
Documents

**The Law on the Election of Representatives to the
Croatian National Parliament**

General and Basic Provisions

Article 1

This Law regulates the election of representatives to the House of Representatives and the House of Counties of the Croatian National Parliament (hereinafter: “elections”).

Article 2

The term of office of the representatives elected to the House of Representatives and the House of Counties of the Croatian National Parliament (hereinafter: “Parliament”) is four years and may be extended only in the event of war.

The term of office of representatives is not mandatory and they are not revocable.

Article 3

The voters shall be guaranteed freedom of choice and the secret ballot.

The voters shall have the right and duty to vote only once.

No one may ask a voter to disclose his/her electoral choice.

No one shall be called to account because he/she has voted or because he/she has not voted.

Article 4

Representatives to the House of Representatives of the Croatian National Parliament shall be elected on the basis of a general and equal right to vote and representatives to the House of Counties of the Croatian National Parliament on the basis of a general right to vote, by all Croatian citizens over the age of 18, with the exception of those who are divested of their legal capacity on the basis of a final court decision (hereinafter: “voters”).

Any Croatian citizen over 18 years of age can be elected representative.

Article 5

The President of the Republic of Croatia calls the elections for representatives and convenes the Houses for their first session.

The election day shall be determined by the Decision to call the elections.

The election day is a non-working day.

A minimum of 30 days must elapse from the day the elections are called until the election day.

Article 6

The elections shall be held in polling stations in the territory of the Republic of Croatia and, for the House of Representatives, they shall also be held in diplomatic and consular representative offices of the Republic of Croatia.

Article 7

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

Voters who have permanent residence in the Republic of Croatia and who, on the election day are serving in the armed forces of the Republic of Croatia, voters who are members of the crews of marine or river ships under the Croatian flag and are outside the borders of the Republic of Croatia on the election day, and voters who are detained shall vote at special polling stations determined pursuant to the provisions of this Law.

Voters who have permanent residence in the Republic of Croatia and are outside the Republic of Croatia on the election day shall vote in the diplomatic and consular representative offices of the Republic of Croatia for representatives of a constituency according to their place of residence in the territory of the Republic of Croatia.

Article 8

Voters who do not have permanent residence in the Republic of Croatia shall have the right to be represented in the House of Representatives of the Croatian National Parliament and elect their representatives pursuant to the provisions of this Law.

Incompatibility of duties, suspension and termination of the term of office of representative and deputation of representatives

Article 9

No one may at the same time be a representative in the House of Representatives and in the House of Counties of the Parliament.

A representative may not at the same time as he/she carries out the duties of a representative be a judge of the Constitutional Court of the Republic of Croatia, a judge, a state's attorney, a deputy state's attorney, a state's agent, a deputy state's agent, an ombudsman, a deputy ombudsman, the President or Vice President of the Government of the Republic of Croatia, a minister of any other member of the Government of the Republic of Croatia, a deputy minister, a state secretary, an assistant minister, a director of a state administrative organization, a deputy and an assistant director of a state adminis-

trative organization, a secretary of the Government of the Republic of Croatia, a secretary of a ministry, the head of an office and the director of an agency of the Government of the Republic of Croatia, the head of the Office of the President of the Republic of Croatia, the head of the Office for National Security, an ambassador, a general consul, a county prefect or a deputy county prefect, a mayor or a deputy mayor of the City of Zagreb, an active officer or a non-commissioned officer of the armed forces who as military commanders of the Croatian army are appointed and discharged by the President of the Republic of Croatia or the minister of defense, a member of the board of a corporation, institution and extrabudgetary fund which is in its largest part owned by the state and head of a legal entity which is obligated by law to submit reports to the Croatian National Parliament.

During his/her term of office, a representative may assume an office that pursuant to the provisions of this Law is considered incompatible.

During the time he/she is discharging the office that is incompatible, a representative's term of office shall be suspended and a deputy shall deputize for him/her pursuant to the provisions of this Law.

Article 10

The term of office of a representative shall terminate prior to the expiration of the period for which he/she was elected if he/she:

1. resigns,
2. is divested of his/her legal capacity on the basis of a final court decision,
3. if he/she is sentenced to a non-suspended prison sentence of more than 6 months by a final court decision, and
4. in case of death.

Article 11

A representative whose term of office is terminated and a representative who has assumed an incompatible duty or whose term of office is suspended on the basis of a written request shall be deputized for by a deputy representative.

A deputy representative shall assume his/her duty of a representative after the House of Representatives or the House of Counties of the Parliament has established that the legal prerequisites for the application of the institute of deputation have set in.

Article 12

A representative elected on the list in a constituency shall be deputised by a not elected candidate from the same list from which the representative was elected, and is designated by the political party that has proposed the list.

A representative elected on an independent list in a constituency shall be deputised by the first following not-elected candidate from the same list.

A representative elected on the county list shall be deputised by a deputy elected on the same list together with the representative.

A representative elected in a constituency for election of representatives of autochthonous national minorities shall be deputised by a deputy elected in the same constituency.

Article 13

Upon the termination of discharging of an incompatible office, a representatives shall resume discharging his/her office of a representative on the basis of the termination of the suspension of the term of office in the House of Representatives or the House of Counties if he/she submits a written request to the President of the House within 8 days from day on which the discharging of the incompatible office ceased. The suspension of the term of office of a representative shall cease on the eighth day after the written request is submitted.

A representative may seek to resume to discharge his/her representative office on the basis of the termination of suspension of the term of office in the House of Representatives or the House of Counties of the Parliament only once during his/her term of office as a representative.

Article 14

A representative has the right, during the period of his/her term of office, by the means of submitting a written request to the President of the House of the Parliament to suspend his/her term of office only once.

The suspension of a term of office of a representative may not last less than 6 months and during the suspension a representative shall be deputised for by a deputy.

The suspension of a representative's term of office shall be terminated on the eighth day from the day on which the representative, who suspended his/her term of office, has submitted a written statement to the president of the House about the resumption of his/her duty as a representative.

Article 15

The provisions of this Law on the suspension of a representative's term of office on the basis of representative's written request shall not apply to the representatives appointed to the House of Counties of the Parliament by the President of the Republic of Croatia by virtue of his constitutional powers.

The right of members of autochthonous national minorities in the Republic of Croatia to be represented in the House of Representatives of the Parliament.

Article 16

The Republic of Croatia guarantees to members of autochthonous national minorities in the Republic of Croatia the realization of the right to be represented in the House of Representatives of the Parliament.

The members of autochthonous national minorities in the Republic of Croatia shall have the right to elect five representatives to the House of Representatives of the Parliament who are elected in the constituencies established in the Law on the Constituencies for the Election of Representatives to the House of Representatives of the Croatian National Parliament.

Article 17

Members of the Hungarian, Serbian and Italian national minorities shall each elect one representative to the House of Representatives of the Parliament.

Members of the Czech and Slovak national minorities shall elect together one representative to the House of Representatives of the Parliament.

Members of the Austrian, German, Ruthenian, Ukrainian and Jewish national minorities shall elect together one representative to the House of Representatives of the Parliament.

Members of national minorities referred to in paragraph 1 of this Article shall propose a representative and his/her deputy who are elected together. Members of national minorities referred to in paragraphs 2 and 3 of this Article shall propose only the candidate for a representative and the candidate who after the elected representative won the largest number of votes becomes his/her deputy.

In compliance with the constitutional principle of equality of the right to vote, the members of autochthonous national minorities may elect either a representative from among the members of national minorities who is elected in special constituencies or participate in the elections based on the lists in the constituencies.

Article 18

Political parties, voters and associations of national minorities shall have the right to propose candidates for the representatives of the autochthonous national minorities and their deputies.

If a candidate for a representative of a autochthonous national minority and his/her deputy is proposed by voters, it is necessary to obtain the signatures of 100 voters for the validity of the candidature.

Article 19

The signatures of the voters in the procedure concerning the candidature for the representatives or deputy representatives of autochthonous national minorities who are elected in special constituencies shall be collected on a prescribed form in which the name and surname, nationality, address and citizen's identification number of the citizen – proposed candidate are entered, as well as the name and surname, address and citizen's identification number of the voter – proposer who has signed the form.

Candidature

Article 20

All political parties registered in the Republic of Croatia have the right to propose party lists for the election of representatives to the House of Representatives and the House of Counties of the Parliament on the day of the Decision to call the elections is announced in “Narodne novine”.

A list for the election of representatives to the House of Representatives and the House of Counties of the Parliament may be proposed independently by one political party or by two or more political parties together (a coalition list).

Political parties shall independently determine their party lists and the order of the candidates in them, in the manner foreseen by their statutes or in compliance with special statutory decisions.

Article 21

Voters shall propose candidacy lists on the basis of a validly collected signatures.

In order for the proposed lists of constituencies for the election of representatives to the House of Representatives of the Parliament and the county lists for the election of representatives to the House of Counties of the Parliament to be valid, it is necessary to collect the signatures of at least 500 voters.

Article 22

The proposed lists must be received by the State Election Commission of the Republic of Croatia (hereinafter: “State Election Commission”) or the county election commission not later than 14 days from the day the elections were called.

In the proposed list of a constituency for the election of representatives to the House of Representatives of the Parliament, the name of the list must be indicated and the candidates must be listed from ordinal number 1 to ordinal number 14 inclusive.

In the proposed county list for the election of representatives to the House of Counties of the Parliament, it is obligatory to indicate the name and surname of each candidate as well as of the deputy of each candidate on the list. The candidates have to be listed from ordinal number 1 to ordinal number 3 inclusive.

The name of the list is the full name of the political party, or the political parties or the party coalition which has or which have proposed the list. If the political parties use an abbreviated name for the party or the parties or the party coalition, then the abbreviations can also be used in the name of the list.

If the list has been proposed by a group of voters, it shall be called “an independent list”.

The person heading the list (holder of the list) need not be the candidate on the list.

A person may be a candidate only on one list and only in one constituency.

Article 23

Within 48 hours after the submission of the lists of the constituencies for the election of representatives to the House of Representatives of the Parliament, the State Election Commission shall accept all validly proposed lists for every constituency and publish them in all daily newspapers in the Republic of Croatia and on Croatian Radio-Television.

The State Election Commission shall publish a collective list composed of all validly proposed lists for each constituency.

A collective list shall contain the name of each list of the constituency and the name and surname of the holder of each list. The party lists or independent lists shall be entered into the collective list of a constituency in alphabetic order according to the full names of political parties or the coalitions of political parties that have proposed the list. If several political parties have proposed a joint list, it shall be put on the collective list according to the name of the first political party in the proposal.

Within a period of 48 hours, the State Election Commission shall supply all Croatian diplomatic and consular representative offices with all the accepted lists for every constituency, as well as the collective list of election lists for every constituency, for them to be publicly announced.

Article 24

A county election commission shall, within a period of 48 hours from the submission of county lists for the election of representatives to the House of Counties, accept all validly proposed county lists for every county and announce them in all the daily newspapers in the Republic of Croatia and on Croatian Radio-Television.

A county election commission shall announce a collective list of all the validly proposed lists in each county.

The party lists and independent lists shall be entered on the collective list in alphabetic order according to the full names of the political parties or the coalitions of political parties that have proposed the list. If several political parties have proposed a joint list, it shall be entered in the collective county list according to the name of the first political party in the proposal.

Article 25

Political parties which have proposed the accepted lists of candidates for the election of representatives to the House of Representatives of the Parliament or the county lists for the election of representatives to the House of Counties of the Parliament may, in the manner laid down in their Statute or by a separate decision enacted in compliance with their Statute withdraw the list not later than 48 hours after the list was announced as adopted by the election commission of the constituency or by the county election commission. The decision on the withdrawal of an independent list shall be made by the holder of the list.

A written notification of withdrawal must be received by the election commission of the constituency or by the county election commission.

The withdrawal of one candidate or several candidates from the list is not allowed after the list on which they are listed has been adopted, and a withdrawal of any candidate will not be accepted and such a list shall remain valid with the names of all announced candidates.

Article 26

Not later than 48 hours after the list was accepted and announced, the withdrawal of the candidacy for a representative to the House of Representatives of the Parliament in the constituencies where the representatives of national minorities are elected may be made by:

- an independent candidate by way of a written statement certified by a notary public,
- a candidate proposed by a political party with a written consent of the political party, and
- a political party which has proposed the candidate.

The withdrawal of the candidates referred to in paragraph 1 of this Article shall also apply to their deputies.

Article 27

If any candidate on the lists for the election of representatives to the House of Representatives of the Parliament or a candidate or his/her deputy on the county lists for the election of representatives to the House of Counties of the Parliament or a candidate or his/her deputy in the constituencies where the representatives of autochthonous national minorities are elected, dies in the period following the day of the announcement of the list of candidates, the political party or the parties or associations of national minorities which have nominated him/her, shall propose a new candidate or a deputy not later than 10 days before the election day, without special requirements for the validity of nomination prescribed in this Law .

If any candidate on the lists for the election of representatives to the House of Representatives of the Parliament or a candidate or a deputy on county lists for the election of representatives to the House of Counties of the Parliament dies after the expiration of the period of time referred to in paragraph 1 of this Article, the provision of Article 12 of this Law shall be applied in appropriate manner.

The Election Campaign

Article 28

The election campaign shall start on the day the collective lists of the constituencies or the county lists are announced and shall end 24 hours before the election day.

On election day as well as 24 hours before election day, any election campaign, announcement of estimates of election results, announcement of preliminary unofficial election results, publication of photographs, statements or interviews of list holders or candidates in the media as well as the citation of their statements or written works shall be forbidden.

Article 29

During the election campaign, all the political parties that have proposed their lists of candidates shall under equal conditions have the right to present and explain their electoral programs and carry out their election campaign.

All public media shall within their scope of activity have the duty to enable the exercise of the rights of political parties referred to in paragraph 1 of this Article.

Article 30

In order to ensure the equality of all political parties that have proposed their lists and to provide for equal opportunity of presentation of their programs and their campaigning on Croatian Radio-Television, the House of Representatives of the Parliament shall within 15 days from the day of the passage of this Law, pass the Rules of Conduct of Croatian Radio-Television by which it will lay down the way of work of Croatian Radio- Television during the election campaign.

The Rules referred to in paragraph 1 of this Article shall lay down and determine the forms and the time of following the election campaign of the political parties, the manner of presentation of the programs of the political parties, the candidates on the party lists and independent lists, candidates for the representatives of the members of autochthonous national minorities, party officials, as well as the rules for broadcasts with the confrontations of the list holders.

The Rules referred to in paragraph 1 of this Article shall also determine the total time of all broadcasts (adverts, promotional videos, recording of meetings, special programs and the like) that the majority party and coalition or opposition parties or coalitions can lease with Croatian Radio-Television taking into account that “equal time” shall be calculated on the basis of a single list that takes part in the elections.

The costs of the election campaign and the right to reimbursement

Article 31

All political parties that put forward their list in at least one constituency for the election of representatives to the House of Representatives or the county lists for the House of Counties of the Parliament shall have the right to reimbursement of costs for the election campaign from the state budget of the Republic of Croatia.

Candidates for representatives of members of autochthonous national minorities elected in special constituencies and the holders of independent lists shall also have the right to reimbursement of costs for the election campaign from the state budget of the Republic of Croatia.

Article 32

Parliamentary political parties which were represented in the House of Representatives and in the House of Counties of the Parliament on 31 December 1998 and which are taking part in the elections have the right to reimbursement of costs for the election campaign in an annual amount determined for 1999 in the Law on Political Parties (the official gazette “*Narodne novine*” No. 76/93, 111/96 and 164/98) and in the regulations passed on the basis of that Law.

The costs of the election campaign referred to in Paragraph 1 of this Article must be reimbursed to political parties not later than 48 hours after the accepted lists have become final.

Article 33

Every political party that has put forward the lists for the election of representatives to the House of Representatives or to the House of Counties of the Parliament shall have to announce, before the commencement of the election campaign, the approximate data on the amounts and sources of its own funds which it intends to spend on the election campaign.

Candidates for representatives of autochthonous national minorities and holders of independent lists shall also have to announce the data on the amounts and sources of their own funds which they intend to spend on the election campaign.

Article 34

Political parties that were not represented in the House of Representatives of the Parliament on 31 December 1998 as well as the proposers of independent lists who take part in the elections shall have the right to reimbursement of costs for the election campaign if in the elections they receive more than 5% of the valid votes of the voters of a constituency.

Candidates for representatives of autochthonous national minorities who receive at least 5% of the valid votes of voters in the special constituency also have the right to reimbursement of costs for the election campaign from the state budget of the Republic of Croatia.

The reimbursement must be paid within 30 days from the day of announcement of the official election results.

The amount of reimbursement of costs for the election campaign shall be determined by the Government of the Republic of Croatia in a separate decision. The decision must be rendered not later than 20 days before the election day.

Article 35

Political parties, independent candidates and candidates for representatives of autochthonous national minorities may finance their election campaign out of their own funds.

Article 36

The reimbursement of costs for the election campaign shall be paid directly to the central accounts of political parties in the place of their headquarters or directly to independent candidates and to the candidates for representatives of autochthonous national minorities.

Article 37

The provisions on the right to reimbursement of the costs of the election campaign shall apply respectively to the election of representatives to the House of Counties of the Parliament.

Election of representatives to the House of Representatives of the Parliament

Article 38

140 representatives to the House of Representatives of the Parliament shall be elected in such a way that the territory of the Republic of Croatia be divided in ten constituencies and in each constituency, 14 representatives shall be elected on the basis of the lists.

Article 39

The constituencies are defined in the Law on Constituencies for the Election of Representatives to the House of Representatives of the Croatian National Parliament, so that the number of the voters in the constituencies must not vary by more than $\pm 5\%$.

When defining the constituencies, as much attention as possible must be paid to areas of counties, cities and municipalities in the Republic of Croatia determined by law.

Article 40

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

The total number of valid votes obtained by each list (electoral body of the list) shall be divided by the numbers from 1 to 14 inclusive. Of all the obtained results, the 14th result is the common divisor by which the total number of votes of each list is divided (electoral body of the list). Each list shall obtain as many representative seats as the amount of times its total number of obtained valid votes (electoral body) contains the common divisor. If the votes are distributed in such a way that it cannot be determined which among two or more lists would get a representative seat, it will go to the list that has obtained more votes.

Article 41

Lists that at the elections gain at least 5% of the valid votes of the voters have the right to participate in a share of the representatives seats of the constituency.

Article 42

From each list, the candidates shall be elected from the ordinal number 1 to the ordinal number equivalent to the number of seats obtained by each list.

The deputy representatives from each list of the constituency are the candidates who have not been elected.

Article 43

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

Article 44

The number of representatives elected by the voters who do not have permanent residence in the Republic of Croatia shall in a special constituency be determined in the following way:

The total number of valid votes of voters in ten constituencies in the Republic of Croatia shall be divided by 140, which is the total number of representatives elected in those constituencies. The number of valid votes in a special constituency shall be divided by the result obtained in such a way (quotient). The result obtained is the number of representatives elected in a special constituency. If the result is not a whole number, it shall be rounded to a whole number from 0.5 up, and below 0.5 down.

Article 45

The total number of representatives elected by voters who do not have permanent residence in the Republic of Croatia in the special constituency determined in accordance with Article 44 of this Law shall be divided among the candidacy lists standing in that constituency pursuant to the provisions of Articles 40 to 42 of this Law.

Article 46

The members of national minorities referred to in Article 17 of this Law shall elect representatives to the House of Representatives of the Parliament by individual election, so that a candidate shall be elected a representative who has received the majority votes of the voters. If two or more candidates receive the same number of votes, the elections shall be repeated.

The election of representatives to the House of Counties of the Croatian National Parliament

Article 47

On the basis of the county lists, three representatives to the House of Counties shall be elected in each county, three in the City of Zagreb so that the territory of each county or the City of Zagreb constitutes a single constituency.

The President of the Republic may nominate up to five representatives to the House of Counties of the Parliament from particularly meritorious citizens.

Article 48

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

The total number of valid votes received by each county list (the electoral body of the list) shall be divided by the numbers from 1 to 3 inclusive. Of all the obtained results, the third result is the common divisor by which the total number of all the votes of each county list is divided (the electoral body of the list). Each county list gains as many seats as the amount of times its total number of valid votes (electoral body) contains the common divisor. If the valid votes are divided in such a way that it is not possible to determine which among two or more county lists has obtained which representative seat, then it will belong to the county list that obtained the more votes.

Article 49

County lists that gain at least 5% of the valid votes of the voters shall have the right to participate in the division of representative seats.

Article 50

From each county list, the candidates from the ordinal number 1 to the number equivalent to the number of seats obtained by a particular list shall be elected.

Together with the representative who is elected from each county list, his/her deputy will also be elected.

The bodies for the carrying out of the elections of representatives to the House of Representatives and the House of Counties of the Croatian National Parliament

Article 51

The bodies for the carrying out of the elections of representatives to the House of Representatives of the Parliament are:

The State Election Commission, the election commissions of constituencies, the municipal and city election commissions and electoral committees.

Article 52

The bodies for the carrying out of the elections of representatives to the House of Counties of the Parliament are:

The State Election Commission, the county election commissions and the election commission of the City of Zagreb, the city and municipal election commissions and electoral committees.

The State Election Commission

Article 53

The State Election Commission shall have a standing and an expanded composition.

The standing composition of the State Election Commission consists of the 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 State Election Commission.

Members of the Commission, the deputy president and the deputy members of the standing composition of the State Election Commission are appointed by the Constitutional Court of the Republic of Croatia from among the judges of the Supreme Court of the Republic of Croatia and other distinguished lawyers who must not be members of political parties.

Article 54

The expanded composition of the State Election Commission is determined upon the acceptance, determination and announcement of the lists of constituencies.

Members of the expanded composition of the State Election Commission shall have all the rights and duties of the standing members of the State Election Commission.

Article 55

The expanded composition of the State Election Commission is made up of three representatives of the majority political party or coalition and three representatives of opposition political parties or coalitions proposed by consensus, in line with the party composition of the House of the Parliament for which elections have been called, and their deputies.

If no consensus can be achieved about the three representatives of the political parties that are considered as opposition according to the party composition of the House of the Parliament for which the elections are called, the selection of the three members of the expanded composition and their deputies shall be made by lot from among the candidates and their deputies before the Constitutional Court of the Republic of Croatia.

Article 56

The State Election Commission shall:

1. look after the legal preparation and carrying out of the elections of representatives to both Houses of Parliament,
2. appoint members of the election commissions of constituencies and the county election commissions,
3. issue the mandatory instructions for the work of the election commissions and electoral committees
4. determine the polling stations and appoint electoral committees in diplomatic and consular representative offices of the Republic of Croatia,
5. prescribe the forms in the proceedings for the preparations and carrying out of the elections,
6. supervise the work of the election commissions of constituencies and county election commissions,
7. on the basis of valid proposals, announce the lists of the constituencies and make up collective lists of constituencies,
8. supervise the regularity of the election campaign,
9. announce the results of the elections for the representatives to the House of Representatives and the House of Counties of the Parliament,
10. provide permanent service responsible for providing competent and professional information to the voters and for providing answers connected with the carrying out of the voting and the elections
11. carry out other tasks laid down by this Law.

Article 57

The mandatory instructions for the work of the election commissions and electoral committees laid down by the State Election Commission shall be published in the official gazette “Narodne novine” and on Croatian Radio-Television and in all daily newspapers in the Republic of Croatia.

The election commission of a constituency

Article 58

The election commission of a constituency shall have a standing and an expanded composition.

The standing composition of the election commission of a constituency shall consist of a president and two members, and their deputies.

The president, members, the deputy president and the deputy members of the standing composition of the election commission of a constituency shall be appointed by the State Election Commission from among judges and distinguished lawyers.

Article 59

An expanded composition of the election commission of a constituency shall be determined upon the acceptance, establishment and announcement of the party lists.

Members of the expanded composition of the election commission of a constituency shall have all the rights and duties of the standing members of the election commission of a constituency.

Article 60

The expanded composition of an election commission of a constituency consists of two representatives of the majority political party or coalition and two consensually proposed representatives of the opposition political parties or coalitions and their deputies according to the party composition of the House of the Parliament for which the elections have been called.

Unless an agreement is reached regarding the two representatives of political parties which are considered opposition on the basis of the party composition of the House of the Parliament for which the elections have been called, the selection of the two members of the expanded composition and their deputies will be made by lot among the candidates proposed and their deputies before the Croatian National Commission.

Article 61

The election commission of a constituency shall:

1. look after the legality of the carrying out of the elections at the polling stations in its territory,
2. determine the polling stations at the recommendation of the municipal and city election commissions,
3. appoint the municipal and city election commissions,
4. appoint and dissolve electoral committees,
5. carry out all technical preparations for the carrying out of the elections in its territory in accordance with the mandatory instructions of the State Election Commission,
6. collect and count up the results of the voting at the polling stations in its territory from the municipal and city election commissions and deliver them to the State Election Commission,
7. carry out other tasks laid down by this Law.

Article 62

The provisions of Article 61 of this Law shall apply respectively to the election commissions of constituencies in which the representatives of autochthonous national minorities in the Republic of Croatia are elected.

County election commission

Article 63

A county election commission shall have a standing and an expanded composition.

The standing composition of a county election commission shall consist of a president and two members and their deputies.

The president, the members, the deputy president and the deputies of the members of the standing composition of the county election commission are appointed by the State Election Commission from among judges and distinguished lawyers.

Article 64

The expanded composition of the county election commission shall be determined upon the acceptance, establishment and announcement of the party lists.

The members of the expanded composition of a county election commission shall have all the rights and duties of standing members of a county election commission.

Article 65

The expanded composition of a county election commission shall consist of two members of the majority party or coalition and two consensually proposed representatives of the opposition parties or coalitions and their deputies in accordance with the party composition of the House of the Parliament for which the elections have been called.

Unless there is an agreement regarding the two members of the political parties which are considered opposition according to the party composition of the House of the Parliament for which the elections have been called, the election of the two members of the expanded composition and their deputies shall be made by lot among the candidates and their deputies before the State Election Commission.

Article 66

The election commission of a county shall:

1. look after the legality of the preparation of the elections of representatives to the House of Counties of the Parliament,
2. look after the legality of the carrying out of the elections in the polling stations in the county,
3. determine the polling stations at the recommendation of the election commissions of municipalities and cities,
4. appoint the electoral committees,
5. conduct all the technical preparations for the carrying out of the elections in the territory of a county according to the mandatory instructions of the State Election Commission,

6. announce the county lists on the basis of valid proposals and develop and announce the collective list of the county lists,
7. supervise the regularity of the election campaign,
8. collect and count up the results of the voting for the election of representatives to the House of Counties of the Parliament at the polling stations in the territory of the county and deliver them to the State Election Commission in the way and at a time determined by the Commission,
9. carry out other tasks laid down by Law.

The municipal and city election commissions

Article 67

The municipal and city election commissions shall be appointed by the election commission of a constituency.

The composition and the election of the municipal and city election commissions shall be governed by the same rules that apply to the composition and election of the election commission of a constituency.

Article 68

The municipal and city election commissions shall:

1. propose to the election commission of constituencies the establishment of polling stations within the territory of a municipality or a city,
2. propose the appointment of electoral committees in the territory of a municipality or a city,
3. propose a dissolution of electoral committees in cases contemplated by this Law,
4. collect data about the elections and forward them to the election commission of the constituency,
5. carry out other tasks transferred to them by the election commission of the constituency from its sphere of competence.

Electoral committees

Article 69

Electoral committees shall directly manage the voting of the voters at the polling stations and shall ensure the regularity and secrecy of voting.

An electoral committee shall be composed of a president and four members, and their deputies. Two members and their deputies shall be designated by the majority party or coalition, and two members and their deputies by the opposition parties or coa-

litions in accordance with the party composition of the House of the Parliament for which the elections have been called.

The political parties shall have to designate the members of individual electoral committees and deliver their names to the competent election commissions not later than 8 days before the day of the election of representatives. If they fail to do so and if they do not deliver their names to the competent election commissions, these election commissions shall independently designate the members of election commissions.

The president of the electoral committee and his/her deputy must not be members of any political party and they should preferably be in the legal profession.

The electoral committees for all polling stations in pursuance of the provisions of Paragraphs 3 and 4 of this Article shall be appointed by the elections commissions competent in accordance with the provisions of this Law not later than five days before the election day.

Implementation of the elections

Article 70

Not later than ten days before the election day, the State Election Commission for the polling stations abroad and the election commissions of a constituencies and the county election commissions for the territory of the Republic of Croatia shall announce which polling stations have been designated and which voters should vote at any particular polling station.

Article 71

The Minister of Defense shall determine the polling stations for the voting of voters who are serving in the armed forces of the Republic of Croatia.

The Minister of Maritime Affairs, Traffic and Communications shall determine the polling stations for the voters who are members of marine and river ships sailing under the Croatian flag and are outside the borders of the Republic of Croatia on election day.

The Minister of Justice shall determine the polling stations for the voters who are serving prison sentences.

Article 72

When determining the polling stations, the number of voters who will vote at them must be taken into account, as well as the accessibility and distance of the polling station.

The number of voters to vote at a polling station shall be determined in such a way as to enable the voting to take place without difficulties and during the time determined for the voting.

A special voting room shall be designated for each polling station and it shall be equipped and arranged in such a way as to ensure the secrecy of voting.

Every polling station shall have its ordinal number.

Article 73

Not later than eight days before the election day, the competent body shall deliver to each voter an excerpt from the electoral register with his/her references.

Voting and determining the voting results

Article 74

Voting is carried out personally by way of ballot papers.

No one may vote on behalf of another person.

Ballot papers shall be printed in the state printing-house determined and directly supervised by the State Election Commission.

Each ballot paper must have a serial number.

Article 75

A ballot paper which is used to vote for one of the lists of a constituency or for a county list shall contain the following:

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

On the ballot paper, the party lists shall be given in the same order in which they are given on the collective list of the said lists. An ordinal number shall be placed in front of the name of the list.

Article 76

The vote is taken only for the lists of the constituency or for the county lists given on the ballot paper.

The ballot paper is marked by circling the ordinal number given in front of the name of the list of the constituency or in front of the name of the county list.

Article 77

A ballot paper on which the vote is taken in the constituency in which a representative of an autochthonous national minority and his/her deputy are elected contains:

1. the name and surname of the candidate and his/her deputy,
2. the full and abbreviated name of the political party or parties or of a party coalition that proposed the candidate. If the candidate has been proposed by a group of voters

pursuant to the provisions of this Law, his/her name is given specifying “an independent candidate”.

3. a serial number.

The candidates shall be listed on the ballot paper in the same order in which they are given on the list of candidates for the election of representatives of autochthonous national minorities. An ordinal number shall be given in front of the name and surname of each candidate.

The vote is taken only for the election of candidates for the representatives of autochthonous national minorities listed on the ballot paper by circling the ordinal number in front of the name of the candidate.

Article 78

A valid ballot paper is one from which the will of the voter can clearly and unambiguously be determined as well as which list or the candidate the voter has voted for.

Article 79

An invalid ballot paper is :

1. a ballot paper that is not filled in,
2. a ballot paper filled in such a way that the will of the voter cannot be established with certainty as well as for which list or candidate the voter has voted for,
3. a ballot paper on which the voter has voted for two or more lists or candidates.

Article 80

Voting shall last uninterruptedly from seven o'clock in the morning until seven o'clock in the evening.

In diplomatic and consular representative offices, the voting shall last for two days and shall end on the day when it ends in the Republic of Croatia.

The polling stations shall be closed at seven o'clock in the evening but the voters who happen to be at the polling stations at that time will be allowed to vote.

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

Article 81

The president of the electoral committee is authorized and obligated to secure order and peace at the polling station during the time of voting and after the closing of the polling station.

If it is necessary for the maintenance of order and peace and for an uninterrupted voting to take place, the president of the electoral committee may ask for the assistance

of the police who must, at the polling station, follow the president's instructions within the framework of their legal powers.

No one, except for the members of the police called by the president of the electoral committee, is allowed to come to the polling station carrying arms.

Article 82

The president of the electoral committee or the member authorized by him/her shall have to check whether each voter who comes to vote is entered in the electoral register.

If the voter has not been entered in the electoral register, the president of the electoral committee shall not permit him/her to vote, unless the voter proves his/her right to vote at that polling station by a certification issued by a competent state body.

Article 83

A voter who because of some physical disability or illiteracy would not be able to vote on his/her own, may come to the polling station accompanied by another person who is literate and who will following such person's authorization and instructions circle the ordinal number in front of the name of the list or in front of the name of the candidate for whom the voter is voting.

A voter who is unable to come to the polling station shall inform the electoral committee accordingly. The president of the electoral committee shall designate at least two members of the electoral committee or their deputies to visit the voter's location and make it possible for him/her to vote, taking into account the secrecy of voting.

In the case of the voting of a person with physical disability, an illiterate person or any voting carried out outside the polling station upon preliminary information received from the voter, the president of the electoral committee shall indicate the names of such persons in the minutes of the work of the electoral committee.

Article 84

After the end of the voting, the electoral committee shall first count up the unused ballot papers and place them into a special envelope which will be sealed.

The electoral committee shall then, on the basis of the minutes, establish the total number of voters who have voted according to the electoral register or the excerpt from the electoral register.

After the number of the voters who have voted is established, the committee shall open the ballot box and count up the votes.

Article 85

If during the counting of the votes at the polling station it is established that the number of votes according to the electoral register is greater than the number of votes according to the ballot papers, the result of the voting according to the ballot papers shall be considered valid.

If during the counting of the votes at the polling station it is established that a smaller number of voters voted than the number of votes in the ballot box, the electoral committee shall immediately interrupt their work and together with a report deliver the materials to the municipal or the city election commission.

The municipal or city election commission shall immediately inform the election commission of the constituency about this which shall annul the voting at that polling station, dissolve the electoral committee, appoint a new one and order the repeating of the voting at that polling station within a period of 8 days.

Article 86

When the electoral committee establishes the election results at a polling station, they shall enter the following information in the minutes of their work:

- the number of voters according to the excerpt from the electoral register,
- the number of voters who have voted according to the excerpt from the electoral register, and the number of voters who have voted on the basis of a certification from a competent state body, as well as the total number of voters,
- how many votes each list obtained, or each candidate for the election of candidates of autochthonous national minorities,
- how many ballot papers were declared invalid.

All other facts relevant for the procedure of voting shall also be recorded in the minutes of the work of the electoral committee.

Every member of the electoral committee is authorized to give his/her written comments to the minutes.

The minutes shall be signed by all members of the electoral committee and their deputies.

Every member of the electoral committee and his/her deputy shall be entitled to a copy of the minutes on the work of the electoral committee which must be verified by the signatures of all members of the electoral committee.

Article 87

The electoral committee shall deliver the minutes of its work together with other election material to the municipal or city election commission or to the county election commission, not later than within 12 hours after the closing of the polling station.

The electoral committees in diplomatic and consular representative offices shall deliver the minutes of their work together with other election material directly to the State Election Commission within a period of 48 hours after the closing of the polling station.

Article 88

The municipal and city election commission shall keep the minutes of their work in which the following information shall be recorded:

1. the number of voters registered in the excerpt from the electoral register in its territory,
2. the number of voters who voted and the number of ballot papers declared invalid,
3. the number of votes obtained by each list.

The municipal or the city election commission shall deliver the minutes of their work together with other election material to the election commission of the constituency not later than 18 hours after the closing of the polling place.

Article 89

The election commission of a constituency shall keep the minutes of their work in which the following information shall be recorded:

1. the number of voters entered in the excerpt from the electoral register in its territory,
2. the number of voters who voted and the number of ballot papers declared invalid,
3. the number of votes obtained by each list and the names and surnames of the candidates from each list who have been elected representatives.

Every member of the election commission of a constituency may give his/her written comments to the minutes. The minutes shall be signed by all members of the election commission of the constituency.

The election committee of a constituency shall sum up the voting results at the polling stations in their territory not later than 24 hours after the closing of the polling station.

The election commission of a constituency shall deliver the election results in their territory to the State Election Commission together with the minutes of their work in the way and within the period of time determined by the Commission.

Article 90

The county election commission shall keep the minutes of their work in which the following information will be recorded:

1. the number of voters entered on the excerpt from the electoral register in their territory,
2. the number of voters who voted and the number of ballot papers declared invalid,
3. the number of votes obtained by each county list,
4. the number of seats obtained by each county list and the names and surnames of candidates from each county list who have been elected representatives, as well as the names and surnames of their deputies.

Every member of a county election commission may submit his/her written remarks to the minutes. The minutes shall be signed by all members of the election commission.

The county election commissions shall add up the election results at the polling places in their territory not later than 24 hours from the closing time of the polling place.

County election commissions shall deliver the election results from their territory to the State Election Commission together with the minutes of their work in the way and within the period of time determined by the Commission.

Article 91

The election results for representatives to the House of Representatives and the House of Counties of the Parliament shall be established by the State Election Commission.

Article 92

When the State Election Commission has established the results of the voting for representatives, they shall announce without delay the following:

1. the number of voters entered on the lists of voters, the number of voters who voted in each constituency, the number of votes obtained by individual list or county list in the constituency, and the number of invalid ballot papers.
2. the number of seats obtained by each list and the names and surnames of candidates who have been elected representatives,
3. the number of seats obtained in each county by each county list, and the names and surnames of candidates from each individual county list who have been elected representatives in each county, and the names and surnames of their deputies,
4. the names and surnames of candidates and their deputies who have been elected in each constituency in which a representative of autochthonous national minorities and his/her deputy are elected.

Article 93

During the voting, the State Election Commission may announce preliminary data on the number of voters who have voted.

Article 94

After the closing of the polling station, the State Election Commission may publish preliminary and unofficial election results at its own discretion.

The official election results will be published after all legal means for the protection of the electoral right have been exhausted or after the time periods for their use have expired.

Costs of the carrying out of the elections

Article 95

The funds to cover the costs of elections shall be allocated in the state budget of the Republic of Croatia and the State Election Commission shall dispose of these funds.

The State Election Commission shall determine the way these funds will be used, it shall supervise their use and allocate the corresponding funds to the election commissions in the constituencies and to the county election commissions.

The State Election Commission shall announce in the public media an integral report about the entire costs of elections and the way the funds were used within 30 days of announcing the official election results.

The protection of the electoral right

Article 96

The constitutionality and the legality of the elections shall be supervised by the Constitutional Court of the Republic of Croatia.

The Constitutional Court of the Republic of Croatia shall decide election disputes in accordance with the provisions of this Law.

Article 97

Any political party which has proposed a list in a constituency or a county list, or a holder of an independent list, as well as the candidates for the representatives of autochthonous national minorities may lodge a complaint against the irregularity of the nomination procedure or the election procedure.

If several political parties have proposed a list of a constituency, a county list or a candidate for a representative of an autochthonous national minority, the complaint shall be considered valid also if only one political party lodges it.

Article 98

Complaints about the irregularity in the procedure for nomination and election of representatives shall be lodged to the State Election Commission within 48 hours counting from the expiration of the day on which the activity subject to the complaint took place.

The State Election Commission shall pass a decision on the complaint within 48 hours from the day on which the complaint was submitted or the day when the election material to which the complaint relates was supplied.

Article 99

If the State Election Commission, when deciding on the complaint, establishes that there have been some irregularities which essentially affected or might have essentially affected the election results, it will annul the activities and order the annulled activities

to be repeated within certain time limit which must provide for the holding of the elections on the day for which they have been called.

If it is not possible to repeat the annulled activities or if the irregularities relate to the voting procedure and have seriously affected or might have affected the election results, the State Election Commission shall annul the election and set the date for their being held again.

Article 100

Any complainant has the right to appeal to the Constitutional Court of the Republic of Croatia against the decision of the State Election Commission.

The appeal may be lodged to the Constitutional Court of the Republic of Croatia through the State Election Commission within 48 hours counting from the expiration of the day when the disputed decision was received.

The Constitutional Court of the Republic of Croatia shall have to decide on the appeal within 48 hours from the date of its receipt.

Article 101

The lodged complaint and the appeal in the proceeding for the protection of the electoral right shall not postpone the execution of the election activities prescribed by this Law.

Article 102

No administrative fees shall be paid for the submissions and decisions in a proceeding conducted pursuant to the provisions of this Law.

The ethical commission

Article 103

The Ethical Commission is a non-partisan body of a publicly recognized reputation which by its statements and warnings influences the promotion and realization of ethical and democratic principles during elections.

The Ethical Commission evaluates the conduct of the participants in the elections during the election campaign and the process of elections, and carries out an extra-administrative supervision of the election campaign.

Article 104

The Ethical Commission has a president and six members, three of which are proposed by the majority party and three by the opposition parties pursuant to the party composition of the House of the Parliament for which the elections have been called.

The members of the Commission are appointed by the Constitutional Court of the Republic of Croatia on the basis of the proposals of the parliamentary political parties

from among distinguished public persons who are not candidates in the elections and are not members of any political party.

Article 105

The President of the Croatian Academy of Science and Arts is by his/her position the President of the Ethical Commission.

Article 106

After the publication of the decision to call the elections, and prior to the beginning of the election campaign, the Ethical Commission shall adopt and publish the Election Code of Ethics which is a system of rules on the conduct of individuals and political parties in the election campaign and election procedure. Prior to the passage of the Election Code of Ethics, the Ethical Commission will seek the opinion of the parliamentary political parties.

Monitoring of the elections by non-governmental organizations

Article 107

Non-governmental organizations shall have the right to follow the election process and in particular to monitor the carrying out of the elections and the work of the election commissions and electoral committees at all levels.

Within eight days from the day of calling the elections, the interested organizations referred to in paragraph 1 of this Article shall have to request from the State Election Commission a permission to monitor the work of election commissions and electoral committees.

The State Election Commission shall allow the monitoring of the election procedure to all organizations that are registered as associations active in the area of independent monitoring of election procedures and/or the promotion of human and civil rights.

On the basis of the delivered decision referred to in Paragraph 3 of this Article, the authorized nongovernmental organizations shall not later than within eight days prior to the election day submit to the State Election Commission a list of names of their authorized monitors. The State Election Commission shall prepare the official identification cards for each authorized monitor and deliver them to the headquarters of the non-governmental organizations not later than three days prior to the election day.

By showing the decision of the State Election Commission and the decision of the authorized non-governmental organization on the appointment of monitors referred to in paragraph 4 of this Article, the authorized monitor shall be given the right of insight into the entire election materials and the right to monitor the entire election procedure.

In accordance with the provision referred to in paragraph 1 of this Article, the State Election Commission shall adopt, within eight days from the day of calling the elections, the rules in which it will closely define the rights and duties of the monitors of non-governmental organizations in monitoring the election process.

Transitional and final provisions

Article 108

On the day of entry into force of this Law, the Law on the Election of Representatives to the Parliament of the Republic of Croatia (“Narodne novine” No. 22/92, 1/93, 30/93 – an amended text, 11/94, 68/95 and 108/96) shall cease to be valid.

Article 109

This Law shall enter into force on the eighth day from its publication in the official gazette “Narodne novine”.

House of Representatives of the Croatian National Parliament
President of the House of Representatives of the
Croatian National Parliament

Academician Vlatko Pavletić, m.p.

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Zagreb, October 29, 1999

Laws and decisions