



EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

CROATIA

ACT ON LOCAL ELECTIONS 2012

AND

ACT ON AMENDMENTS 2016

THE CROATIAN PARLIAMENT

3074

Pursuant to Article 89 of the Constitution of the Republic of Croatia, I hereby render the following

DECISION

TO PROMULGATE THE ACT ON LOCAL ELECTIONS

I hereby promulgate the Act on Local Elections, adopted by the Croatian Parliament at its session on 14 December 2012.

Class: 011-01/12-01/182

Reg. Number: 71-05-03/1-12-2

Zagreb, 19 December 2012

The President
of the Republic
of Croatia

Ivo Josipović,
m.p.

LOCAL ELECTIONS ACT

PART ONE

COMMON PROVISIONS

GENERAL PROVISIONS

Scope

Article 1

(1) This Act regulates local elections. Local elections, within the meaning of this Act, are elections for members of the representative bodies of units of local and regional self-

government, and elections for municipality heads, mayors, and county prefects and their deputies.

(2) The words and terminology in this Act denoting gender relate equally to men and women, regardless of which gender is used.

VOTING RIGHTS

Article 2

(1) Croatian citizens who have reached the age of 18 years have the right to vote (hereinafter: voters).

(2) Voters who are resident in the area of the unit for whose body the elections are being held have the right to elect members of representative bodies of units of local and regional self-government (hereinafter: units) and municipality heads, mayors and county prefects and their deputies.

(3) Citizens of other European Union member states have the right to elect members of representative bodies of units, pursuant to a separate Act.

(4) The right to vote is exercised at direct elections by secret ballot.

Article 3

(1) A voter who, on the day the decision to call the election comes into force, has a registered domicile in the area of the unit for whose representative body the elections are being held, has the right to be elected member of a representative body of a unit.

(2) A voter who, on the day the decision to call the election comes into force, has had a registered domicile in the area of the unit for whose representative body the elections are being held for at least six months has the right to be elected municipality head, mayor or county prefect and their deputies.

(3) Citizens of other European Union member states have the right to be elected members of representative bodies of units, pursuant to a separate Act.

Freedoms and rights in exercising the right to vote

Article 4

(1) The free preference of voters and the secrecy of the ballot are guaranteed.

(2) A voter may vote only once at the same elections.

(3) No one may vote on behalf of another person.

(4) No one may require a voter to explain his/her choice of vote.

(5) Voters are free to publish their choice of vote.

(6) No one may be called to account for their vote or for not voting.

CALLING AND HOLDING ELECTIONS

Calling elections

Article 5

The Government of the Republic of Croatia shall call elections for members of representative bodies of units and for municipality heads, mayors and county prefects and their deputies.

Article 6

(1) The day the election shall be held is decided in the decision of the Government of the Republic of Croatia to call the election.

(2) No fewer than 30 and no more than 60 days may pass from the day the election is called to the day the election is held.

(3) The decision to call an election shall be sent to the State Election Commission of the Republic of Croatia (hereinafter: the State Election Commission) on the same day it is rendered.

Holding elections

Article 7

(1) Regular elections for members of representative bodies of units and elections for municipality heads, mayors and county prefects and their deputies shall be held at the same time, on the third Sunday in May every fourth year.

(2) Early elections for members of representative bodies of units whose term of office has ended due to the dissolution of the body shall be held within 90 days of the day the representative body was dissolved.

(3) Early elections for municipality heads, mayors and county prefects shall be called in cases when this is prescribed by the law regulating the system of local and regional self-government, and shall be held within 90 days of the day the term of office of the municipality head, mayor or county prefect was terminated.

(4) Early elections shall be held at the same time for members of representative bodies and for the municipality head, mayor or county prefect, if the representative body was dissolved and the municipality head, mayor or county prefect was dismissed at the same time, within 90 days of the dissolution of the representative body and the dismissal of the municipality head, mayor or prefect.

(5) Early elections for deputy municipality head, mayor, or county prefect from among national minorities shall be held within 90 days of the termination of the term of office of the deputy municipality head, mayor or county prefect from among the national minorities.

(6) If the early elections referred to in paragraphs 2, 3, 4 and 5 of this Article are to be held in the calendar year in which regular elections are to be held, before they are held, early elections shall not be held in that unit.

(7) If the term of office is terminated of only the deputy municipality head, mayor or county prefect, who was elected together with the municipality head, mayor or county prefect, no early elections shall be held.

Term of Office

Article 8

(1) The term of office of members of representative bodies of units elected at regular elections begins on the day the representative body is constituted, and runs until the day a decision by the Government of the Republic of Croatia comes into force to call an election, or until a decision by the Government of the Republic of Croatia comes into force to dissolve the representative bodies, pursuant to the law regulating local and regional self-government.

(2) The term of office of members of representative bodies of units elected at early elections begins the day the representative body is constituted and lasts until the termination of the current term of office of the representative bodies elected at regular elections.

(3) The term of office of municipality heads, mayors and county prefects and their deputies elected at regular or early elections shall begin on the first working day following the announcement of the final results of the elections and shall last until the first working day following the announcement of the final results of the election of the new municipality head, mayor or county prefect.

(4) By way of derogation from paragraph 3 of this Article, the term of office of municipality heads, mayors and county prefects and their deputies dismissed by the Government of the Republic of Croatia at the same time as it dissolved the representative body in that unit shall last until the decision by the Government of the Republic of Croatia comes into force to dissolve the representative body and to dismiss the municipality head, mayor or county prefect.

CANDIDACY

Article 9

(1) Candidacy is the procedure of proposing lists of candidates and candidates by authorised proponents.

(2) The authorised proponents of lists of candidates and of candidates are political parties and voters.

(3) Proponents of lists of candidates are obliged to respect the principle of gender equality, pursuant to a separate act.

Collecting signatures

Article 10

(1) When voters propose lists of candidates and candidates, for the proposals to be accepted, signatures of voters must be collected pursuant to the provisions of this Act.

(2) Political parties are also obliged to collect voters' signatures for candidates for election for municipality head, mayor and county prefect and their deputies.

(3) Voters' signatures shall be collected on the prescribed forms, whose content and form are prescribed by the State Election Commission.

(4) The following information shall be included in the form for collecting voters' signatures:

- the name, surname, nationality, residence, date of birth, unique personal identification number (OIB) and gender of the proposed candidate;

- the name, surname and residence of the voters, the number and place of issue of a valid personal identification document and each voter's signature.

(5) Alongside the information referred to in paragraph 4, sub-paragraph 1 of this Article, for candidates for members of representative bodies of units and candidates for deputy municipality head, mayor and county prefect from among national minorities, information on their nationality shall also be included.

The number of signatures for the candidacy of members of representative bodies

Article 11

(1) When voters as authorised proponents propose a list of candidates of a group of voters, in order for the proposal of the list of candidates for the election of members of representative bodies to be valid, they must collect at least:

- 25 voters' signatures in constituencies with up to 350 inhabitants;

- 35 voters' signatures in constituencies with between 350 and 500 inhabitants;

- 50 voters' signatures in constituencies with between 500 and 1,000 inhabitants;

- 70 voters' signatures in constituencies with between 1,000 and 2,500 inhabitants;

- 110 voters' signatures in constituencies with between 2,500 and 5,000 inhabitants;

- 180 voters' signatures in constituencies with between 5,000 and 10,000 inhabitants;

- 250 voters' signatures in constituencies with between 10,000 and 20,000 inhabitants;

- 400 voters' signatures in constituencies with between 20,000 and 35,000 inhabitants;

- 600 voters' signatures in constituencies with between 35,000 and 60,000 inhabitants;

- 800 voters' signatures in constituencies with between 60,000 and 100,000 inhabitants;
- 1,000 voters' signatures in constituencies with between 100,000 and 200,000 inhabitants;
- 1,400 voters' signatures in constituencies with between 200,000 and 300,000 inhabitants;
- 1,800 voters' signatures in constituencies with between 300,000 and 500,000 inhabitants;
- 2,500 voters' signatures in constituencies with more than 500,000 inhabitants.

(2) The information on the necessary number of voters' signatures shall be published by the State Election Commission on its website on the basis of the information previously submitted by the central body of state administration competent for local and regional self-government.

The number of signatures necessary for the candidacy of municipality heads, mayors and county prefects and their deputies

Article 12

(1) For political party candidacy and candidacies proposed by a group of voters for the election of municipality head, mayor and county prefect and their deputies to be valid, it is necessary to collect at least:

- 35 voters' signatures in constituencies with up to 350 inhabitants;
- 50 voters' signatures in constituencies with between 350 and 500 inhabitants;
- 80 voters' signatures in constituencies with between 500 and 1,000 inhabitants;
- 100 voters' signatures in constituencies with between 1,000 and 2,500 inhabitants;
- 150 voters' signatures in constituencies with between 2,500 and 5,000 inhabitants;
- 250 voters' signatures in constituencies with between 5,000 and 10,000 inhabitants;
- 450 voters' signatures in constituencies with between 10,000 and 20,000 inhabitants;
- 600 voters' signatures in constituencies with between 20,000 and 35,000 inhabitants;
- 900 voters' signatures in constituencies with between 35,000 and 60,000 inhabitants;
- 1,200 voters' signatures in constituencies with between 60,000 and 100,000 inhabitants;
- 1,500 voters' signatures in constituencies with between 100,000 and 200,000 inhabitants;
- 2,500 voters' signatures in constituencies with between 200,000 and 300,000 inhabitants;
- 3,200 voters' signatures in constituencies with between 300,000 and 500,000 inhabitants;

- 5,000 voters' signatures in constituencies with more than 500,000 inhabitants.

(2) The information on the necessary number of voters' signatures shall be published by the State Election Commission on its website on the basis of the information previously submitted by the central body of state administration competent for local and regional self-government.

Prohibition of candidacy

Article 13

Voters who are police officers, in active military service, civil servants and employees in the Armed Forces of the Republic of Croatia may not be candidates for election as members of representative bodies of units or for municipality head, mayor or county prefect and their deputies.

Prohibition of multiple candidacy

Article 14

(1) No one may stand as candidate at the same time for municipality head, mayor and county prefect.

(2) The provisions of paragraph 1 of this Article shall also apply for deputy municipality heads, mayors and county prefects.

(3) If a candidate is nominated at the same time, as described in paragraphs 1 and 2 of this Article, the county election commission shall invite the candidate to make a statement within 24 hours on which candidacy he/she will accept, and if he/she does not make that statement, it shall annul by a decision the candidacy for municipality head or mayor, or their deputy.

Proposal of lists of candidates and candidates of political parties

Article 15

(1) All political parties registered in the Republic of Croatia on the day the decision to call elections comes into force have the right to propose lists of candidates and candidates.

(2) Lists of candidates and candidates may be proposed by a single political party or two or more political parties.

(3) Political parties shall independently determine the order of candidates on the lists of candidates and candidates, in the manner prescribed by the statute of the political party, or in line with separate decisions rendered pursuant to the statute.

(4) Political parties determine the authorised leader of the list of candidates and candidacy on the basis of their statutes.

Proposal of lists of candidates and candidates of voters

Article 16

- (1) Voters may propose lists of candidates and candidates.
- (2) When voters propose lists of candidates and candidates, the leader of the list of candidates of a group of voters or the candidacy of a group of voters are the first three signatories on the list of candidates or candidacy.
- (3) A candidate may also be the leader/signatory of his/her list of candidates of voters, or candidacy.

Statements to be enclosed with the list of candidates and candidacy

Article 17

- (1) Alongside the proposed list of candidates and candidacies, a statement shall be submitted on the acceptance of the candidacy by each candidate on the list, or candidacy, notarised by a notary public, or the competent election commission.
- (2) The statement of acceptance of candidacy for membership of the representative body shall be accompanied by a statement by the candidate saying that no prohibition of candidacy exists in his/her case.
- (3) The statement of acceptance of candidacy for municipality head, mayor and county prefect and their deputies shall be accompanied by a statement by the candidate stating that no prohibition of candidacy exists and a statement on the necessary duration of residence by the candidate in the area of the unit, pursuant to the provisions of this Act.
- (4) The candidate shall be held accountable for giving false information in the statements referred to in paragraphs 2 and 3 of this Article, as well as for making a statement accepting candidacy for more than one list of candidates for the same body.

Content of the list of candidates for members of the representative bodies of units

Article 18

- (1) In the proposed list of candidates, the title of the list of candidates and the leader of the list must be given, and the candidates must be listed in order from no. 1 to the number denoting how many are standing for election.
- (2) If the proponent proposes more candidates than the established number of members of the representative body being elected at the elections, it shall be deemed that only the candidates listed up to the number being elected to that representative body have been validly proposed.
- (3) If the proponent proposes fewer candidates than the established number of members of the representative body being elected at the election, the list of candidates is not valid.
- (4) The title of the list of candidates is the full title of the political party, or two or more political parties, proposing the list of candidates. If the political parties have registered abbreviated names of their party, or parties, the abbreviation shall also be used in the title.

(5) If the list of candidates is proposed by voters, its title will be "list of candidates of a group of voters".

(6) The leader of the list of candidates is the first proposed candidate on the list.

(7) For each of the candidates in the proposal of the list of candidates, the name and surname of the candidate must be given, along with their nationality, place of residence, date of birth, Personal Identification Number (OIB) and gender.

Content of the candidacy for municipality head, mayor and county prefect and their deputies

Article 19

(1) In the candidacy for municipality head, mayor and county prefect and their deputies, the name and surname of the candidates, their residence, date of birth and personal identification number (OIB) and gender shall be given.

(2) In the candidacy for deputy municipality head, mayor and county prefect from among national minorities, alongside the information given in paragraph 1 of this Article, their nationality shall also be stated.

(3) In the candidacy, the title of the political party or two or more political parties which are proposing the list of candidates shall be given. In the candidacy of a candidate proposed by voters, the words "candidate of a group of voters" shall be given.

Submitting lists of candidates and candidacies

Article 20

(1) Lists of candidates and candidacies shall be submitted on forms whose content and form are prescribed by the State Election Commission in binding instructions.

(2) Proposals of lists of candidates and candidacies, drawn up in line with the requirements and in the manner prescribed by this Act, shall be submitted to the competent election commission.

(3) Alongside the proposal of lists of candidates and candidacies, the proponents shall submit information on the number of a separate bank account used for financing the election campaign, the date the separate account was opened and the name of the bank with which the account has been opened.

Deadlines for candidacies

Article 21

(1) Lists of candidates and candidacies must be received by the competent election commission within 14 days of the day the decision to call an election comes into force.

(2) The competent election commission, upon receipt of the lists of candidates and candidacies, shall verify if they have been submitted pursuant to the provisions of this Act and the binding instructions of the State Election Commission.

(3) If the competent election commission assesses that the lists of candidates or candidacy have not been submitted pursuant to the provisions of this Act, it shall invite the proponents to resolve the failings noticed within 48 hours, and no later than the expiration of the deadline for candidacy.

(4) The competent election commission may prescribe a shorter deadline for the proponents of lists of candidates and candidacies to resolve the failings, if the deadline for candidacy expires within less than 48 hours.

Establishing the validity and acceptance of lists of candidates and candidacies

Article 22

(1) The competent election commission shall establish the validity of the proposed lists of candidates, or candidacies, pursuant to the provisions of this Act.

(2) Valid lists of candidates, or candidacies, shall be accepted by the competent election commission, and untimely or invalid lists of candidates, or candidacies, shall be dismissed by a decision or dismissed on the merits.

(3) When establishing the validity of lists of candidates or candidacies, the competent election commission shall act to protect the candidacy procedure, that is, the right to propose lists of candidates and candidacies.

Summary list

Article 23

(1) The summary list is a list that contains data on all the valid lists of candidates or candidacies.

(2) The summary list is drawn up by the competent election commission, after it establishes the validity of all lists of candidates or candidacies.

Content of the summary list of candidates

Article 24

(1) The summary list contains the title of each list of candidates and the name and surname of the leader of each list.

(2) The lists of candidates are entered into the summary list in alphabetical order of the full title of the political parties, or two or more political parties, which proposed the list of candidates, or in alphabetical order of the surname of the leader of the list of candidates of a group of voters. If several political parties propose a joint list of candidates, it shall be

entered into the summary list according to the title of the first political party listed in the proposal.

Content of the summary list of candidacies

Article 25

(1) The summary list of candidacies shall contain the name and surname of all the candidates for municipality head, mayor, or county prefect and their deputies.

(2) In the candidacy, the title shall be given of the political party or two or more political parties which are proposing the candidates. If the candidates are proposed by voters, it must be stated by their name and surname, "candidates of a group of voters".

(3) Candidacies are entered into the summary list in alphabetical order of the surnames of the candidates for municipality head, mayor or county prefect.

(4) In the summary list of candidacies, after the surnames and names of candidates for municipality head, mayor or county prefect, the name and surname are given of the candidates for their deputies.

Publication of lists of candidates and candidacies

Article 26

(1) The competent election commission shall, within 48 hours of the expiry of the deadline for candidacy, publish in the local public media and press, on the notice board and website of the unit:

- all the valid proposed lists of candidates and the summary list for the election of members of the representative body of the unit;
- the summary list of the proposed candidacies for municipality head, mayor and county prefect and their deputies.

(2) The lists of candidates and candidacies referred to in paragraph 1 of this Article shall be sent by the competent election commission to the State Election Commission for the publication of complete information on all lists of candidates and candidacies. The publication of the complete information does not represent an election activity in the sense of protection of electoral rights.

Withdrawal of an accepted list of candidates

Article 27

(1) Political parties who proposed an accepted list of candidates may withdraw that list in the manner prescribed in their statute or by a separate decision rendered on the basis of the statute, no later than 48 hours after it has been published as accepted by the competent election commission. For a "list of candidates of a group of voters" the decision to withdraw shall be rendered by the leader of the list.

(2) The written decision on withdrawal must be received by the competent election commission within the deadline referred to in paragraph 1 of this Article.

(3) Withdrawal of one or more candidates from the list of candidates is not permitted after the expiry of the deadline for candidacy, and the withdrawal of one of the candidates will not be accepted, so that the list of candidates shall remain valid with the names of all the published candidates.

(4) If one or more candidates withdraw from the list of candidates before the expiry of the deadline for candidacy, the competent election commission shall apply the provisions of Article 21, paragraph 3 of this Act, as appropriate.

The procedure if candidacy is accepted on several lists of candidates for the same representative body

Article 28

(1) If one of the candidates has issued a statement accepting candidacy for several lists of candidates for election in the same representative body, the competent election commission shall invite that candidate to state which candidacy he/she will retain no later than 48 hours from the expiry of the deadline.

(2) The competent election commission shall invite the proponent of the list from which the candidate referred to in paragraph 1 of this Article has withdrawn to supplement that list with another candidate within 24 hours.

(3) If the proponent referred to in paragraph 2 of this Article does not supplement the list, the competent election commission shall act pursuant to the provisions of Article 22 of this Act.

The procedure in the case of death of a candidate from the list of candidates

Article 29

(1) If one of the candidates from the list of candidates dies in the period from the day of publication of the list of candidates, the political party, or two or more political parties who proposed the candidate and the proponents of the list of candidates of a group of voters may propose in his/her place a new candidate, without collecting signatures in the candidacy procedure prescribed by this Act, up to 10 days before the elections are held.

(2) The candidate who has died shall be deleted from the list of candidates, and the candidate who is to supplement the list of candidates shall be placed last on the list. The remaining candidates on the list who come after the candidate who has died shall be moved up one place.

(3) If the candidate who died is the leader of the list, the list shall be supplemented in the manner established in paragraph 2 of this Article, and the second candidate on the list of candidates shall become the leader of the list.

(4) The list of candidates, supplemented with the new candidate pursuant to paragraphs 2 and 3 of this Article, shall be published on the notice board and website of the unit, within 24 hours of the supplementation of the list of candidates.

(5) If one of the candidates from the list of candidates dies within a time shorter than 10 days before the day of the elections, the list of candidates shall be deemed valid.

Withdrawal of acceptance of candidacy

Article 30

(1) The political party or two or more political parties who proposed the accepted candidacy for municipality head, mayor and county prefect, and their deputies, may withdraw the candidacy, in the manner prescribed by the statute of the party or by a separate decision rendered pursuant to the statute, no later than 48 hours after it was published as accepted by the competent election commission.

(2) A candidate proposed by a political party may withdraw his/her candidacy within the time limit referred to in paragraph 1 of this Article, with the written consent of the political party.

(3) For the accepted candidacy of a candidate of a group of voters, the decision on withdrawal shall be rendered by the candidate in a written statement, notarised by a notary public or the competent election commission.

(4) The written decision on withdrawal from the accepted candidacy must be received by the competent election commission within the deadline referred to in paragraph 1 of this Article.

Replacement of the proposed candidate due to death

Article 31

(1) If one of the candidates for municipality head, mayor and county prefect or their deputies dies in the period from the day of publication of the acceptance of candidacy, the political party, or two or more political parties who proposed the candidate and the proponents of the list of candidates of a group of voters may propose in his/her place a new candidate, without collecting signatures in the candidacy procedure prescribed by this Act, up to 10 days before the elections are held.

(2) The validly proposed new candidacy shall be published on the notice board and website of the unit within 24 hours of the replacement of the candidate.

(3) If one of the candidates for municipality head, mayor and county prefect, or their deputy, dies less than 10 days before the election, replacing the candidate will be undertaken by the procedure prescribed in paragraphs 1 and 2 of this Article, and the competent election commission shall order the postponement of the elections for municipality head, mayor and county prefect and their deputy, and at the same time the postponement of the election for members of the representative body of that unit for 14 days.

ELECTION CAMPAIGN

Content of the election campaign

Article 32

The election campaign is a group of activities undertaken by participants in the election campaign for the purpose of presenting themselves to the public and explaining their election programme to the voters.

Participants in the election campaign

Article 33

(1) Participants in the election campaign are candidates, the leaders of the lists of candidates of a group of voters, political parties, or two or more political parties, indicated on the published list of candidates and the summary list (hereinafter: the participants).

(2) All participants in the election campaign have the right to election publicity under equal conditions.

Costs of the election campaign

Article 34

The costs of the election campaign and the right to remuneration are regulated by a separate act.

Duration of the election campaign

Article 35

(1) The election campaign begins on the day of the publication of the summary list, and ends 24 hours before the day of the election.

(2) The election campaign for the election of municipality heads, mayors and county prefects and their deputies in the second round of election, or in the third round, begins the day following the day the results of the previous round of the election are announced, and ends 24 hours before the new round of election.

(3) Election silence shall begin after the end of the election campaign, and end on the day the election is held at seven p.m. During election silence, the following are prohibited: the public presentation and explanation to voters of the election programmes of participants, persuading voters to vote for a specific list of candidates or candidate, publication of forecasts of the election results, and publication of preliminary, unofficial results of the election, statements and interviews with participants in the election campaign and quoting their statements or written works.

Protection of personal data in the election campaign

Article 36

The provisions of the act that regulates the protection of personal data shall be applied as appropriate to the participants in the election campaign.

The conduct of the election campaign

Article 37

The participants shall conduct the election campaign freely, openly, publicly, and in a well-reasoned manner, and confrontation and debate should be based on reason and founded on facts.

The obligations of the local media in the election campaign

Article 38

(1) Participants in the election campaign have equal conditions in the pre-election contest and to that end they have an equal position in presentations in all local media.

(2) The local media, in their broadcasts or articles in the press, which are not related to the presentation of election programmes, may not use content which may be interpreted as election propaganda.

(3) The electronic media are obliged to respect the principle of equal access to paid political propaganda by the participants in the election campaign, and objective, balanced information about the election campaign.

BODIES RUNNING ELECTIONS

Types of election bodies

Article 39

(1) The bodies who run elections are the State Election Commission of the Republic of Croatia, the Election Commission of the City of Zagreb, county, city and municipal election commissions and election committees.

(2) The same election bodies run regular and early elections.

(3) The city and municipal election commissions may be appointed in the same permanent composition for the conduct of elections in several towns and municipalities, at the proposal of the State Election Commission.

State Election Commission of the Republic of Croatia

Article 40

The State Election Commission is a permanent and independent body, whose composition and manner of election are regulated by a separate act.

Composition of election commissions

Article 41

- (1) The election commissions of the City of Zagreb, and county, city and municipal election commissions have permanent and extended compositions.
- (2) The permanent composition of the election commission consists of the president, the vice-president and four members (hereinafter: members of the permanent composition).
- (3) At least one third of the members of the permanent composition of the election commission shall be replaced at each subsequent election.
- (4) The extended composition of the commission consists of three representatives of the majority political party or parties, and three representatives of the opposition political parties, proposed in agreement, and shall be constituted within 8 days from the day the decision to call the election comes into force.
- (5) The ratio between the total number of members of the extended composition within the group of parties is regulated according to the proportion that each party has in the municipal or city council, the county assembly, or the City Assembly of the City of Zagreb.
- (6) When elections are being held at the same time for the representative bodies of a unit of local and a unit of regional self-government, two of the three members of the extended composition shall represent political groups from the representative body of the unit of local self-government and one of the three members of the extended composition shall represent political groups from the representative body of the unit of regional self-government. In line with this division, the remaining three members shall represent the opposition political group.
- (7) If individual groups cannot agree on the distribution of their representatives in the election commission, their distribution shall be established by the competent election commission by lot, in such a way that the representatives of political parties will be so distributed that an individual party is represented in the largest possible number of commissions with regard to the total number of its representatives.
- (8) The vice-president shall stand in for the president if the latter is absent or otherwise engaged, with all the authority of the president, and all members of the election commission have equal rights and duties.
- (9) The president, vice-president and members of the county election commissions and the Election Commission of the City of Zagreb, and the president and vice-president of the municipal and city election commissions must hold a master's degree in the field of law.
- (10) The president, vice-president, and members of the permanent composition of the election commissions may not be members of any political party, or candidates at the elections they are running. The members of the extended composition of the election commissions may not be candidates at the elections they are running.

Composition of election committees

Article 42

- (1) An election committee consists of a president, vice-president and eight members.
- (2) Four members of the election committee shall be appointed by the majority political party, and four members by the opposition political party or parties, pursuant to the party composition of the representative body of the individual unit.
- (3) The ratio between the total number of members of election committees within the group of parties is regulated according to the proportion in which each party participates in the city or municipal council, or the county assembly.
- (4) When elections are being held at the same time for the representative bodies of a unit of local and a unit of regional self-government, two of the four members shall represent the majority political party or political grouping from the representative body of the unit of local self-government, and two of the four members shall represent the majority political party or political groups from the representative body of the unit of regional self-government. The remaining four members shall represent the opposition political parties from the representative body of the unit of local self-government, and the representative body of the unit of regional self-government, in line with that division.
- (5) If individual groups are not able to agree on the distribution of their representatives in the election committees, their distribution shall be established by the competent election commission by lot, in that the party representatives will be so distributed that an individual party is represented in the largest possible number of election committees with regard to the total number of its representatives.
- (6) Political parties are obliged to designate the members of the election committees and send their names to the competent election commissions no later than 12 days before the election is held. If they are not designated, or if the proposals do not reach the competent election commissions within the time limit given, the competent election commissions shall designate the members of the election committees themselves.
- (7) All the members of the election committee have the same rights and duties.
- (8) The president, vice-president and members of an election committee may not be candidates at the elections they are running, and the president and vice-president of the election committee may not be members of any political party.

Competence for appointing election bodies

Article 43

- (1) The State Election Commission appoints the county election commissions and the Election Commission of the City of Zagreb.
- (2) County election commissions appoint the city and municipal commissions in their area.
- (3) The Election Commission of the City of Zagreb and the city and municipal election commissions appoint and dismiss the election committees in their area.

Deadline for appointing election bodies

Article 44

- (1) Election commissions must be appointed immediately after the decision to call an election comes into force.
- (2) Election committees are to be appointed no later than 10 days before the day the election is held.

Decision-making by election bodies

Article 45

All bodies involved in running the election shall render decisions by a majority vote of all members.

Remuneration for the work of members of election bodies

Article 46

- (1) Members of election commissions and election committees have the right to remuneration for their work.
- (2) The standard for establishing the remuneration, depending on the type and complexity of the election procedure, is established by the State Election Commission, whereby all the criteria are visible for an evaluation of the work and the type and complexity of individual election procedures.
- (3) The Government of the Republic of Croatia shall determine the level of remuneration for presidents, vice-presidents and members of the election commissions and election committees.

Cooperation and assistance by other bodies in running elections

Article 47

- (1) Bodies of state administration and bodies of units are obliged to cooperate with the election commissions and at their request give them the necessary information for running the elections, pursuant to the law.
- (2) Administrative and professional work and the technical requirements for the work of the election commissions shall be provided by the units where the seats of those election commissions are located.
- (3) Units and public institutions are obliged to provide premises for conducting the elections free of charge.

RIGHTS AND OBLIGATIONS OF ELECTION BODIES

State Election Commission

Article 48

The State Election Commission:

1. takes care of the lawful preparation and running of elections;
2. supervises the work of county, city and municipal commissions and the Election Commission of the City of Zagreb;
3. prescribes and publishes binding instructions for the work of the election commission and election committees;
4. prescribes forms for the procedure of preparation and running of elections;
5. supervises the financing of election campaigns pursuant to a separate act;
6. performs other tasks prescribed by this Act and other separate acts.

Article 49

All the necessary forms for the procedure of preparation and running of all elections are printed by the printer authorised for printing the official journal of the Republic of Croatia.

Article 50

The binding instructions for the work of election commissions and election committees shall be published in the Official Gazette.

County Election Commission

Article 51

The County Election Commission:

1. takes care of the lawful preparation and running of elections for members of county assemblies and the election of the county prefect and his deputies;
2. supervises the work of municipal and city election commissions;
3. certifies the statements by candidates accepting candidacy for member of the county assembly and for county prefect;
4. publishes lists of candidates on the basis of valid proposals, draws up and publishes the summary list of all the lists of candidates for elections for members of the county assembly and publishes the summary list of candidacies for county prefect and his/her deputies;
5. supervises the regularity of the election campaign of members of the county assembly and county prefect and his/her deputies, pursuant to this Act;

6. publishes the results of the elections for members of the county assembly and county prefect and his/her deputies;
7. establishes whether the appropriate representation has been assured of representatives of national minorities in the representative and executive bodies of the county;
8. publishes on the county website the election results, by polling station in the municipalities and towns in its area, for the elections for municipality heads, mayor, county prefect and their deputies, municipal and city councils and county assemblies;
9. designates the members of the professional team to perform administrative and technical tasks and the amount of remuneration for members of the professional team, according to the evaluation criteria regarding their work;
10. performs work related to financing the election campaign prescribed by a separate act and the binding instructions of the State Election Commission;
11. performs other tasks prescribed by this Act.

Election Commission of the City of Zagreb

Article 52

The Election Commission of the City of Zagreb:

1. takes direct care of the lawful preparation and running of elections for members of the City Assembly of the City of Zagreb and elections for the mayor of the City of Zagreb and his/her deputies;
2. carries out all technical preparations for the running of elections in its area;
3. certifies the statements of candidates accepting candidacy for member of the City Assembly of the City of Zagreb and for mayor of the City of Zagreb and his/her deputies;
4. publishes lists of candidates on the basis of a valid proposal, draws up and publishes a summary list of all lists of candidates for election for members of the City Assembly of the City of Zagreb and publishes a summary list of candidacies for election for mayor of the City of Zagreb and his/her deputies;
5. designates the polling stations in its area;
6. supervises the work of election committees at the polling stations;
7. supervises the regularity of the election campaign for the election of members of the City Assembly of the City of Zagreb and for mayor of the City of Zagreb, pursuant to this Act;
8. collects and counts the results of voting at the polling stations in its area;
9. publishes the results of the elections for members of the City Assembly of the City of Zagreb and for mayor of the City of Zagreb and his/her deputies;

10. establishes whether the appropriate representation has been ensured of representatives of national minorities in the representative and executive bodies of the City of Zagreb;
11. publishes the results of the election by polling station in its area on the website of the City of Zagreb;
12. designates the members of the professional team to perform administrative and technical tasks and the amount of remuneration for members of the professional team, according to the evaluation criteria regarding their work;
13. performs work related to financing the election campaign prescribed by a separate act, and the binding instructions of the State Election Commission;
14. performs other tasks prescribed by this Act.

City and municipal election commission

Article 53

The city and municipal election commission:

1. takes direct care of the lawful preparation and running of elections for members of the municipal or city assembly and elections for municipality head or mayor and their deputies;
2. carries out all technical preparations for the running of elections in its area;
3. certifies the statements by candidates accepting candidacy for member of the municipal or city assembly and for municipality head, or mayor and their deputies;
4. publishes lists of candidates on the basis of valid proposals, draws up and publishes a summary list of all lists of candidates for election for members of the municipal or city assembly and publishes a summary list of candidacies for election for municipality head, or mayor and their deputies;
5. designates the polling stations in its area;
6. supervises the work of election committees at the polling stations;
7. supervises the regularity of the election campaign for municipal or city elections, pursuant to this Act;
8. collects and counts the results of voting for members of the county assembly, county prefect and his/her deputies, at polling stations in its area and delivers them to the county election commission together with the minutes of its work, within 24 hours from the closing of the polling stations;
9. collects and counts the results of voting on its territory for the election for members of municipal and town councils, municipality heads and mayors and their deputies;

10. publishes the results of the elections for members of the municipal or city assembly and for municipality head, or mayor and their deputies;
11. establishes whether the appropriate representation has been ensured of representatives of national minorities in the representative and executive bodies of the city or municipality;
12. collects the results of elections from the polling stations in its area and submits them to the county election commission for publication on the county's internet site;
13. designates the members of the professional team to perform administrative and technical tasks and the amount of remuneration for members of the professional team, according to the evaluation criteria regarding their work;
14. performs work related to financing the election campaign prescribed by a separate act and the binding instructions of the State Election Commission;
15. performs other tasks prescribed by this Act.

Minutes of the work of the election commission

Article 54

- (1) The Election Commission keeps minutes of its work in which it records data depending on the type of elections:
 - the number of voters registered in the excerpt of the electoral roll and in the enclosed certificates for voting;
 - the number of voters who cast their votes;
 - the number of invalid ballot papers;
 - the number of votes received by each individual candidate, or list of candidates;
- 2) The content and form of the minutes of the work of the election commission, depending on the type of election, are prescribed by the State Election Commission.
- 3) Each member of the election commission may comment on the minutes. The minutes shall be signed by all the members of the election commission. If a member of the election commission refuses to sign the minutes, an official note shall be made of this in the minutes, establishing the fact of refusal to sign and the reasons for the refusal, if the member of the election commission states them.

Announcements on election day

Article 55

In the course of voting, the competent election commissions may publish preliminary information on the number of voters who have cast their votes.

Article 56

After the polling stations have closed, the competent election commissions may publish preliminary and unofficial results of the election at their own discretion.

ELECTION COMMITTEES

Duties of election committees before opening the polling station

Article 57

- (1) The election committee shall as a rule organise the premises of the polling station on the day before the election, and no later than one hour before the beginning of voting.
- (2) The election committee is obliged to display an announcement in each polling station before it opens, in a place visible to voters, showing all the accepted lists of candidates and a summary list, depending on the type of election.
- (3) There must be no promotional materials at the polling station or in the immediate vicinity of the polling station.
- (4) The election committee is obliged to display on the front of every ballot box the type of ballot paper that is to be placed in that ballot box.

Duties of election committees after opening the polling station

Article 58

- (1) The election committee runs the voting directly at the polling station and ensures the regularity and secrecy of voting.
- (2) During voting at the polling station, the president of the election committee or his deputy must be present at all times, and at least four members of the election committee.
- (3) The president of the election committee is obliged and authorised to ensure order and peace at the polling station during the voting, as well as after the closing of the polling station.
- (4) If it is necessary in order to preserve order and peace, and for the sake of the undisturbed conduct of voting, the president of the election committee may request the assistance of the police, who are obliged to act at the polling station within their statutory authority.
- (5) No one, apart from police officers, at the request of the president of the election committee, may come to the polling station armed.

Duties of the election committee towards voters at the polling station

Article 59

(1) The president of the election committee or one of the authorised members is obliged to establish the identity of every voter who comes to vote and verify whether they are registered in the excerpt from the electoral roll for the polling station in question.

(2) The identity of voters is established by an identification document, pursuant to a separate act.

(3) If a voter is not registered in the excerpt from the voters' list, the president of the election committee, or a member authorised by him, will not permit that voter to vote, unless the voter proves his right to vote at that polling station with a certificate from a competent state body.

(4) The voter must present the certificate referred to in paragraph 3 of this Article to the election committee and this constitutes an integral part of the excerpt of the electoral roll for that polling station.

Article 60

(1) After establishing the right to vote at that polling station, a member of the election committee shall hand the voter a ballot paper, explain how to fill it in and direct him/her to the place to vote. A member of the election committee is obliged to prevent the serial number of the ballot paper given to the voter from being seen.

(2) The president of the election committee or a member authorised by him/her is obliged to hand a voter who is a member of a national minority, at his/her request, a ballot paper for the election of a deputy municipality head, mayor or county prefect from among members of a national minority.

(3) A voter who, due to physical disability or because he/she is illiterate, is unable to vote independently, may come to the polling station with another person who is able to read, and who with his/her authority and under his/her instructions shall circle the number before the title of the list of candidates or the name of the candidate for whom the voter wishes to vote.

Duties of the election committee towards voters who are unable to access the polling station

Article 61

(1) A voter who, due to serious illness, physical disability or infirmity, is not able to access the polling station, may inform the competent election commission of this no more than 3 days before the day the election is held, or the election committee on the day of the election.

(2) The competent election commission shall hand requests received from voters to vote outside the polling station to the competent election committee, along with the complete election materials.

(3) The president of the election committee shall appoint at least two members of the election committee to visit the voter where he/she is located and enable him/her to vote.

(4) The voter is obliged to fold the ballot paper on which he/she casts his/her vote at least once, and place it in the special envelope and seal it. The member of the election committee

is obliged upon returning to the polling station to hand the envelope to the president of the election committee.

(5) The president of the election committee shall take the folded ballot paper from the envelope and immediately place it in the ballot box at the polling station.

(6) The provisions of paragraphs 3, 4 and 5 of this Article shall apply to the realisation of the voting rights of voters who come to the polling station but due to their disability are unable to access the polling station.

(7) The president of the election committee is obliged to list by name in the minutes of the work of the election committee the voters who voted according to the provisions of Article 60, paragraph 3 of this Act and paragraphs 1 and 6 of this Article.

Duties of the election committee after the voting

Article 62

(1) At the end of voting, the election committee shall first count the unused ballot papers and place them in a separate envelope, which is to be sealed.

(2) Then, the election committee shall establish the total number of voters who voted at that polling station according to the excerpt from the electoral roll and the certificates authorised by the competent body.

(3) After establishing the number of voters who voted, the election committee shall open the ballot boxes, count the ballot papers and the number of votes.

Article 63

(1) If, whilst counting the ballot papers, it is established that there are fewer than the established number of voters who voted, the result of voting according to the ballot papers shall be taken as valid.

(2) If, whilst counting the ballot papers, it is established that there are more than the established number of voters who voted, the election committee shall immediately inform the competent election commission of this fact. The competent election commission shall immediately dismiss the election committee and appoint a new one, and order a re-vote at that polling station, which will take place seven days after the first election.

(3) The result of the re-vote shall be established within 12 hours after the re-vote is conducted.

Minutes of the work of the election commission

Article 64

(1) When the election committee establishes the results of voting at the polling station, depending on the type of election, it shall note in the minutes of its work:

- the number of voters registered in the excerpt from the electoral roll and the number of voters who presented a certificate from the competent body (election body);
- the number of voters who cast their votes according to the excerpt from the electoral roll and with a certificate for voting;
- the number of voters who cast their votes outside the polling station;
- the number of voters who voted at the polling station with the assistance of another person;
- how many voters voted in total;
- how many votes each individual candidate or list of candidates received; and
- the number of invalid ballot papers.

(2) In the minutes of the work of the election committee, all other facts shall also be stated which are of importance for the voting procedure.

(3) The content and form of the minutes of the work of the election committee, depending on the type of election, are prescribed by the State Election Commission.

(4) Each member of the election committee is authorised to make written comments on the minutes.

(5) The minutes shall be signed by all the members of the election committee.

(6) If a member of the election committee refuses to sign the minutes, an official note shall be made to this effect in the minutes, establishing the fact of refusal to sign and the reasons for the refusal, if the member of the election committee states them.

Article 65

The minutes on its work and other election materials shall be sent by the election committee to the competent election commission no later than 12 hours after the closing of the polling station.

POLLING STATIONS

The polling station

Article 66

(1) A polling station is a place where voting takes place.

(2) A polling station may not be in a religious building, a building owned, rented, leased or in permanent use by a political party or a candidate taking part in the elections, or in premises in which alcoholic drinks are served and consumed.

Designation of polling stations

Article 67

- (1) When designating polling stations, account must be taken of the number of voters who are to vote there, the accessibility and distance of the polling station and the size of the rooms used for voting at the polling stations.
- (2) The number of voters who will vote at a single polling station shall be determined so that voting may take place without difficulties within the time allocated for voting.
- (3) Each polling station has an ordinal number.

Competence for the designation of polling stations

Article 68

- (1) Polling stations are designated by the competent election commission.
- (2) City and municipal election commissions and the Election Commission of the City of Zagreb designate the polling stations in their area.
- (3) The seats of polling stations are as a rule permanent for all types of elections. If it is necessary to designate a new polling station or change its seat for the elections called, the competent election commission shall render a decision only for the newly designated polling station or a decision on the change of seat of the polling station.

Deadline for designation and publication of polling stations

Article 69

- (1) Polling stations are to be designated no later than 15 days before the day the election is held.
- (2) The publication of polling stations shall contain: the number of the polling station, its seat or the complete address with an indication of the premises in which it is located, a list of the relevant streets, squares and settlements from which voters will vote at that polling station.
- (3) The publication of polling stations shall be announced in the form of a notice (poster) at the usual places used for advertising in units and places where a large number of citizens gather, and on the website of the unit.

Preparation of polling stations

Article 70

- (1) At each polling station, the rooms for voting must be equipped and prepared in a manner that ensures the secrecy of voting, so that no one in the room can see how a voter fills in the ballot paper.

(2) At the polling station, the ballot papers must be **shuffled** so that they are not organised in order of their serial numbers and are **spread out in a fan shape**, face down so that the serial number is not visible.

(3) In the rooms where voting is to take place, state symbols may be displayed pursuant to the Constitution of the Republic of Croatia and the Act on the Coat-of-Arms, the Flag and the National Anthem of the Republic of Croatia, and the Flag and Sash of the President of the Republic of Croatia. In the same rooms the insignia of the county, city, or municipality may also be displayed pursuant to their statutes.

Ballot papers

Article 71

(1) Voting is conducted by means of ballot papers.

(2) It must be stated on the ballot paper which type of election it relates to.

(3) Each ballot paper must have a printed serial number.

(4) The content of the ballot paper, depending on the type of election, is regulated by this Act.

(5) Ballot papers are printed by the printer authorised for printing the official journal of the Republic of Croatia, and supervision is performed by the competent election commission.

Valid ballot papers

Article 72

A valid ballot paper is one from which it may be established with certainty and without doubt which list of candidates or candidate the voter has voted for.

Invalid ballot papers

Article 73

Invalid ballot papers are:

1. empty ballot papers;
2. ballot papers completed in such a manner that it is impossible to establish with certainty which list of candidates or candidate the voter has voted for;
3. ballot papers on which the voter has voted for two or more lists of candidates or candidates.

Time for voting

Article 74

(1) Voting shall proceed uninterrupted from 7 am to 7 pm.

(2) The polling station shall be closed at 7 pm, but voters who are in the polling station at that time must be allowed to vote.

PART TWO

ELECTION OF MEMBERS OF REPRESENTATIVE BODIES OF UNITS

Article 75

(1) Members of representative bodies of units are elected at direct elections (hereinafter: elections) by secret ballot.

(2) The rights and duties of members of representative bodies begin on the day the representative body is constituted.

Manner of election

Article 76

Members of representative bodies are elected by the proportional representation electoral system, in such a way that the entire area of the unit comprises a single constituency. All voters who have a permanent residence (domicile) in the area of that unit and who cast their vote shall elect all the members of the representative body of the unit on the basis of lists of candidates.

Number of members of representative bodies

Article 77

The number of members shall be elected to the representative body of the unit as established by the act regulating the system of local and regional self-government.

Incompatible offices

Article 78

(1) A member of the representative body of a unit of local and regional self-government cannot at the same time be:

- the President of the Republic of Croatia;
- the Prime Minister, Deputy Prime Minister or minister or a member of the Government of the Republic of Croatia;
- the president or a judge of the Constitutional Court of the Republic of Croatia;
- the governor, deputy governor and vice-governor of the Croatian National Bank;
- the Chief State Auditor and his/her deputy;

- the People's Ombudsperson and his/her deputy;
- the Children's Ombudsperson and his/her deputy;
- the Ombudsperson for Gender Equality and his/her deputy;
- the Ombudsperson for Persons with Disabilities and his/her deputy;
- the secretary and deputy secretary of the Croatian Parliament;
- the secretary general and deputy secretary general of the Government of the Republic of Croatia;
- the spokesperson of the Government of the Republic of Croatia;
- the head and deputy head of the Office of the Prime Minister of the Republic of Croatia;
- the head of the Office of the Government of the Republic of Croatia;
- the secretary general of the Constitutional Court of the Republic of Croatia;
- the secretary of the Supreme Court of the Republic of Croatia;
- a judge;
- the State Attorney General of the Republic of Croatia and the Deputy State Attorney General, a state attorney and a deputy state attorney;
- the head of a state office;
- a deputy minister;
- an assistant minister;
- the head and deputy head of an organisation of state administration;
- the head and deputy head of the Government Asset Management Agency;
- the head and deputy head, and assistant head of the Croatian Institute for Pension Insurance;
- the head and deputy head, and assistant head of the Croatian Institute for Health Insurance;
- the head and deputy head, and assistant head of the Croatian Employment Service;
- the Chief State Treasurer;
- the Chief Inspector of the State Inspection Service;
- the head of an agency of the Government of the Republic of Croatia and a head appointed by the Government of the Republic of Croatia;

- an official in the Office of the President of the Republic of Croatia appointed by the President of the Republic of Croatia pursuant to the provisions of a separate Act and other legal acts;
- an official appointed or confirmed by the Croatian Parliament, appointed by the Government of the Republic of Croatia or the President of the Republic of Croatia;
- the president, vice-president and a member of the State Election Commission of the Republic of Croatia;
- a member of the State Commission for Supervision of Public Procurement Procedures;
- the president and a member of the Commission for Identification of Conflict of Interest;
- a police officer, active military personnel, an official or employee in the Armed Forces of the Republic of Croatia;
- the head, and officials and employees in administrative departments or services of the same unit;
- a member of the management bodies of commercial companies owned by the unit or in which the unit is a majority shareholder or has a majority interest, and the head of an institution or other non-profit legal entity founded by the unit.

(2) A member of the representative body of the unit of local self-government may not at the same time be a municipality head or mayor, or their deputy.

(3) A member of the representative body of the unit of regional self-government may not at the same time be a county prefect or his/her deputy.

Suspension of a term of office

Article 79

(1) Persons who hold an incompatible office, apart from persons who by this Act are prohibited from candidacy, may run as candidates for membership of the representative body of a unit, and if they are elected as members of the representative body, they are obliged by the day the body is constituted to inform the administrative body of the unit competent for the work of the representative body of the fact that they hold an incompatible office, or of their acceptance of the office of member of the representative body.

(2) A member of the representative body, who, during his/her term of office, agrees to hold an incompatible office is obliged to inform the president of the representative body of this fact within 8 days of accepting the office, and his term shall be suspended when that time limit expires.

(3) The term of office of a member of a representative body who does not file the notification referred to in paragraphs 1 and 2 of this Article shall be suspended by force of law.

(4) When a member of the representative body no longer holds the incompatible office, he/she may continue to exercise the office of member, following the end of the suspension of his/her term of office, if he/she submits a written request to the president of the representative body. He/she is obliged to file the written request within eight days from the day the incompatible office is terminated, and the suspension of his/her term shall end on the eighth day after the filing of the written request.

(5) If a member of a representative body, after the end of holding an incompatible office, does not file a written request, as in paragraph 4 of this Article, it shall be deemed that his/her term is suspended for personal reasons.

(6) A member of a representative body has the right to suspend his/her term during its course for personal reasons, by filing a written request with the president of the representative body.

(7) The suspension of the term on the basis of a written request referred to in paragraph 6 of this Article shall begin to run from the day the written request is delivered, pursuant to the rules on delivery prescribed by the General Administrative Procedures Act, and it may not last less than six months. The member of the representative body shall continue to exercise his/her office, following the end of the suspension of the term, on the eighth day after the delivery of notification to the president of the representative body.

(8) The member of the representative office whose term is suspended shall be substituted during the time of the suspension, pursuant to the provisions of this Act.

(9) In place of a member of the representative body whose term has been suspended, or whose term has ended by force of law, that member's substitute, designated pursuant to the provisions of this Act, shall have the right to participate and make decisions at the sessions of the representative body.

(10) It is only possible to request the continuation of the term of office of a member of a representative body once during the duration of that term, on the basis of the end of the suspension of the term.

Termination of a term of office

Article 80

(1) The term of a member of a representative body shall be terminated in the following cases:

1. if he/she resigns, on the day of delivering his/her resignation in writing pursuant to the rules on delivery prescribed by the General Administrative Procedure Act;

2. if he/she is completely divested of legal capacity by a final court decision, on the day that court decision becomes final;

3. if he/she is convicted by a final court judgment to an unconditional prison sentence of more than 6 months, on the day that court judgment becomes final;

4. if his/her residence ends in the territory of the unit, on the day his residence ends;

5. if his/her Croatian citizenship is revoked, on the day his citizenship is revoked, pursuant to the provisions of the law regulating Croatian citizenship;

6. by death.

(2) The resignation in writing of a member of a representative body filed in the manner prescribed in paragraph 1, point 1 of this Article must be received no later than 3 days before the scheduled session of the representative body. The resignation in writing of the member of the representative body should be notarised by a notary public no more than 8 days before it is filed.

(3) A resignation filed in violation of paragraph 1, point 1 and paragraph 2 of this Article shall have no legal effect.

(4) The term of office of a member of a representative body whose Croatian citizenship has been revoked, but who is a citizen of a member state of the European Union, shall not end pursuant to paragraph 1, point 5 of this Article.

Substitution of members of representative bodies

Article 81

(1) Members of representative bodies shall have a substitute who shall hold that office if the member of the representative body's term is suspended or terminated, before the period of time for which he/she was elected has ended.

(2) A member of a representative body, elected on a list of candidates of a political party, shall be substituted by an unelected candidate from the same list from which the member was elected whose term has terminated or been suspended, and that candidate shall be designated by the political party who proposed the list of candidates.

(3) A member of a representative body elected on a list of candidates of two or more political parties shall be substituted by an unelected candidate from the same list from which the member was elected whose term has been terminated or suspended, and shall be designated by the political parties according to their own arrangement, or if no arrangement has been concluded, he/she shall be designated by agreement, and if no agreement is made, he/she shall be substituted by the next unelected candidate from the list. Political parties are obliged to inform the competent administrative body of the unit about the arrangements made and agreements reached.

(4) A member of the representative body elected from the list of candidates of a group of voters shall be substituted by the next unelected candidate from the list.

(5) A member of the representative body elected from the list of candidates of a political party who was deleted from the register of political parties after the elections were held shall be substituted by the next unelected candidate from the list.

CONDUCTING OF ELECTIONS FOR REPRESENTATIVE BODIES

Place and manner of voting

Article 82

- (1) Voting for the election of members of representative bodies of units shall be conducted at polling stations in the territory of the municipality, city and the City of Zagreb.
- (2) Voting is conducted in person by means of ballot papers.
- (3) It is possible to vote only for the candidates listed on the ballot paper.
- (4) The ballot paper is to be filled in by circling the ordinal number before the title of the list of candidates.

Content of the ballot paper for the election of members of a representative body

Article 83

- (1) A ballot paper for voting for a list of candidates of a unit contains:
 - the title of the list;
 - the name and surname of the leader of the list;
 - instructions on how to vote;
 - the serial number of the ballot paper.
- (2) Lists of candidates of the units shall be given on the ballot paper in the order they are given in the summary list of lists of candidates in the unit.
- (3) An ordinal number shall be placed before the title of each list.

Establishing the results of elections of members of representative bodies

Article 84

- (1) Lists which receive at least 5% of the valid votes of voters at the elections have the right to share in the distribution of seats in the representative bodies of units.
- (2) The number of members of the representative body of the unit that will be elected from each list of candidates is established by dividing the total number of valid votes each list receives by the numbers from one all the way to the total number of members of the representative body being elected, whereby decimal remainders are also included. From all the results obtained in this way, the seats in the representative body are won by the lists which have as many of the numerically highest results, including decimal remainders, as the number of members of the representative body being elected. Each of these lists wins as many seats in the representative body as the number of individual results they achieved amongst the same number of the numerically highest results as there are members to be elected in the representative body.

(3) If the votes are so divided that it is not possible to establish which of two or more lists has won a seat in the representative body, it shall be granted to the one which received the most votes.

(4) If two or more lists received the same number of votes and it is not possible to establish which list won the seat in the representative body, it shall be granted to both those lists.

(5) If two or more lists referred to in paragraph 4 of this Article achieve the right to a seat in the representative body, the number of members of the representative body shall be increased and in that case the number of members of the representative body may be even.

Article 85

For each list of candidates, candidates are elected from ordinal number 1 down to the ordinal number indicating the number of seats in the representative body of the unit won by that list.

Article 86

(1) The results of elections for members of a representative body shall be established by the election commission of the unit on the basis of the results of voting at all polling stations in the unit.

(2) When the election commission establishes the results of the voting, it shall publish without delay:

- the number of voters registered on the electoral roll of the unit;
- how many votes each individual list of candidates received;
- how many invalid ballot papers there were;
- the number of seats in the representative body of the units won by each list of candidates;
- the name and surname of the candidates from each list of candidate elected as members of the representative body of the unit.

(3) The results of the election shall be published without delay in all local media, on the local radio and in the local newspapers, on the notice board of the unit and on the unit's website. The results of the election shall also be published on the website of the State Election Commission.

Constituting the representative body

Article 87

(1) The constitutive sessions of the representative bodies of units shall be convened by the head of the central body of state administration competent for the work of local and regional self-government, or a person he/she authorises.

(2) The first, constitutive session of representative bodies shall be convened within 30 days of the day the final election results are announced.

(3) If the representative body is not constituted at the session referred to in paragraph 2 of this Article, the authorised convenor shall convene a new constitutive session within 30 days of the day when the previous session should have been held. If the representative body is not constituted at that session either, the authorised convenor shall convene a new constitutive session within another time limit of 30 days.

(4) The constitutive session of a representative body, up until the election of the president, shall be presided over by the first elected member from the list of candidates which received the most votes. If several lists received the same highest number of votes, the constitutive session shall be presided over by the first elected candidate from the list that had the lower ordinal number on the ballot paper.

(5) The representative body of the unit shall be deemed to have been constituted following the election of the president, pursuant to the provisions of a separate act.

(6) If the representative body is not constituted within the time limits referred to in paragraphs 2 and 3 of this Article, new elections shall be called.

PART THREE

ELECTIONS OF MUNICIPALITY HEADS, MAYORS AND COUNTY PREFECTS AND THEIR DEPUTIES

Article 88

Municipality heads, mayors and county prefects are elected by the majority vote election system, where the entire area of the municipality, city, county or the City of Zagreb comprises a single constituency.

Incompatible offices

Article 89

(1) Municipality heads, mayors and county prefects and their deputies, whilst holding office, may not also be members of the representative body of a unit of local self-government, and the county prefect and his/her deputies may not be members of the representative body of a unit of regional self-government whilst holding office.

(2) Municipality heads, mayors and county prefects and their deputies, whilst they are holding office, may not be:

- the President of the Republic of Croatia;

- the Prime Minister, Deputy Prime Minister or minister or a member of the Government of the Republic of Croatia;

- the president or a judge of the Constitutional Court of the Republic of Croatia;

- the governor, deputy governor and vice-governor of the Croatian National Bank;
- the Chief State Auditor and his/her deputy;
- the People's Ombudsperson and his/her deputy;
- the Children's Ombudsperson and his/her deputy;
- the Ombudsperson for Gender Equality and his/her deputy;
- the Ombudsperson for Persons with Disabilities and his/her deputy,
- the secretary and deputy secretary of the Croatian Parliament;
- the secretary general and deputy secretary general of the Government of the Republic of Croatia;
- the spokesperson of the Government of the Republic of Croatia;
- the head and deputy head of the Office of the Prime Minister of the Republic of Croatia;
- the Secretary General of the Constitutional Court of the Republic of Croatia;
- the secretary of the Supreme Court of the Republic of Croatia;
- a judge;
- the State Attorney General of the Republic of Croatia and the Deputy State Attorney General, a state attorney and a deputy state attorney;
- the head of a state office;
- a deputy minister;
- an assistant minister;
- the secretary general of a ministry;
- the head of the Office of the Government of the Republic of Croatia;
- the head and deputy head of an organisation of state administration;
- the head and deputy head of an office of state administration;
- the head and deputy head of the Government Asset Management Agency;
- the head and deputy head, and assistant head of the Croatian Institute for Pension Insurance;
- the head and deputy head, and assistant head of the Croatian Institute for Health Insurance;

- the head and deputy head, and assistant head of the Croatian Employment Service;
- the Chief State Treasurer;
- the Chief Inspector of the State Inspection Service;
- the head of an agency of the Government of the Republic of Croatia and a head appointed by the Government of the Republic of Croatia;
- an official in the Office of the President of the Republic of Croatia appointed by the President of the Republic of Croatia pursuant to the provisions of a separate Act and other legal acts;
- an official appointed or confirmed by the Croatian Parliament, appointed by the Government of the Republic of Croatia or the President of the Republic of Croatia;
- the president, vice-president and a member of the State Election Commission of the Republic of Croatia;
- the rector and vice-chancellor of a university,
- the president or member of the managing board of a commercial company under majority state ownership;
- a member of the State Commission for Supervision of Public Procurement Procedures;
- a member of the Commission for Identification of Conflict of Interest;
- a police officer, active military personnel, an official or employee in the Armed Forces of the Republic of Croatia;
- the head, an official or employee in administrative departments and services of the unit of local or regional self-government;
- a member of the managing body or supervisory boards of commercial companies owned by the unit of local or regional self-government, or in which the unit is a majority shareholder or has a majority interest;
- the head or employee or member of the managing board of an institution or other non-profit legal person founded by the unit of local or regional self-government.

Article 90

(1) A person who holds an incompatible office, apart from a person who is prohibited by this Act from candidacy, may stand as a candidate, and if they are elected, they must resign from the incompatible office within 8 days from the day following the day when the final election results are announced.

(2) Municipality heads, mayors and county prefects and their deputies who, while they are holding office, accept an incompatible office, must resign within 8 days from the day they accept the incompatible office.

(3) If the municipality head, mayor or county prefect or their deputies do not resign pursuant to paragraphs 1 and 2 of this Article, their term of office shall be terminated by force of law.

(4) The term of office in a representative body of a municipality head, mayor or county prefect or their deputies, in the case referred to in Article 89, paragraph 1 of this Act, shall be suspended by force of law.

Taking up office

Article 91

(1) A municipality head, mayor and county prefect and their deputies shall take up office on the first working day after the day the final election results are announced.

(2) By way of derogation from paragraph 1 of this Article, the municipality head, mayor and county prefect and their deputies, in the case referred to in Article 90, paragraph 1 of this Act, shall take up office on the day they resign from their incompatible office.

Termination of the term of office of a municipality head, mayor or county prefect and their deputies

Article 92

The term of office of municipality heads, mayors and county prefects and their deputies may be terminated before the expiry of their term, pursuant to the provisions of this Act and the laws which regulate the system of local and regional self-government.

Article 93

(1) The term of office of a municipality head, mayor or county prefect or their deputies shall be terminated by force of law:

1. if he/she resigns, on the day of delivery of a resignation in writing pursuant to the rules on delivery prescribed by the General Administrative Procedure Act;

2. if, by a final court decision, he/she is divested of legal capacity, on the day the court decision divesting him/her of legal capacity becomes final;

3. if he/she is convicted by a final court judgement to an unconditional prison sentence longer than one month, on the day that court judgement becomes final;

4. if his/her residence in the territory of the unit ends, on the day his residence ends;

5. if his/her Croatian citizenship is revoked, on the day his/her citizenship is revoked, pursuant to the provisions of the law regulating Croatian citizenship;

6. by death.

(2) If the term of office of a municipality head, mayor or county prefect is terminated with the occurrence of the circumstances referred to in paragraph 1 of this Article, before the end of two years of the term, the head of the administrative body competent for official relations shall inform the Government of the Republic of Croatia within 8 days of the termination of the term of office of the municipality head, mayor or county prefect, so that early elections may be called for a new municipality head, mayor or county prefect.

Manner of election

Article 94

(1) Municipality heads, mayors and county prefects and their deputies are elected by a majority vote of all voters who cast their votes according to the records in the excerpt from the electoral role and the certificates for voting enclosed.

(2) For municipality head, mayor and county mayor, the candidate shall be elected who receives more than 50% of the votes of the voters who cast their votes (first round of voting).

(3) By way of derogation from the provisions of paragraph 2 of this Article, if for the election of a municipality head, mayor and county prefect there are only one or two candidates, the candidate who receives the most votes at the election shall be elected municipality head, mayor or county prefect.

Article 95

(1) If none of the candidates receives the necessary majority of votes in the first round of voting, a second round of voting shall be held, fourteen days after the first round of voting.

(2) In the second round of voting, the election shall be between the two candidates with the highest number of votes.

(3) If three or more candidates have the same highest number of votes, in the second round of voting the election shall be between all those candidates, by application of the rule laid down in Article 94 of this Act.

(4) If one candidate has the highest number of votes, and the following two or more candidates with the next highest number of votes in order have the same number of votes, in the second round of voting the election shall be between all those candidate, by application of the rule laid down in Article 94 of this Act.

Article 96

(1) If one or both candidates with the highest number of votes withdraw, in the second round of voting the election will be conducted between the next candidates in order with the highest number of votes.

(2) A candidate shall submit a written statement on withdrawal from the second round of voting to the competent election commission, within 2 days of the day the decision is rendered to hold a second round of voting.

(3) The competent election commission is obliged to inform the next candidate of this withdrawal without delay, that is, the candidate who has acquired the right to participate in the second round of voting.

(4) The competent election commission shall announce, within a further time limit of 24 hours, which candidates are to take part in the second round of voting according to the number of votes they received.

Article 97

(1) In the second round of voting, the candidate who receives the higher number of votes from the voters who cast their votes shall be elected.

(2) If both candidates receive an equal number of votes in the second round of voting, a third round of voting shall be held, in the manner and according to the procedure prescribed for the second round of voting.

(3) If in the third round of voting both candidates receive an equal number of votes, the election procedure shall be repeated in its entirety.

Article 98

If one of the candidates who has the right to participate in a new round of voting dies in the time between the two rounds of voting, the election procedure shall be repeated in its entirety.

VOTING AND ESTABLISHING THE RESULTS OF VOTING

The place and manner of voting

Article 99

(1) Voting is conducted at polling stations in the territory of the municipality, city and the City of Zagreb.

(2) Voting is conducted in person by means of ballot papers.

(3) It is only possible to vote for the candidates listed on the ballot paper.

(4) A ballot paper is completed by circling the ordinal number before the name and surname of the candidate for whom the voter is casting their vote.

Ballot papers

Article 100

(1) A ballot paper shall contain:

- the ordinal number of the candidate for municipality head, mayor and county prefect;
- the name and surname of candidates for municipality head, mayor and county prefect and their deputies;
- the title of the political party which proposed the candidate, or the designation of the candidates of a group of voters;
- instructions on how to vote;
- the serial number of the ballot paper.

(2) Candidates are listed on the ballot paper in alphabetical order according to the candidates' surnames.

(3) If there is a new round of voting, the candidate with the highest number of votes shall be listed first on the ballot paper. If there are several candidates with the same number of votes, they shall be listed on the ballot paper in alphabetical order of their surnames.

Establishing the results of voting

Article 101

The results of the elections for municipality head, mayor and county prefect and their deputies shall be established by the competent election commission of the unit, on the basis of the results of voting at all the polling stations.

Article 102

(1) When the election commission establishes the results of the voting, it shall publish without delay:

- the number of voters registered in the electoral roll of the unit;
- how many votes each candidate received;
- how many invalid ballot papers there were;
- the name and surname of the candidates who were elected for municipality head, mayor and county prefect and their deputies.

(2) If none of the candidates received the majority required for election, the competent election commission shall publish in the public media the names and surnames of two or more candidates who received the most votes and who have the right to participate in a new round of voting.

(3) The results of the election shall be published without delay in all local media, on the local radio and in the local newspapers, on the notice board of the unit and on the unit's website. The results of the election shall also be published on the website of the State Election Commission.

PART FOUR

REPRESENTATION OF NATIONAL MINORITIES IN REPRESENTATIVE AND EXECUTIVE BODIES OF THE UNIT

Establishing the representation of national minorities in the representative bodies of the unit

Article 103

(1) The representation of national minorities in the representative bodies of units is determined pursuant to the provisions of the Constitutional Act on the Rights of National Minorities.

(2) The official results of the population census shall be the relevant basis for determining the number of members of a national minority in the representative body of a unit.

Article 104

(1) The number of members of a representative body from among members of an individual national minority (pursuant to the provisions of the Constitutional Act on the Rights of National Minorities) shall be determined by multiplying the share of each national minority in the total population of that unit by the number of members in the representative body of the unit, and the number obtained is then rounded up or down to a whole number, with no decimal remainder.

(2) If a minority that has a share in the total population of at least 5% does not realise the right to be represented in the representative body pursuant to paragraph 1 of this Article, that minority has the right to one member in the representative body.

(3) Before all local elections, the central body of state administration competent for general administrative affairs shall publish on its website information on the number of members of the representative body of the unit who are to be elected from among members of an individual national minority.

Article 105

Apart from representation referred to in Article 103 of this Article, members of national minorities realise the right to representation in representative bodies in those units where, regardless of the proportion of members of national minorities in the total population of the unit, the right to the representation of members of national minorities in the representative body is prescribed by the statute of the unit.

Substitution of a member of the representative body with a member of a national minority

Article 106

If the term of office of an elected member of the representative body from among members of a national minority who has the right to the appropriate representation in the representative body is terminated or his term of office is suspended, he/she shall be assigned a substitute pursuant to the provisions of this Act on the substitution of members of the representative body.

Establishing the representation of national minorities in elections held

Article 107

(1) When establishing the election results, the competent election commission shall establish whether the appropriate representation of national minorities has been achieved at the elections held.

(2) If at the elections the appropriate representation of members of national minorities is not achieved in the representative body of the unit, pursuant to the provisions of the Constitutional Act on the Rights of National Minorities, the number of members of the representative body of the unit shall be increased to the number needed to achieve that appropriate representation.

(3) The right to additional members of the representative body shall be exercised by the list or lists which, through the application of Article 84, paragraph 2 of this Act with regard to an increased number of members of the representative body, shall realise the right to councillors. If on a certain list there are no candidates who are members of a minority whose representation was not achieved at the elections, or if there are no more unelected candidates who are members of a minority whose representation was not achieved at the elections, the next list which realises the right to an additional member shall have the right to an additional elected member.

(4) From each list of candidates, as many candidates, who are members of a minority for which an appropriate representation was not achieved at the elections, shall be elected as is the number of additional candidates to which the list became entitled through the application of the provisions of the previous paragraph. That number of candidates shall be deemed to be elected first who are members of a national minority whose appropriate representation was not achieved according to their order on the list.

(5) If several national minorities have the right to representation in the representative body and their representation is not secured, when determining the elected members of an individual list, the order of candidates on the list shall be taken into consideration.

(6) If through the application of paragraph 2 of this Article there is an increase in the number of members of the representative body, the number of members of the representative body shall be increased by the number of members that are lacking to ensure the appropriate representation of members of national minorities, in which case the number of members of the representative body may be even.

(7) If through the application of the provisions of this Article the appropriate representation of national minorities in the representative body of the unit is not provided, paragraphs 3-6 of this Article shall be applied to the lists which did not receive 5% of the valid votes at the elections.

(8) If even the application of paragraph 7 of this Article does not achieve the appropriate representation of national minorities in the representative body, the Government of the Republic of Croatia shall call additional elections for representatives of national minorities within 90 days from the constitution of the representative body of the unit.

Article 108

(1) At the additional elections, only voters from among members of national minorities who have the right of representation and who are domiciled in the area of the unit have the right to vote and to be elected.

(2) Political parties registered in the Republic of Croatia and voters have the right to propose candidates for representatives of a national minority in the representative body of a unit.

(3) In order for a list of candidates to be valid, it is necessary to collect at least:

- 25 signatures in units which have up to 350 members of a national minority in the total population of the unit;

- 35 signatures in units which have more than 350 and up to 500 members of a national minority in the total population of the unit;

- 50 signatures in units which have more than 500 and up to 1,000 members of a national minority in the total population of the unit;

- 70 signatures in units which have more than 1,000 and up to 2,500 members of a national minority in the total population of the unit;

- 110 signatures in units which have more than 2,500 and up to 5,000 members of a national minority in the total population of the unit;

- 180 signatures in units which have more than 5,000 and up to 10,000 members of a national minority in the total population of the unit;

- 250 signatures in units which have more than 10,000 and up to 20,000 members of a national minority in the total population of the unit;

- 400 signatures in units which have more than 20,000 members of a national minority in the total population of the unit;

(4) The same number of candidates shall be proposed in a list of candidates as the number to be elected, but no fewer than four.

Article 109

For all other questions related to additional elections, the provisions of this Act which regulate the election of members of representative bodies shall be applied as appropriate.,.

Article 110

It shall be deemed that the representation of national minorities in the representative body of a unit has been ensured throughout the entire term of office of the representative body if it is ensured at the time when the final results of the election are announced (both regular and additional).

Establishing the representation of national minorities in the executive body

Article 111

(1) The right to a deputy municipality head, mayor or county prefect from among national minorities is prescribed pursuant to the provisions of the Constitutional Act on the Rights of National Minorities and the acts regulating the system of local and regional self-government.

(2) National minorities for whom the right to a deputy municipality head, mayor or county prefect from among members of national minorities is prescribed by the statute of the unit, shall also have the right to a deputy municipality head, mayor or county prefect from among members of national minorities regardless of the share of members of national minorities in the total population of the unit.

Election of deputy municipality heads, mayors or county prefects from among national minorities

Article 112

(1) The deputy municipality head, mayor or county prefect from among members of national minorities shall be elected directly at elections by secret ballot for a term of office of four years, at the same time, in the same way and by the same procedure as municipality heads, mayors or county prefects.

(2) Only voters who are members of minorities which have the right to a deputy and who are domiciled in the unit shall have the right to vote for a deputy municipality head, mayor or county prefect from among members of national minorities.

(3) A voter from among members of national minorities shall have the right to be elected deputy municipality head, mayor or county prefect from among members of national minorities who, on the day the decision to call the election comes into force, has had a registered domicile in the area of the unit for whose representative body the elections are being conducted for at least six months.

(4) Political parties registered in the Republic of Croatia and voters shall have the right to propose candidates for deputy municipality head, mayor or county prefect from among members of national minorities.

Number of signatures for candidacy

Article 113

(1) For the validity of party candidacy and candidacies proposed by a group of voters for election for deputy municipality head, mayor or county prefect from among members of national minorities, it is necessary to collect at least:

- 35 signatures in units which have up to 350 members of a national minority in the total population of the unit;
- 50 signatures in units which have more than 350 and up to 500 members of a national minority in the total population of the unit;
- 80 signatures in units which have more than 500 and up to 1,000 members of a national minority in the total population of the unit;
- 100 signatures in units which have more than 1,000 and up to 2,000 members of a national minority in the total population of the unit;
- 150 signatures in units which have more than 2,000 and up to 5,000 members of a national minority in the total population of the unit;
- 250 signatures in units which have more than 5,000 and up to 10,000 members of a national minority in the total population of the unit;
- 450 signatures in units which have more than 10,000 and up to 20,000 members of a national minority in the total population of the unit;
- 600 signatures in units which have more than 20,000 members of a national minority in the total population of the unit.

Prohibition of candidacy

Article 114

Apart from the prohibition of candidacy referred to in Articles 13 and 14 of this Act, no one may be a candidate at the same time for municipality head, mayor or county prefect and deputy municipality head, mayor or county prefect from among members of national minorities.

Manner of election

Article 115

The candidate who receives the most votes from the voters who cast their votes at the election shall be elected deputy municipality head, mayor or county prefect from among members of national minorities. If two or more candidates receive the same highest number of votes, the elections shall be repeated in 14 days. Only the candidates who receive the same number of votes shall participate in the repeated elections.

Appropriate application of individual provisions of this Act

Article 116

For all other matters related to the election and term of office of deputy municipality heads, mayors or county prefects from among members of national minorities, the provisions of this Act related to the election and term of office of municipality heads, mayors and county prefects shall be applied in the appropriate manner.

Representation of members of Croatian nationality

Article 117

(1) Members of Croatian nationality are guaranteed the right to a deputy municipality head, mayor or county prefect and the right to representation in the representative body of a unit in which the members of a national minority comprise the majority population.

(2) The provisions of this Act regulating the manner of election of deputy municipality heads, mayors and county prefects from among members of national minorities, the realisation of the right to the representation of members of national minorities in the representative bodies of units and the procedure for its realisation shall apply to the election of deputy municipality heads, mayors and county prefects from among Croatian nationals and representation of members of the Croatian nationality in the representative body.

PART FIVE

Title I

OBSERVATION OF ELECTIONS

Types of observers

Article 118

(1) The following shall have the right to observe the election procedure, the conduct of elections and the work of the election bodies:

- observers from political parties registered in the Republic of Croatia who have proposed lists of candidates or candidates (hereinafter: observers from political parties);

- observers who are voters who have proposed a list of candidates of voters, or candidates (hereinafter: voter observers);

- observers from non-governmental organisations registered in the Republic of Croatia, as NGOs that work in the field of independent observation of election procedures and/or promotion of human and civil rights (hereinafter: NGO observers);

- observers from international organisations active in the Republic of Croatia (hereinafter: foreign observers).

(2) The right to observe the elections comprises observation of the entire election procedure and especially voting, the work of the election bodies and insight into the entire election materials.

How observers are appointed

Article 119

(1) The political party or organisation is obliged to issue the observer they have designated certification of his/her status as observer. The certificate shall be issued and signed by the person authorised for the representation of the political party or organisation, as designated by the statute or other decision adopted on the basis of the statute of the party, or a representative authorised by that person.

(2) The proponent or leader of a list of candidates of voters, the proponent of the candidacy of a candidate of a group of voters, or voters from national minorities or a candidate of a group of voters are obliged to issue the observer they have designated with a certificate of his/her status as observer. The certificate shall be issued and signed by the proponent or leader of the list of candidates of voters, the voters from national minorities, the proponent of the candidacy of a candidate of a group of voters or the candidate of a group of voters, or a representative whom that person authorises.

(3) A candidate in the elections may not be an observer at the elections in which he/she is a candidate.

Filing a request to observe elections

Article 120

(1) Political parties and the persons referred to in Article 119, paragraph 2 of this Act may submit a request to observe elections from the day of publication of the summary list of lists of candidates, or the summary list of candidates. Along with the request to observe the elections, the certificate of the status of observer from the political party, or the certificate from the proponent of the candidacy of a list of candidates of a group of voters or a candidate of a group of voters shall also be enclosed.

(2) Non-governmental organisations or foreign observers may submit a request to observe the elections from the day the decision to call the elections comes into force. Along with the request for observation of the elections, the non-governmental organisation shall enclose a copy of the decision on registration in the associations' register, and foreign observers shall enclose the consent of the State Election Commission.

(3) At the proposal of an international organisation active in the Republic of Croatia, the status of foreign observer shall be confirmed by consent issued by the State Election Commission.

(4) Requests to observe elections and the list of observers shall be sent to the competent county election commission, in whose area it is intended to observe the elections, no later than 5 days before the elections are held.

The official identity card of observers

Article 121

(1) An official identity card shall be issued and handed to observers by the competent county election commission in whose area the elections are being observed, and for foreign observers the identity card shall be issued and presented by the State Election Commission. Observers are obliged to wear their official identity card in a visible place for the entire time they are observing the election process and the work of the election body.

(2) If the competent election commission has not issued the observer with an identity card, the observer shall identify himself/herself by the decision of the competent election commission given to a political party or organisation and the persons referred to in Article 119 paragraph 2 of this Act, giving consent for the observer to observe the elections, and, for a foreign observer, the consent of the State Election Commission.

Observing the work of election committees

Article 122

(1) An observer who is observing the work of the election committee has the right to be present during the work of the election committee, from the preparation of the polling station before it opens, during voting, counting the ballot papers and establishing the results of voting and writing the minutes of the work of the election committee.

(2) Observers are permitted to enter comments, with explanations, on the work of the election committee in the minutes of the work of the election committee or enclose them in writing with those minutes.

(3) The election committee is obliged to receive the written comments of observers and enclose them in the minutes of the work of the election committee and issue a receipt to that effect.

(4) Observers may come and go from the polling station, without disturbing the voting procedure and the work of the election committee.

(5) Observers may not respond to questions from voters, and if a voter speaks to them, they must refer them to the president or a member of the election committee.

Observing the work of election commissions

Article 123

(1) Observers have the right to be present during the work of the competent election commission during their sessions and point out any irregularities they notice.

(2) Observers are permitted to enter comments, with explanations, on the work of the election body and are obliged to enclose them, in writing, with the minutes of the work of that election body.

(3) Observers have the right to request a photocopy or a written copy of the minutes of the work of the election body, whose work they observe, and they have the right to be present during the handover of election materials.

Authority of election bodies regarding observers

Article 124

(1) The election body whose work is being observed may not exclude observers, but may limit the number of observers if a lack of space or other reasons prevent all observers observing at the same time. Political parties, voters who have proposed candidates, NGOs and international organisations must be permitted to have at least one observer each at polling stations or per election body.

(2) Election bodies are obliged to allow observers to observe and monitor their work.

(3) Observers have the right to observe the entire election procedure and the right to examine the complete election materials, right up to the announcement of the official final results of the elections.

Article 125

(1) Observers may not disturb the work of the election body.

(2) The president of the election body shall verbally caution an observer who disturbs the work of the election body. If, despite the verbal caution, the observer continues to disturb its work, the president of the election body is authorised to order him or her to be removed.

(3) Observers may not make sound or video recordings of the work of the election body. They may also not wear or carry any form of insignia, photographs of candidates or other promotion materials or in any way exert any influence on voters.

Chapter II

COSTS OF RUNNING ELECTIONS

Costs of conducting elections

Article 126

(1) Funding to cover the costs of elections of individual units shall be provided from the budget of that unit.

(2) The funding necessary to meet the obligations of the State Election Commission under this Act shall be provided from the State Budget.

(3) When elections are being held at the same time for bodies of units of local self-government and bodies of units of regional self-government, each unit of local or regional self-government shall bear the costs of payment for their own election commission and their own professional bodies and persons, and payment for the election committees and joint material costs of the unit shall be borne in equal parts.

(4) In financial planning and creating the budget for the calendar year in which regular elections are to be held, units are obliged to provide funding for those elections.

- (5) The election commission of the unit shall hold the funding for conducting the elections.
- (6) The election commission of the unit is responsible for the distribution and spending of the funding and allocation of the appropriate funds to election bodies which also cover funding for the payment of administrative and professional work.
- (7) The election commission of units shall publish a comprehensive report on the costs of the elections and the way the funding was used, within 30 days of the announcement of the official election results.
- (8) The announcement, in the meaning of the previous paragraph, assumes publication on the unit's website.

Chapter III

PROTECTION OF VOTING RIGHTS

Protection of constitutionality and legality

Article 127

- (1) The constitutionality and legality of elections are overseen by the Constitutional Court of the Republic of Croatia.
- (2) The Constitutional Court of the Republic of Croatia resolves election disputes which do not come under the jurisdiction of the courts, deciding on appeals against decisions by the competent election commission.

Complaints

Article 128

- (1) A complaint due to irregularities in the procedure of candidacy or in the procedure of election of members of the representative bodies of units may be filed by a political party, the leader of a list of candidates of voters, candidates, at least 100 voters or at least 5% of voters of a unit in which the elections are being held.
- (2) In the procedure of candidacy or in the procedure of the election of members of the executive body of a unit, a complaint may be filed by political parties, candidates, at least 100 voters or at least 5% of voters of a unit in which the elections are being held.
- (3) If a list of candidates or a candidate was proposed by several political parties, the complaint shall be considered valid even if it is filed by one political party. Political parties shall determine on the basis of their statutes who is deemed to be authorised to file a complaint.

Submitting complaints and competence for decision-making

Article 129

(1) An objection due to irregularities in the procedure of candidacy and the procedure of elections for members of county assemblies and the City Assembly of the City of Zagreb, and the county prefect and mayor of the City of Zagreb shall be submitted to the State Election Commission.

(2) An objection due to irregularities in the procedure of candidacy and the procedure of elections for members of municipal and city councils, municipality heads and mayors shall be submitted to the county election commission.

(3) The objection referred to in paragraphs 1 and 2 of this Article shall be filed within 48 hours counting from the end of the day when the action was undertaken against which the objection is being lodged.

(4) The State Election Commission, or the county election commission, is obliged to render a decision on the objection within 48 hours from the day it is delivered, or from the day when the election materials are delivered to which the objection relates.

Article 130

(1) If the competent election commission, when deciding on the complaint, establishes that there were irregularities which had a significant effect on, or which could have affected, the election results, those actions shall be annulled and a time limit set which must allow the elections to be held on the day on which they were called, and the actions repeated.

(2) If there is no possibility of repeating the annulled actions or if the irregularities related to the voting process and they had a significant effect on, or they could have affected, the election results, the competent election commission shall annul the election and set a time limit within which the election shall be repeated.

Appeals

Article 131

(1) The complainant has the right to file an appeal with the Constitutional Court against a decision by the competent election commission.

(2) The appeal referred to in paragraph 1 of this Article shall be filed through the competent election commission within 48 hours, counting from the date the disputed decision was received.

(3) The Constitutional Court of the Republic of Croatia shall render a decision on the appeal within 48 hours of receipt of the appeal.

Article 132

A complaint or appeal in proceedings to protect electoral rights does not postpone the performance of activities in elections which are prescribed by law.

Article 133

No administrative tax is payable on submissions and decisions in proceedings to protect electoral rights pursuant to the provisions of this Act.

Chapter IV

MISDEMEANOUR PROVISIONS

Article 134

(1) A fine of HRK 1,000.00 shall be imposed for a misdemeanour offence:

- on a candidate for giving inaccurate information in a statement on acceptance of candidacy (Article 17);
- on a candidate who accepted candidacy on several lists of candidates for the same representative body (Article 28).

(2) A fine of HRK 3,000 shall be imposed for a misdemeanour offence on:

- a natural person for a violation of election silence (Article 35).

(3) A fine between HRK10,000 and 30,000 shall be imposed for a misdemeanour offence:

- on a candidate in elections for a violation of election silence (Article 35).

(4) A fine between HRK 100,000 and 500,000 shall be imposed for a misdemeanour offence:

- on a legal person for a violation of election silence (Article 35).

(5) A fine between HRK10,000 and 30,000 shall be imposed for a misdemeanour offence:

- on the responsible person of a legal person for a violation of election silence (Article 35).

(6) A proposal for action for a misdemeanour offence established by the provisions of this Act shall be filed with the competent election commission.

Chapter V

TRANSITIONAL AND FINAL PROVISIONS

Article 135

The funding for holding the first elections for members of representative bodies and municipality heads, mayors and county prefects and their deputies of newly organised units of local and regional self-government, who do not have their own budgets, shall be provided from the State Budget of the Republic of Croatia.

Article 136

The procedure for the election of members of councils of national minorities and representatives of national minorities who are elected in units pursuant to the provisions of the Constitutional Act on the Rights of National Minorities shall be regulated by a separate act. Until the new act comes into force, the provisions shall remain in force of the Act on the Election of Members of Representative Bodies of Units of Local and Regional Self-government (Official Gazette, nos. 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05, 109/07 and 24/11) relating to the election of members of councils of national minorities and representatives of national minorities in units, and the provisions on the election of members of representative bodies in the part that appropriately applies to the elections of members of councils of national minorities and representatives of national minorities.

Article 137

Members of representative bodies from among members of national minorities and deputy municipality heads, mayor, or county prefect from among members of national minorities in units where the right to the representation of members of national minorities is prescribed by the statute of the unit, regardless of the proportion of members of national minorities in the total population of the unit, shall be elected in those units in which that right is prescribed by the statute on 1 March 2013.

Article 138

The number of inhabitants in an individual unit shall be established pursuant to the valid data from the official results of the population census, prescribed by a separate act.

Article 139

Units of local and regional self-government are obliged to align their statutes and other general acts with the provisions of this Act within three months of the day it comes into force.

Article 140

When this Act comes into force, the following shall cease to apply:

- the Act on Elections for Municipality heads, Mayors, County Prefects and the Mayor of the City of Zagreb (Official Gazette, nos. 109/07, 125/08, 24/11 and 150/11), except for the provisions regulating the incompatibility of holding office of municipality head, mayor and county prefect and their deputies, which remain in force until the day the municipality heads, mayors and county prefects, elected at the very next general and regular elections for municipality heads, mayors and county prefects, take up office;

- the Act on Elections for Members of Representative Bodies of Units of Local and Regional Self-government (Official Gazette, nos. 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05 and 109/07), except for the provisions prescribing the suspension of the term of office and the incompatibility of holding office of a member of a representative body of a unit, which remain in force until the day the decision to call the next general and regular elections for members of representative bodies of units of local and regional self-government comes into force.

Article 141

Elections called pursuant to the provisions of the Act on Elections for Municipality heads, Mayors, County Prefects and the Mayor of the City of Zagreb (Official Gazette, nos. 109/07, 125/08, 24/11 and 150/11) shall be conducted and held pursuant to that Act.

Article 142

This Act shall come into force on the eighth day after the day it is published in the Official Gazette, except for the provisions of Article 2, paragraph 3, Article 3, paragraph 3 and Article 80, paragraph 4 of this Act, which will come into force on the day the Republic of Croatia accedes to the European Union.

Class: 015-01/12-01/03

Zagreb, 14 December 2012

THE CROATIAN PARLIAMENT

President of the

Croatian
Parliament

Josip Leko, m. p.

THE ACT

AMENDING THE ACT ON LOCAL ELECTIONS

Article 1

In the Act on Local Elections (Official Gazette 144/12) in Article 13 before paragraph 1 the following mark is added: »(1)«.

After paragraph 1, paragraph 2 is added which reads:

»(2) Voters and political parties shall not propose as a member of a representative body of a unit or as a municipality head, mayor or county prefect or their deputies, persons against which a final and effective court decision (including a suspended sentence) has been pronounced consisting of a minimum of six months imprisonment for the commitment of the following criminal offences prescribed by the Criminal Code:

1. murder (Article 90), aggravated murder (Article 91), kidnapping (Article 125 paragraph 3), treason (Article 135), acceding to occupation or capitulation (Article 136), assassination of highest state officials (Article 138), kidnapping of highest state officials (Article 139), violence against highest state officials (Article 140), disclosure of state secrets (Article 144), preventing resistance to the enemy (Article 147), serving in the enemy's army (Article 148), assisting the enemy (Article 149), undermining the military and defensive power of the state (Article 150), espionage (Article 146), damaging the reputation of the Republic of Croatia (Article 151), preparation of criminal offenses against the Republic of Croatia (Article 153), genocide (Article 156), war of aggression (Article 157), crimes against humanity (Article 157.a), war crimes against the civilian population (Article 158), war crimes against the wounded and sick (Article 159), war crime against prisoners of war (Article 160), unlawful killing and wounding the enemy (Article 161), unlawful taking of the belongings of those killed or wounded on the battlefield (Article 162), forbidden means of combat (Article 163 paragraph 2), brutal treatment of the wounded, sick and prisoners of war (Article 165), destruction of cultural objects or of facilities containing cultural objects (Article 167), international terrorism (Article 169), public incitement to terrorism (Article 169.a), recruitment and training for terrorism (Article 169.b), torture and other cruel, inhuman or degrading treatment (Article 176), trafficking in human beings and slavery (Article 175), rape (Article 188), sexual intercourse with a helpless person (Article 189 paragraphs 2, 3 and 4), sexual intercourse by abuse of position (Article 191 paragraph 2), sexual intercourse with a child (Article 192), lewd acts (Article 193 paragraph 2), satisfying lust in the presence of a child or a juvenile (Article 194), pandering (Article 195 paragraphs 1, 4, 5 and 6), abuse of children or juveniles in pornography (Article 196) and child pornography on a computer system or network (Article 197.a paragraph 1) from the Criminal Code (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11),

2. genocide (Article 88), crime of aggression (Article 89), crime against humanity (Article 90), war crime (Article 91), terrorism (Article 97), financing of terrorism (Article 98), public incitement to terrorism (Article 99), recruitment for terrorism (Article 100), training for terrorism (Article 101), terrorist association (Article 102), preparing criminal offences against values protected under international law (Article 103), torture and other cruel, inhuman or degrading treatment or punishment (Article 104), slavery (Article 105), trafficking in human beings (Article 106), trafficking in human body parts and human embryos (Article 107), murder (Article 110), aggravated murder (Article 111), kidnapping (Article 137 paragraph 3), rape (Article 153), serious criminal offences against sexual freedom (Article 154), sexual abuse of a child under the age of fifteen (Article 158), sexual abuse of a child over the age of fifteen (Article 159), satisfying lust in the presence of a child under the age of fifteen (Article 160), child pandering (Article 162), exploitation of children for pornography (Article 163), exploitation of children for pornographic performances (Article 164), serious criminal offence of child sexual abuse and exploitation (Article 166), coercion against a judicial official (Article 312), coercion against a public official (Article 314),

high treason (Article 340), acceding to occupation and capitulation (Article 341), preventing the fight against enemies (Article 342), serving in the enemy's army (Article 343), assisting the enemy (Article 344), undermining the military and defensive powers of the state (Article 345), coercion against the most senior state officials of the Republic of Croatia (Article 346), disclosure of secret information (Article 347), espionage (Article 348), damaging the reputation of the Republic of Croatia (Article 349) and preparing the commission of criminal offences against the Republic of Croatia (Article 350) from the Criminal Code,

3. violation of the right to submit complaints and petitions (Article 112), abuse of office and official authority (Article 337), abuse in performing governmental duties (Article 338), illegal intercession (Article 343), accepting a bribe (Article 347) and offering a bribe (Article 348) from the Criminal Code (Official Gazette 110/97, 27/98, 50/00, 129/00, 51/01, 111/03, 190/03, 105/04, 84/05, 71/06, 110/07, 152/08 and 57/11), committed with the intent and aim of acquiring pecuniary or other gain for oneself or a third person,

4. abuse of position and authority (Article 291), unlawful favouritism (Article 292), taking a bribe (Article 293), giving a bribe (Article 294), trading in influence (Article 295) and giving a bribe for trading in influence (Article 296) from the Criminal Code, committed with the intent and aim of acquiring pecuniary or other gain for oneself or a third person,

5. criminal offences not subject to the statute of limitations pursuant to the Constitution of the Republic of Croatia, in accordance with the Act on the Exemption from the Statute of Limitations of Criminal Offences of War Profiteering and Criminal Offences related to the Transformation and Privatisation Process (Official Gazette 57/11).«.

Article 2

»In Article 17 paragraph 1 after the words: »commission« the full stop is deleted and the following is inserted: »and a certificate on the data from the criminal records of the Ministry of Justice, in accordance with Article 13 paragraph 2 of this Act.«.

Article 3

This Act shall enter into force on the eighth day after the day of its publication in the Official Gazette.

Class: 015-01/16-01/03
Zagreb, 15 December 2016

THE CROATIAN PARLIAMENT

The President of
the Croatian Parliament
Božo Petrov, m.p.