

THE CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE ACT ON AMENDMENTS TO THE ACT ON THE ELECTION OF REPRESENTATIVES TO THE CROATIAN PARLIAMENT

I hereby promulgate the Act on Amendments to the Act on the Election of Representatives to the Croatian Parliament, passed by the Croatian Parliament at its session on 13 February 2015.

Class: 011-01/15-01/11

Reg. No.: 71-05-03/1-15-2

Zagreb, 17 February 2015

President
of the Republic
of Croatia

Ivo Josipović,
m.p.

ACT

ON AMENDMENTS TO THE ACT ON THE ELECTION OF REPRESENTATIVES TO THE CROATIAN PARLIAMENT

Article 1

In the Act on the Election of Representatives to the Croatian Parliament (Official Gazette 116/99, 109/00 – authoritative interpretation, 53/03, 167/03 – Decision on non-provision of an authoritative interpretation, 44/06 – Act on the State Electoral Commission of the Republic of Croatia, 19/07, 20/09 – authoritative interpretation, 145/10, 24/11 – Act on Financing Political Activity and Election Campaigns, 93/11 – Decision of the Constitutional Court of the Republic of Croatia and 120/11 – consolidated version), in Article 1, a new paragraph 2 is added and reads:

"Gender-specific expressions used in this Act shall relate to both the male and female gender."

Article 2

In Article 3, paragraph 2 is amended to read:

"Voters may cast their vote at a particular election only once."

After paragraph 2, a new paragraph 3 is added and reads:

"No one may vote on behalf of another person."

The former paragraph 3 becomes paragraph 4 and is amended to read:

"No one may request voters to proclaim their voting orientation."

After the former paragraph 3 that becomes paragraph 4, a new paragraph 5 is added and reads:

"Voters are free to declare their voting orientation."

The former paragraph 4 becomes paragraph 6.

Article 3

In Article 4, paragraph 1, the words: ", with the exception of those divested of their legal capacity by a court decision with full force and effect" are deleted.

After paragraph 2, a new paragraph 3 is added and reads:

"Parliament representatives have the right of access to the electorate register during their mandate term."

Article 4

Article 5 is amended to read:

"The President of the Republic of Croatia shall call an election for representatives to the Parliament and convene the Parliament to its inaugural session.

The election day shall be designated in the decision to call an election referred to in paragraph 1 of this Article.

The election day shall be a non-working day.

At least 30 days must elapse from the date of entry into force of the decision to call an election referred to in paragraph 1 of this Article to the election day."

Article 5

In Article 6, the words: "abroad" are deleted.

Article 6

In Article 7, paragraphs 2 and 3 are amended to read:

"Voters with registered domicile in the Republic of Croatia, but who on the election day are serving the Armed Forces of the Republic of Croatia, who are in peace operations and missions on the election day, who as members of the crews of maritime and river ships flying the Croatian flag are outside its borders, on floating facilities within interior sea waters or the territorial sea of the Republic of Croatia, voters found in social welfare institutions and voters under incarceration, shall vote at special polling stations determined pursuant to the provisions of this Act.

Voters with registered domicile in the Republic of Croatia, but who are outside the borders of the Republic of Croatia on the election day, shall vote for representatives of an electoral district based on their registered domicile in the territory of the Republic of Croatia at the seat of diplomatic and consular representations of the Republic of Croatia, subject to prior registration or confirmation for the purposes of voting outside the place of registered domicile."

Article 7

In Article 8, after the words: "electoral district", a comma is inserted and the following words are added: "and the nomination and election of representatives to the Parliament shall be governed accordingly by the provisions of this Act on preferential voting."

Article 8

In Article 9, paragraph 1, the words: "state secretary" are replaced by the words: "deputy minister", after the words: "director of a state administrative institution, deputy director", the words: "and assistant" are deleted, before the words: "secretary of the Government of the Republic of Croatia", the following word is added: "general", before the words: "secretary of a Ministry", the following word is added: "general", and the words: "deputy county prefect" are replaced by other Croatian words, with no relevance to the English translation.

In paragraph 2, the words: "pursuant to" are replaced by the words: "in accordance with", and after the words: "deemed incompatible", the following word is added: "duty".

After paragraph 3, a new paragraph 4 is added and reads:

"Voters and political parties may not nominate persons sentenced to an unconditional punishment of incarceration over six months in duration by a court decision in full force and effect if at the moment of the entry into force of the decision to call an election the punishment is being enforced or to be enforced.

Voters and political parties may not nominate persons whose rehabilitation terms under a special law have not expired at the moment of the entry into force of the decision to call an election, and who were sentenced by a court decision in full force and effect for any of the following:

1. criminal offences stipulated in Title IX of the Criminal Code (Official Gazette 125/11 and 144/12) against humanity and human dignity:

- genocide, a crime of aggression, a crime against humanity, a war crime, terrorism, terrorist association, torture, slavery,

2. criminal offences stipulated in Title X of the Criminal Code (Official Gazette 125/11 and 144/12) against life and body: aggravated murder,

3. criminal offences stipulated in Title XXVIII of the Criminal Code (Official Gazette 125/11 and 144/12) against official duty: abuse of position and authority."

Article 9

Article 12 is deleted.

Article 10

In Article 16, a new paragraph 3 is added and reads:

"The provisions of this Act on preferential voting shall not relate to voting for the election of representatives of the national minorities."

Article 11

In Article 18, paragraph 1, after the words: "political parties", the following words are added: "registered in the Republic of Croatia".

Paragraph 2 is amended to read:

"At least one hundred voter signatures shall be required for a valid nomination referred to in paragraph 1 of this Article."

Article 12

In Article 20, paragraph 1 is amended to read:

"All political parties registered in the Republic of Croatia on the day of the entry into force of the decision to call an election referred to in Article 5 of this Act shall have the right to nominate party slates for the election of representatives to the Parliament."

After paragraph 3, new paragraphs 4, 5, 6 and 7 are added and read:

"Political parties shall nominate party slates on the basis of validly collected signatures of voters. The signatures of at least 1 500 voters are required for a valid nomination of an electoral district slate for the election of representatives to the Parliament.

Political parties shall nominate the person authorised to submit the party slate and nomination pursuant to the provisions of their respective statutes.

The party slate shall include the same number of candidates as the number of representatives to be elected to the Parliament.

If the person making the nomination proposes fewer candidates than the number of representatives to be elected to the Parliament, in other words, if the requirement referred to in paragraph 4 of this Article is not met, the party slate shall not be valid.

Article 13

In Article 21, paragraph 2, the words: "at least 500 voters" are replaced by the words: "at least 1 500 voters".

After paragraph 2, new paragraphs 3, 4 and 5 are added and read:

"The person authorised to represent an independent slate, in accordance with the provisions of this Act, shall be the first candidate on the slate.

The independent slate shall include the same number of candidates as the number of representatives elected to the Parliament.

If the person making the nomination proposes fewer candidates than the number of representatives to be elected to the Parliament, in other words, if the requirement referred to in paragraph 2 of this Article is not met, the independent slate shall not be valid."

Article 14

After Article 21, a new Article 21.a is added and reads:

"Article 21.a

At the time of establishing and nominating party slates and independent slates for the election of representatives to the Parliament, the persons nominating the slates shall act in conformity with the principle of gender equality and bear in mind a balanced representation of women and men on such slates.

The slate for the election of representatives to the Parliament is in line with the principles referred to in paragraph 1 of this Article if the slate includes at least 40% of persons of each gender. A slate that does not include at least 40% of persons of each gender shall not be valid."

Article 15

In Article 22, paragraph 1, the words: "the day on which elections are called" are replaced by the words: "the entry into force of the decision to call an election referred to in Article 5 of this Act."

In paragraph 3, the words: "political parties or party coalition" are replaced by the words: "two or more political parties". In the second sentence, the words: "or a party coalition" are deleted.

Paragraph 5 is deleted.

The former paragraph 6 becomes paragraph 5.

Article 16

In Article 23, paragraph 1, the words: "of the submission of the electoral district slates for the election of representatives to the Parliament" are replaced by the words: "of the expiration of the deadline referred to in Article 22, paragraph 1 of this Act", and after the words: "nominated slates", the following words are added: "and names and surnames of candidates".

Paragraphs 3 and 4 are amended to read:

"The collective list of slates shall list the name of each electoral district slate. Party slates nominated in all electoral districts shall be the first ones to be entered on the collective slate of an electoral district, followed by party slates and independent slates in such electoral district, in alphabetical order by the full name of the political party, or two or more political parties nominating the slate and in alphabetical order based on the last name of the first candidates on the independent slate. If several political parties propose a joint slate, it shall be included on the collective slate based on the name of the political party that is the first one in the nomination.

The State Electoral Commission shall deliver all accepted slates for each electoral district, and the collective list of electoral slates for each electoral district to Croatian diplomatic and consular representations within the deadline referred to in paragraph 1 of this Article for their publication."

Article 17

In Article 25, paragraph 1, the words: "as accepted" are deleted, and the second sentence is amended to read: "For an independent slate, the decision to withdraw shall be made by the person authorised to represent the slate."

In paragraph 2, after the words: "district", the following words are added: "within the deadline referred to in paragraph 1 of this Article":

Article 18

In Article 26, paragraph 1, subparagraph 1, the words: "an independent candidate" are replaced by the words: "a candidate of a group of voters".

Article 19

In Article 27, paragraph 1, the word: "said" is replaced by the word: "such".

In paragraph 2, the words: "Article 12" are replaced by the words: "Article 42".

Article 20

In Article 28, paragraph 2, the words: "slate leaders and" are deleted.

Article 21

Article 29 is amended to read:

"The Croatian Television and the Croatian Radio shall follow the electoral campaign, and during the electoral campaign are obliged in their activities to enable all those participating in the elections to present and explain their election programmes. Broadcasters of other media shall decide independently whether and to what extent they will follow the electoral campaign.

All broadcast media are obliged, in their activities of following the electoral campaign and presenting the electoral activities of candidates in the election, to guarantee journalistic independence, professionalism and expertise, consistent compliance with the journalistic code of ethics and in particular the fundamental principle of the freedom of expression stipulated in the Constitution of the Republic of Croatia, the Convention for the Protection of Human Rights and Fundamental Freedoms and the Charter of Fundamental Rights of the European Union, guided by the interests of the public."

Article 22

In Article 30, paragraph 1, the words: "the equality of all political parties that have nominated" is replaced by the words: "fair representation of those participating in the election who nominated", and the words: "and the equal opportunity of political parties to present their programmes and to implement campaign promotion" are replaced by the words: "a fair opportunity to present their programmes and to implement the election campaign promotion".

Paragraph 2 is amended to read:

"The rules cited in paragraph 1 of this Article shall elaborate and determine the forms and times for the coverage of the election campaign promotion of political parties, the form, duration and other issues concerning advertising, the manner in which the programmes of political parties, candidates on party and independent slates, candidates for the representatives of the national minorities and political party officials shall be presented, and the rules for the broadcast of electoral debates."

Paragraph 3 is deleted.

Article 23

Article 38 is amended to read:

"A total of 140 representatives to the Parliament, not including representatives of the national minorities and representatives elected by Croatian nationals not having registered domicile in the Republic of Croatia, shall be elected in a way that the territory of the Republic of Croatia shall be divided into ten electoral districts, where each electoral district shall elect 14 representatives to the Parliament.

Representatives to the Parliament shall be elected based on proportional representation and preferential voting.

Voters may vote only for one slate of candidates.

The voter may mark one candidate on the ballot to have precedence over other candidates on the slate selected (preferred vote)."

Article 24

Article 40 is amended to read:

"The number of representatives to the Parliament elected from each electoral district slate shall be determined as follows:

- the total number of valid votes that each slate won (slate voter pool) is to be divided by the numbers from 1 to 14 conclusively, also taking into account the decimal places. Of all the results yielded, representative seats in the Parliament shall be won by those slates with the 14 numerically greatest results, decimal places included. Each of these slates shall win a number of representative seats in the Parliament corresponding to the number of individual results among the 14 numerically greatest results. The number of representatives elected from the slate shall be the number of mandates won by such slate,
- preferred votes for individual candidates are taken into account if the number of preferred votes of a particular candidate is at least 10% of the votes won by a particular slate,
- candidates elected from each slate are those who win the greatest number of preferred votes. Where two or more candidates win the same number of preferred votes, the deciding factor shall be the order on the candidate slate,
- if, pursuant to subparagraphs 2 and 3 of this Article, the number of representatives elected is not the number of mandates belonging to a particular slate, representatives are assigned to the remaining positions on such slate based on their order on the slate."

Article 25

Article 42 is amended to read:

"Representatives shall have substitutes to perform their duty if the mandate of the representative is stayed or terminates before the expiration of the term for which he was elected.

A representative elected from the party slate of candidates shall be substituted by an unelected candidate from the same slate from which the representative whose mandate terminated or is stayed was elected. The provisions of this Act on preferential voting shall apply accordingly to the appointment of the substitute, and if there is no candidate appointed in such manner on the slate who would substitute the representative, the substitute shall be appointed by the political party that nominated the slate of candidates.

The representative who is elected on the slate of candidates of two or more political parties shall be substituted by an unelected candidate from such slate and from the same party to which the representative whose mandate terminated or is stayed belonged at the moment of the election. The provisions of this Act on preferential voting shall apply accordingly to the appointment of the substitute, and if there is no candidate appointed in such manner on the slate who would substitute the representative, the substitute shall be appointed by the political party to which the representative whose mandate terminated or is stayed belonged at the moment of the election.

A representative elected from an independent slate shall be substituted by an unelected candidate from the same slate from which the representative whose mandate terminated or is stayed was elected. The provisions of this Act on preferential voting shall apply accordingly to the appointment of the substitute, and if there is no candidate appointed in such manner on the slate who would substitute the representative, the representative shall be substituted by an unelected candidate who comes next in line on the slate.

A representative elected from the slate of candidates of a party which is deleted from the register of political parties after the elections shall be substituted by an unelected candidate from the same slate from which the representative whose mandate terminated or is stayed was elected. The provisions of this Act on preferential voting shall apply accordingly to the appointment of the substitute, and if there is no candidate appointed in such manner on the slate who would substitute the representative, the representative shall be substituted by an unelected candidate who comes next in line on the slate.

A representative elected in the electoral district for the election of a representative of the national minorities shall be substituted by a substitute elected in the same electoral district."

Article 26

Article 44 is amended to read:

"The number of representatives to the Parliament to be elected from candidate slates in the special electoral district for voters without registered domicile in the Republic of Croatia shall be ascertained as follows:

– the total number of valid votes that each slate has won (slate voter pool) is to be divided by the numbers from 1 to 3 conclusively, also taking into account the decimal places. Of all the sums obtained, the third sum shall be the common denominator with which the total number of valid votes for each candidate slate (slate voter pool) shall be divided. Each candidate slate shall win as many of the three representative seats as the number of times the total number of its valid votes (slate voter pool) contains the common denominator, including decimal remainders,

– preferred votes for individual candidates are taken into account if the number of preferred votes of a particular candidate is at least 10% of the votes won by a particular slate,

– candidates elected from each slate are those who win the greatest number of preferred votes. Where two or more candidates win the same number of preferred votes, the deciding factor shall be the order on the candidate slate,

– if, pursuant to subparagraphs 2 and 3 of this Article, the number of representatives elected is not the number of mandates belonging to a particular slate, representatives are assigned to the remaining positions on such slate based on the order on the slate."

Article 27

In Article 56, item 3, the word: "determine" is replaced by the words: "prescribe and publish".

Item 4 is amended to read:

"4. determine the polling stations and appoint the chairperson and members of electoral committees at diplomatic and consular representations of the Republic of Croatia,".

In item 6, after the words: "commissions", the following words are added: "and provide professional assistance".

Item 8 is amended to read:

"8. supervise the funding of election campaigns in accordance with special legislation,".

Item 10 is amended to read:

"10. inform citizens about the implementation of the elections and the possibility of receiving protection of the right to vote in the election procedure,".

Article 28

Article 57 is amended to read:

"The obligatory instructions referred to in Article 56, item 3 of this Act shall be published in the Official Gazette, and in other appropriate ways."

Article 29

In Article 69, paragraph 2, after the words: "the representation of parties in", the following words are added: "the present term of the".

In paragraph 3, the words: "the day of elections of representatives to the Parliament", are replaced by the words: "election day". In the second sentence, after the words: "electoral commissions", the following words are added: "within the specified deadline", and the word: "these" is replaced by the word: "competent".

Article 30

In Article 70, the word: "elections" is replaced by the words: "day of holding the election", and the word: "abroad" is replaced by the words: "outside the Republic of Croatia".

Article 31

Article 71 is amended to read:

"Voters serving in the Armed Forces of the Republic of Croatia shall vote at polling stations to be determined by the minister competent for the Armed Forces.

Voters who, as members of the crews of maritime and river merchant ships flying the Croatian flag, are outside of the borders of the Republic of Croatia on the election day shall vote at polling stations to be determined by the minister competent for maritime transport.

Voters under incarceration shall vote at polling stations to be determined by the minister competent for the prison system.

Voters who are in peace operations and missions on the election day shall vote at polling stations to be determined by the minister competent for foreign and European affairs.

Voters placed in social welfare institutions shall vote at polling stations to be determined by the minister competent for social welfare.

The competent ministries shall submit their proposals for the appointment of electoral committees at polling stations referred to in paragraphs 1, 2, 3, 4 and 5 of this Article to electoral implementing commissions within eight days of the day a particular polling station was determined.

Once the proposal referred to in paragraph 6 of this Article is received, the competent electoral implementing commissions shall appoint members of the electoral committee at special polling stations.

Members of the electoral committee at polling stations referred to in paragraphs 1 and 5 of this Article shall be appointed by the commission of the electoral district in which such polling stations are located.

Members of the electoral committee at polling stations referred to in paragraphs 2, 3 and 4 of this Article shall be appointed by the commission of the electoral district in which the company owning the ship has its seat and in which the institution in which persons under incarceration and headquarters of the units of the Armed Forces of the Republic of Croatia are located."

Article 32

Article 73 is deleted.

Article 33

In Article 74, paragraph 2 is deleted.

The former paragraphs 3 and 4 become paragraphs 2 and 3.

Article 34

Article 75 is amended to read:

"The ballot upon which the vote is cast for one of the electoral district slates shall contain:

1. instruction about the manner of voting,
2. ordinal numbers and names of the slates in the order from the collective slate of candidates, and each slate should also include the ordinal numbers and names and surnames of candidates,
3. serial number."

Article 35

Article 76 is amended to read:

"A ballot shall be issued to each voter at a polling station in the electoral district based on the place of registered domicile. Voters who are entitled to vote in an electoral district for representatives of the national minorities must be informed about their right to vote for the candidate slate based on the place of registered domicile or to request a ballot for the election of a representative of the national minorities and must be provided with a ballot of his choice.

Votes may only be cast for the electoral district slates listed on the ballot.

A vote is cast on the ballot by encircling the ordinal number in front of the name of an electoral district slate. If a voter wants to give a preferred vote to a particular candidate on the slate, he shall encircle the ordinal number next to the name and surname of the candidate to whom he wants to give a preferred vote."

Article 36

In Article 77, paragraph 1, item 2 is amended to read:

"2. full and abbreviated name of the political party or two or more parties that have nominated the candidate. If the candidate has been nominated by a group of voters pursuant to the provisions of this Act, the words 'candidate of a group of voters' are placed next to the name and surname of the candidate,".

Article 37

In Article 79, after item 3, a new item 4 is added and reads:

"4. a ballot on which the voter cast ballots for candidates from different slates, and did not encircle one of the slates:"

Article 38

After Article 79, a new Article 79.a is added and reads:

"Article 79.a

If a voter encircles only the ordinal number of the name of the slate, and does not cast a preferred vote to a particular candidate, the ballot is valid.

If a voter encircles the ordinal number for one slate, and gives a preferred vote to a candidate from a slate different than his vote for the slate, the ballot is valid, while the preferred vote of the candidate shall not be accepted.

If a voter casts his preferred vote to two or more candidates on a single slate, the ballot shall be valid in relation to the vote for the slate, regardless of whether the ordinal number next to the slate is encircled or not, while the preferred votes for candidates shall not be accepted.

If a voter casts his preferred vote to a candidate from a particular slate and does not encircle the ordinal number next to the slate concerned, the ballot shall be valid both in terms of the vote for the slate and in terms of the preferred vote for the candidate from the slate.

If a voter casts his preferred vote to candidates from different slates and encircles the ordinal number next to one of such slates, the ballot shall be valid in relation to the vote for the slate and for the preferred vote from such slate if the voter cast only one preferred vote to that slate."

Article 39

In Article 80, paragraph 2 is amended to read:

"At the seats of diplomatic and consular representations, polling shall be held for two days, such that it is completed on the same day that polling is completed in the Republic of Croatia."

Article 40

Article 82 is amended to read:

"The chairperson of the electoral committee or a member authorised by the chairperson of the electoral committee shall establish the identity of every voter and verify that every voter proceeding to cast a ballot is registered on the transcript from the electorate roll for that polling station.

The identity of voters is established on the basis of an identity document, in accordance with special legislation.

If a voter is not registered on the electorate roll, the chairperson of the electoral committee or a member authorised by the chairperson of the electoral committee shall not permit such voter to cast a ballot, unless the said voter proves his right to vote at the polling station with a confirmation issued by a competent state body.

The voter shall submit the confirmation referred to in paragraph 3 of this Article to the electoral committee and it shall form part of the transcript from the electorate roll for the polling station concerned."

Article 41

Article 83 is amended to read:

"A voter unable to vote in accordance with this Act as a result of a physical disability or illiteracy may be accompanied at a polling station by another literate person who shall by said voter's authorisation and instruction encircle the relevant answer.

A voter unable to appear at a polling station in person as a result of a serious illness, physical impairment or as a result of being infirm shall inform the electoral committee thereof at least three days before the election day or the electoral committee on the election day.

The competent electoral commissions shall submit the requests received from voters to vote outside the polling station to the competent electoral committees along with all of the electoral material.

The chairperson of the electoral committee shall designate at least two members of the electoral committee who shall visit the voter referred to in paragraph 2 of this Article and enable him to cast his ballot.

The voter referred to in paragraph 2 of this Article shall fold the ballot on which he cast his vote at least once, place it into a special envelope and close it. A member of the electoral committee shall hand over the envelope to the chairperson of the electoral committee on return to the polling station.

The chairperson of the electoral committee shall promptly place the folded ballot from the envelope into the ballot box at the polling station.

With respect to the realisation of the right to vote of voters who appear at the polling station, but who do not have access to the polling station, because of their physical disability or some other reason, the provisions of paragraphs 4, 5 and 6 of this Article shall apply.

Voting performed as stipulated in paragraphs 1 and 2 of this Article shall be recorded specifically in the minutes of the electoral committee.

Article 42

In Article 84, paragraph 2 is amended to read:

"The electoral committee then establishes the total number of voters who cast ballots based on the transcript from the electorate roll and confirmations of the competent body."

Article 43

Article 86 is amended to read:

"After determining the results of voting at a polling station, the electoral committee shall register the following in its minutes:

- the number of voters based on the transcript from the electorate roll,
- the number of voters who cast ballots based on the transcript from the electorate roll, the number of voters who cast ballots based on a confirmation issued by a competent state body and the total number of voters,
- the number of voters who cast ballots for the electoral district based on the place of registered domicile, and number of voters who cast ballots for electoral districts for the election of representatives of the national minorities,
- the number of votes won by each slate and the number of preferred votes won by individual candidates on such slate,

– the number of votes won by individual candidates in the election of representatives of the national minorities,

– number of ballots declared spoilt.

The minutes of the electoral committee shall also include all other facts important for the polling procedure.

Each member of the electoral committee may provide written comments on the minutes.

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

Each member of the electoral committee and each substitute is entitled to a copy or transcript of the minutes of the electoral committee, which is certified by the signatures of all members of the electoral committee.

Article 44

In Article 87, paragraph 2, the words: "Croatian diplomatic and consular representations" are replaced by the words: "the seats of diplomatic and consular representations of the Republic of Croatia".

Article 45

In Article 88, paragraph 1, item 3 is amended to read:

"3. number of votes won by each slate, the names and surnames of candidates from the slate with the number of preferred votes and the number of votes won by individual candidates for the election of representatives of the national minorities."

Article 46

In Article 89, paragraph 1, item 3 is amended to read:

3. number of votes won by each slate, the names and surnames of candidates from the slate with the number of preferred votes and the number of votes won by individual candidates for the election of representatives of the national minorities and the names and surnames of candidates from each slate elected as representatives."

Article 47

In Article 92, item 1, after the words: "in the electoral district," the following words are added: "the names and surnames of candidates from that slate with the number of preferred votes,".

Article 48

In Article 95, paragraph 3, the words: "in the public broadcast media" are replaced by the words: "on its website".

Article 49

In Article 97, paragraph 1, the words: "independent slate leader" are replaced by the words: "person authorised to represent the independent slate".

Article 50

The heading above Article 107 is amended to read: "OBSERVING THE ELECTIONS"

Article 107 is amended to read:

"The election procedure, the conduct of elections and the work of electoral bodies may be observed by:

- observers from political parties registered in the Republic of Croatia that nominated the slate of candidates or a candidate (hereinafter "political party observers"),
- observers of voters who nominated an independent slate or a candidate (hereinafter "observers of voters"),
- observers from non-governmental organisations registered in the Republic of Croatia as an association engaged in the field of independent observing of election procedures and the promotion of human and civil rights (hereinafter "NGO observers"),
- observers from international organisations engaged in the Republic of Croatia (hereinafter "foreign observers").

The right to observe elections includes the act of observing the election procedure as a whole and, in particular, casting ballots, the work of electoral bodies and access to all of the election materials."

Article 51

After Article 107, new Articles 107.a, 107.b, 107.c, 107.d, 107.e, 107.f and 107.g are added and read:

"Article 107.a

The political party or association shall issue a confirmation of observer status to the designated observer. The confirmation shall be issued and signed by the person authorised to represent the political party or association designated in the statute or some other decision adopted pursuant to the statute of the party, or by a proxy empowered by such person.

The person nominating or the person authorised to represent an independent slate, the person nominating the candidature of the candidate of a group of voters, voters from the national minorities and the candidate of a group of voters shall issue a confirmation of observer status to the designated observer. The confirmation is issued and signed by the person nominating or the person authorised to represent an independent slate, voters from the national minorities, the person nominating the candidature of the candidate of a group of voters and the candidate of a group of voters, or by a proxy empowered by such person.

A candidate at the elections may not be an observer at such elections.

Article 107.b

Political parties and persons referred to in Article 107.a, paragraph 2 of this Act may submit a request to observe elections as of the day of publication of the collective slates, candidate slates and collective nomination slates. A confirmation issued by the political party or a confirmation issued by the person nominating the candidate of a group of voters or the candidate of a group of voters concerning observer status shall be submitted next to the request to observe elections.

Non-governmental organisations and foreign observers may submit a request to observe elections as of the date of entry into force of the decision to call the election. Next to the request to observe elections, non-governmental organisations shall submit a copy of the decision on entry in the register of associations, and foreign observers shall submit an approval issued by the State Electoral Commission.

Foreign observer status is granted by the approval of the State Electoral Commission at the proposal of an international organisation engaged in the Republic of Croatia.

Requests to observe elections and the list of observers shall be submitted to the competent electoral commission of the district in which the elections are to be observed at the latest five days before the election day.

Article 107.c

The official observer identity card shall be issued and handed over to the observer by the competent electoral commission of the district in which the elections are observed, and the foreign observer identity card shall be issued and handed over by the State Electoral Commission. The observer shall wear the official identity card at all times during the observing of the electoral procedure and the work of the electoral body.

If the competent electoral commission did not issue an identity card to an observer, the observer shall be identified on the basis of a decision of the competent electoral commission of the district in which the observer was granted permission to observe the elections issued to the political party or association and persons referred to in Article 107.a, paragraph 2 of this Act, and the foreign observer shall be identified on the basis of the approval of the State Electoral Commission.

Article 107.d

An observer observing the work of an electoral committee is entitled to be present during the work of the electoral committee from the moment of setting up of the polling station before its opening, during the voting, counting the ballots and establishing the results of polling and filling out the minutes of the electoral committee.

The observer may enter objections with a statement of reasons concerning the work of the electoral committee in the minutes of the electoral committee or enclose them to the minutes in written form.

The electoral committee shall receive such written objections of the observer and attach them to the minutes of the electoral committee and issue a confirmation to that effect.

The observer may visit and leave the polling station, without disturbing the polling procedure and the work of the electoral committee.

The observer may not respond to any questions posed by voters, and if any voter should address the observer, the observer shall instruct him to address the chairperson or member of the electoral committee.

Article 107.e

The observer is entitled to be present during the work of the competent electoral commission at the time of the holding of the session and identify any irregularities observed.

Observers may submit objections with a statement of reasons against the work of the electoral body and shall enclose them in written form to the minutes of the electoral body.

The observer is entitled to request a copy or transcript of the minutes of the electoral body whose work he observed and is entitled to be present at the handover of the electoral materials.

Article 107.f

The electoral body whose work is observed may not exclude such observing, but may limit the number of observers if the lack of space or some other reasons do not permit all observers to be present at the same time. Political parties, voters who nominated candidates, non-governmental organisations and international organisations must be provided with an opportunity to have at least one observer at the polling station or electoral body.

Electoral bodies shall provide observers with an opportunity to observe and follow their work.

The observer is entitled to observe the election procedure as a whole and has the right of access to all of electoral materials until the official final results of the elections are announced.

Article 107.g

The observer may not disturb the work of the electoral body.

The chairperson of the electoral body shall issue a verbal warning to the observer who disturbs the work of the electoral body. If the observer despite the warning continues to disturb the work of the electoral body, the chairperson of the electoral body is authorised to instruct his removal from the premises.

The observer may not make any audio or video recording of the work of the electoral body. In addition, he may not wear any markings, photographs of candidates or other promotional materials and influence voters in any other way.

FINAL PROVISION

Article 52

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

Class: 013-01/14-01/07

Zagreb, 13 February 2015

THE CROATIAN PARLIAMENT

President
of the Croatian
Parliament

Josip Leko, m.p.