irregularities relate to the voting procedure, and have substantially influenced, or might have influenced, the results of the election, the Electoral Commission of the Republic of Croatia shall annul the election of the president of the Republic of Croatia and shall fix another term for a fresh election.

Article 47

An appeal may be lodged against the ruling of the Electoral Commissions of the Republic of Croatia with the Constitutional Court of Croatia by the complaints and by the candidate for the president of the Republic if they are not satisfied with this ruling.

An appeal as referred to in the preceding paragraph shall be lodged with the Constitutional Court of the Republic of Croatia within 48 hours counting from the expiry of the day of receipt of the attacked ruling that has been questioned.

The appeal shall be submitted through the Electoral Commission of the Republic of Croatia.

It shall be deemed that the appeal has been lodged in time if it has been delivered to the Electoral Commission of the Republic of Croatia before the expiry of the term cited in paragraph 2 of this Article.

The Constitutional Court of Croatia shall render a ruling on the appeal within 48 hours from the date of receipt of the appeal.

Article 48

Neither a complaint nor an appeal in the procedure for the protection of electoral rights shall defer the performance of electoral procedures prescribed by this Law.

Assuming Duty and Swearing in

Article 49

The elected president of the Republic of Croatia shall assume duty on the last day of the term of the outgoing president.

In the event of the election of the president of the Republic of Croatia according to Article 97 of the Constitution of the Republic of Croatia, the elected president shall assume duty on the day of the announcement of the electoral results.

On the day of assuming duty, the president of the Republic of Croatia shall be sworn in before the Constitutional Court of the Republic of Croatia, by which he shall undertake to respect the Constitution.

The oath reads:

“I swear on my honour that I will perform the duty of President of the Republic of Croatia conscientiously and responsibly for the benefit of all Croatian citizens, that I will abide by the Constitution and law and respect the legal order to the Republic of Croatia, strive to preserve the independence, existence and unity of the Republic of Croatia, and do all I can to ensure the normal functioning of all government bodies.”

Concluding Provision

Article 50

This Law shall enter into force on the eight day from the day of its publication in Narodne novine.

Parliament of the Republic of Croatia (Sabor)

President of the Parliament
Žarko Domljan, Ph.D.

President of the Chamber of Associated Labour
Ivan Matija

President of the Chamber of Communes
Luka Bebić

President of the Socio-Political Chamber
Vice Vukojević