

The unofficial consolidated text of the Act on Local Elections includes:

- Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 72/93 of 31 December 1993),
- Act on Amendments and Supplements to the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 7/94 of 16 February 1994),
- Act on Amendments and Supplements to the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 33/94 of 13 June 1994),
- Act on Amendments and Supplements to the Act on Local Elections – ZLV-C (Official Gazette of the Republic of Slovenia, No. 70/95 of 8 December 1995),
- Act on Amendments and Supplements to the Act on Local Elections - ZLV-D (Official Gazette of the Republic of Slovenia, No. 51/02 of 11 June 2002),
- Partial repeal of the Act on National Assembly Elections, the Act on the State Council, the Act on the Election of the President of the Republic and the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 73/03 of 29 July 2003),
- Income Tax Act - ZDoh-1 (Official Gazette of the Republic of Slovenia, No. 54/04 of 20 May 2004),
- Act on Amendments and Supplements to the Act on Local Elections – ZLV-E (Official Gazette of the Republic of Slovenia, No. 72/05 of 29 July 2005),
- Act on Amendments and Supplements to the Act on Local Self-Government – ZLS-M (Official Gazette of the Republic of Slovenia, No. 72/05 of 29 July 2005),
- Local Elections Act – official consolidated text – ZLV-UPB1 (Official Gazette of the RS, No. 100/05 of 10 November 2005),
- Act on Amendments to the Act on Local Elections – ZLV-F (Official Gazette of the Republic of Slovenia, No. 121/05 of 30 December 2005),
- Local Elections Act – official consolidated text – ZLV-UPB2 (Official Gazette of the Republic of Slovenia, No. 22/06 of 28 February 2006),
- The decision on the repeal of the first paragraph of Article 68 of the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 70/06 of July 6, 2006),
- The decision on the finding that the Act on Elections to the National Assembly and the Act on Local Elections are inconsistent with the Constitution because they do not regulate in more detail the rules on voting by mail and on the rejection of a constitutional appeal (Official Gazette of the Republic of Slovenia, No. 54/07 of 18 6. 2007),
- Act on Amendments and Supplements to the Act on Local Elections – ZLV-G (Official Gazette of the Republic of Slovenia, No. 60/07 of 6 July 2007),
- Local Elections Act – official consolidated text – ZLV-UPB3 (Official Gazette of the Republic of Slovenia, No. 94/07 of 16 October 2007),
- Act on Amendments and Supplements to the Act on Local Elections – ZLV-H (Official Gazette of the Republic of Slovenia, No. 45/08 of 9 May 2008),
- Act on Amendments and Supplements to the Act on Local Elections – ZLV-I (Official Gazette of the Republic of Slovenia, No. 83/12 of 6 November 2012),
- Act on Amendments and Supplements to the Act on Local Elections – ZLV-J (Official Gazette of the Republic of Slovenia, No. 68/17 of 1 December 2017),
- The decision on the finding that Articles 100, 101 and 102 of the Act on Local Elections are inconsistent with the Constitution and the annulment of the judgment of the Administrative Court and the decision of the Municipal Council of Šmarješka Toplice in the part that refers to the rejection of the appeal (Official Gazette of the Republic of Slovenia, No. 93/20 of 3 July 2020).

THE LAW ON LOCAL ELECTIONS

(Unofficial Consolidated Text No. 19)

I. GENERAL PROVISIONS

Article 1

This law regulates elections to municipal councils, elections of mayors and elections to councils of local, village and district communities.

With this law, Council Directive 94/80 (EC) of 19 December 1994 on the determination of detailed regulations for the exercise of the right to vote and the right to stand for election in local elections of citizens of the Union residing in a Member State in which do not have citizenship (OJ L No. 368 of 31 December 1994, p. 38), last amended by Council Directive 2013/19/EU of 13 May 2013 on the adaptation of Directive 94/80/EC on the establishment of detailed arrangements for exercising the right to vote and the right to stand for election in local elections of citizens of the Union who reside in a member state in which they do not have citizenship, due to the accession of the Republic of Croatia (OJ L No. 158 of 10/06/2013, p. 231).

Article 2

Members of municipal councils, mayors and members of councils of local, village and district communities are elected on the basis of universal and equal suffrage in free and direct elections by secret ballot.

Article 3

The costs for holding local elections are covered by the municipalities.

Article 4

Regarding issues not specifically regulated by this Act, the provisions of the Act on Elections to the National Assembly shall apply *mutatis mutandis*.

II. MUNICIPAL COUNCIL ELECTIONS

1. The right to vote

Article 5

Every citizen of the Republic of Slovenia who has reached the age of 18 on the day of voting has the right to vote and be elected as a member of the municipal council.

The right to vote and be elected as a member of the municipal council under the conditions from the first paragraph of this article is also available to a citizen of another European Union member state who has a certificate of registration of permanent residence and registered permanent residence in the Republic of Slovenia, or a certificate of registration of residence and registered temporary residence in the Republic Slovenia.

The right to elect a member of the municipal council under the conditions of the first paragraph of this article is also granted to foreigners who have a permanent residence permit and a registered permanent residence in the Republic of Slovenia.

The voter has the right to vote from the first and third paragraphs of this article in the municipality in which he has registered permanent residence.

The voter has the right to vote from the second paragraph of this article in the municipality in which he has a registered permanent residence, if he does not have a registered permanent residence in the Republic of Slovenia, in the municipality in which he has the last registered temporary residence.

Regarding the restriction of the exercise of the right to vote in local elections by persons who have been deprived of legal capacity or have extended parental rights, the provisions of the law governing the right to vote for elections to the National Assembly shall be applied.

Article 6

Members of these national communities who have the right to vote have the right to vote and be elected as a member of the municipal council - a representative of the Italian or Hungarian national community.

Article 7

Members of this community who have the right to vote have the right to vote and be elected as a member of the municipal council - a representative of the Roma community.

Article 8

The right to vote is registered with the general municipal voter's register.

Citizens' right to vote for representatives of the Italian and Hungarian national communities is registered with a special municipal electoral register of citizens - members of these national communities.

Citizens' right to vote for the elections of representatives of the Roma community is registered with a special municipal electoral roll of citizens - members of this community.

The provisions of the Act on Voting Rights Records shall be applied *mutatis mutandis* with regard to keeping records of the right to vote, compiling municipal voter directories and other issues related to records of the right to vote, which are not specifically regulated by this Act.

2. Electoral system

a) Common provisions

Article 9

Members of municipal councils are elected according to the majority principle (majority elections) or the proportional principle (proportional elections).

If the municipal council has less than 12 members, the members of the municipal council are elected according to the majority principle.

If the municipal council has 12 or more members, the members of the municipal council are elected according to the proportional principle.

For determining the number of members of the municipal council from the second and third paragraphs of this article and for determining the electoral units and the number of members of the municipal council who are elected in each electoral unit, the number of members of the municipal council - representatives of the Italian or Hungarian national community and representatives of the Roma community is not taken into account .

Article 10

Members of the municipal council - representatives of the Italian or Hungarian national community are elected according to the majority principle.

Members of the municipal council - representatives of the Roma community are elected according to the majority principle.

b) Majority elections

Article 11

In elections based on the majority principle, individual candidates are voted on. A voter can vote for as many candidates as there are members of the municipal council elected in the electoral unit.

The candidates who received the most votes are elected.

Article 12

If one member of the municipal council is elected in the electoral unit and two candidates received the same number of votes, the election between them will be decided by lot.

If several members of the municipal council are elected in the electoral unit and the last two candidates who are considered for election have received the same number of votes, the election between them will be decided by lot.

c) Proportional elections

Article 13

In proportional elections, the candidate lists are voted on in the electoral unit.

If a vote is taken on lists of candidates, the voter can only vote for one list of candidates. The voter can mark the candidate on the ballot for the list of candidates for which he voted, giving him priority over the other candidates on the list (preferential vote). A voter can give a preferential vote to only one candidate from the list.

Article 14

If the candidate lists are voted on in the municipality as a single electoral unit, mandates are assigned to the candidate lists in order of the highest quotients obtained by dividing the number of votes for each candidate list by all numbers from one to the number of members of the municipal council (D' Hondt system). As many candidates are elected from the list of candidates as the number of mandates the list received.

Article 15

If the candidate lists are voted by constituencies, the number of mandates obtained by each list in the constituencies is determined by a quotient, which is calculated by dividing the total number of votes cast for all candidate lists in the constituencies by the number members of the municipal council who are elected in the electoral unit. The number of votes for the list is divided by this quotient. A list has as many mandates as the number of times the quotient is contained in the number of votes for the list.

Article 16

Mandates that were not distributed in electoral units according to the previous article are distributed at the municipal level based on the sum of votes cast for lists of the same name that were submitted in two or more electoral units.

To distribute these mandates, it is first determined how many mandates would belong to the lists of the same name, in proportion to the number of votes they received in all electoral units. This is determined on the basis of the sequence of the highest quotients, which are calculated by dividing the sum of the votes received by the lists of the same name in all constituencies by all numbers from one to the total number of mandates.

Lists of the same name from the previous paragraph are assigned as many mandates when dividing mandates at the municipal level as the difference between the number of mandates that would have belonged to them according to the previous paragraph and the number of mandates they have already received in the electoral units according to the previous article.

Article 17

Mandates obtained by lists of the same name in the division of mandates at the municipal level according to the previous article are assigned to lists in electoral units that have the largest remaining votes in relation to the quotient in the electoral unit from Article 15 of this law.

Article 18

If two lists of candidates, which are considered for the distribution of mandates, have reached the same highest quotient according to the sequence of the highest quotients, it decides on the allocation of mandates between the two lists of lots.

Candidates are elected in order on the list, unless at least a quarter of voters who voted for an individual list of candidates cast preferential votes for individual candidates from the list. In this case, the candidates who received the largest number of preferential votes in order of the largest number of preferential votes are elected from the list, if the number of preferential votes of an individual candidate exceeds 10 percent of the total number of votes cast for the list. If, according to this rule, there are not as many candidates elected as the number of mandates belonging to an individual list, the remaining mandates are allocated to the candidates in the order of the candidates on the list.

If the last two candidates from the list of candidates who are considered for election have received the same number of preferential votes, the election between them will be decided by lot.

3 . Constituencies

Article 19

For majority elections of members of the municipal council, electoral units are formed in the municipality.

If the municipal council has no more than seven members, all members of the municipal council can be elected in the municipality as one electoral unit.

Article 20

Electoral units are formed in such a way that one member of the municipal council is elected for approximately the same number of inhabitants.

If the territory of the municipality is divided into local, village or district communities, the electoral unit comprises the territory of one or more such communities or part of such a community.

If the area of the municipality is not divided into communities from the previous paragraph, the electoral unit covers the area of one or more settlements or part of the settlement.

Article 21

In majority elections, one member of the municipal council is elected in each electoral unit. If this is expedient due to the formation of constituencies, several members of the municipal council can be elected in the constituencies, but not more than three.

Article 22

Electoral units can be formed in the municipality for proportional elections of members of the municipal council.

Electoral units for proportional elections are formed in accordance with Article 20 of this law and in such a way that at least five members of the municipal council are elected in each electoral unit.

If the municipality is not divided into electoral units, the area of the municipality is considered the electoral unit.

Article 23

The electoral unit for the elections of members of the municipal council - representatives of the Italian or Hungarian national community and the electoral unit for the elections of members of the municipal council - representatives of the Roma community is the area of the municipality.

4. General Elections

Article 24

General elections to municipal councils are regular and early.

Regular elections to municipal councils are held every fourth year.

Early elections to municipal councils are held if the municipal council is dissolved before the expiration of the four-year mandate period.

Early elections are also held if the majority of municipal council members resign at the same time.

Article 25

Regular elections to municipal councils are held on the third Sunday in November.

Early elections to the municipal council are held no later than two months after the dissolution of the municipal council.

Article 26

Regular elections to municipal councils are announced by the President of the National Assembly of the Republic of Slovenia.

Early elections to the municipal council in the case referred to in the fourth paragraph of Article 24 of this Act shall be called by the municipal election commission.

The act on the call for elections is published in the Official Gazette of the Republic of Slovenia.

Article 27

Regular elections to municipal councils are announced in July of the year in which regular elections are held.

No more than 90 and no less than 60 days may elapse from the day of the announcement of elections to the day of voting.

Early elections to municipal councils are announced no later than 20 days after the dissolution of the municipal council.

Early elections can be held no earlier than 40 days from the date of the election announcement.

Article 28

The act on the announcement of elections specifies the day of the announcement of elections and the day of voting.

The deadline for election tasks begins with the day designated as the day of the election announcement.

Sunday or another non-working day shall be designated as the voting day.

5. Alternate Elections

Article 29

If the term of office of a member of the municipal council, who was elected in the majority election, expires, by-elections are held.

Article 30

If the mandate of a member of the municipal council who was elected in proportional elections expires, the candidate who would have been elected if the member of the municipal council whose mandate had expired had not been elected becomes the member of the municipal council for the remainder of the mandate period, unless he resigned earlier than within six months of the confirmation of the mandate.

If a candidate, who would become a member of the municipal council for the remainder of the mandate period under this law, does not announce within eight days that he accepts the position of a member of the municipal council, this right is transferred to the next candidate from the same list of candidates. If there is no such candidate, he is replaced by a candidate from the list of the same name in the electoral unit in which the list had the largest remaining votes in relation to the quotient in the electoral unit. If no candidate from this list of candidates announces that they accept the position of member of the municipal council within eight days, by-elections are held.

Alternate elections are also held if the mandate of a member of the municipal council, in the case referred to in the first paragraph of this article, ends because he resigned earlier than within six months of the confirmation of the mandate.

Article 31

Alternate elections are not held if the term of office of a member of the municipal council ends less than six months before the end of the term of office of the municipal council, unless the municipal council decides otherwise.

In by-elections, a member of the municipal council is elected for the time until the end of the term of office of the municipal council.

Article 32

By-elections are announced by the municipal election commission no later than 15 days after the municipal council's determination of the termination of the mandate.

Alternate elections are held in the electoral unit in which the member of the municipal council was elected, whose term of office has ended.

Alternate elections are held according to the majority principle. In the by-election, the candidate who received the most votes is elected.

Alternate elections are held according to the provisions of this law, unless otherwise specified in this article.

6. Electoral authorities

Article 33

Elections to municipal councils are managed and implemented by municipal election commissions.

The State Election Commission also performs certain tasks in the conduct of local elections .

A special municipal election commission is appointed for the elections of members of the municipal council - representatives of the Italian and Hungarian national communities and members of the municipal council - representatives of the Roma community.

Article 34

Voting at polling stations is managed by electoral committees.

At least one electoral committee is appointed for each polling station.

Article 35

The municipal election commission consists of the president and three members and their deputies.

The president of the electoral commission and his deputy are appointed from among judges or from other graduates in law. The other members of the electoral commission and their deputies are appointed based on proposals from political parties, other citizen organizations in the municipality, and citizens.

Article 36

In the special municipal election commission for the election of members of the municipal council - representatives of the Italian and Hungarian national communities and the Roma community, there must be at least one member and one deputy member of the national community or the Roma community.

Article 37

The electoral committee consists of the president and an even number of members and their deputies.

The president and members of the electoral committee and their deputies are appointed from citizens who have permanent residence in the municipality.

Political parties, other organizations of citizens in the municipality and citizens can submit their proposals for the appointment of the president and members of the electoral committee and their deputies to the municipal electoral commission no later than ten days after the announcement of elections.

The chairman, member of the electoral committee and their deputy cannot be the spouse, father, mother, child, sister or brother, adoptive parent or adopted child of the candidate in the electoral unit in which this electoral committee is appointed, nor can they live with the candidate in a cohabitation or registered same-sex partner communities.

The person appointed to the electoral committee is obliged to inform the competent municipal electoral commission within three days after the public publication of the candidacies or the list of candidates about his or her family or other relationship with the candidate specified in the previous paragraph.

When submitting proposals from the third paragraph of this article for each of the candidates for president and member of the electoral committee or their deputies, the proposer must attach his written statement that he agrees to the appointment to the electoral committee, and his written statement that he will no later than three days after the public announcement candidacy or the list of candidates informs the competent electoral commission about the kinship or other relationship with the candidate specified in the fourth paragraph of this article.

The chairman, a member of the electoral committee and their deputy, who is related to the candidate in a kinship or other relationship specified in the fourth paragraph of this article, shall cease to serve in the electoral committee, the competent electoral commission shall dismiss him and appoint a substitute chairman or member of the electoral committee or their deputy. A candidate for alternate chairman of the electoral committee, or a member or their deputy, must attach a written statement that he agrees to be appointed to the electoral committee, and a written statement that he is not in a family relationship or other relationship specified in the fourth paragraph of this article.

Article 38

The municipal electoral commission in the municipality is appointed by the municipal council, and the electoral committees are appointed by the municipal electoral commission.

The Municipal Electoral Commission is appointed for four years, while the Electoral Committees are appointed for each election.

If the term of office of the members of the municipal election commission ends after the announcement of the election, their term of office will be extended until the end of the election.

Article 39

The municipal election commission has a secretary, who is appointed at the proposal of the municipal administration.

Article 40

State Election Commission:

1. ensures uniform application of the provisions of the law governing elections to the National Assembly, in the part that also applies to local elections and refers to election procedures;
2. gives professional instructions to municipal election commissions regarding the implementation of the provisions of the law governing elections to the National Assembly, in the part that also applies to local elections and refers to election procedures;
3. prescribe forms for the enforcement of this Act;
4. determines uniform standards for election materials and other material conditions for the implementation of election tasks.

Article 41

Municipal Election Commission:

1. ensures the legality of elections to the municipal council;
2. approves individual candidacies or lists of candidates and draws up lists of candidates or lists of candidates;
3. determines polling stations;
4. appoints electoral committees;
5. determines the voting results and announces which members of the municipal council are elected and gives reports on the outcome of the elections;
6. performs and directs technical work related to elections;
7. performs other tasks specified by this law.

Article 42 (deleted)

Article 43

The electoral committee at the polling station:

1. conducts voting at the polling station;
2. determines the outcome of voting at the polling station.

Article 44

State and municipal bodies are obliged to assist electoral bodies in their work and, upon their request, to provide them with the information they need in their work.

Article 45

The provisions of the Act on Elections to the National Assembly apply to the formation and working methods of electoral bodies, which are not regulated by this Act.

Article 45a

Electoral bodies for local elections are autonomous and independent bodies of municipalities. The function of the members of the electoral bodies is honorary.

As a result of their work in the electoral bodies, members of the electoral bodies have the right to attend every general election, which includes regular and early elections to the municipal council, alternate elections to the municipal council, if no electoral units have been formed in the municipality, and regular and alternate elections for the mayor in the first and second rounds, the right to a one-off compensation, namely:

- the president and secretary of the municipal election commission in an amount equal to 50 % of the basic monthly salary for the professional performance of the mayor's office in the municipality;
- deputy chairman of the municipal election commission and deputy secretary in an amount equal to 80% of the remuneration of the chairman of the municipal election commission;
- members of the municipal election commission and their deputies in an amount equal to 20% of the remuneration of the chairman of the municipal election commission.

The president, deputy president, members, secretary and deputy secretary of the special election commission from the third paragraph of Article 33 of this law also have the right to an appropriate compensation in the amount of 50% of the compensation specified in the previous paragraph.

At every other election, with the exception of the elections referred to in the second paragraph of this article, the members of the electoral bodies who participate in the elections are entitled to an appropriate compensation, which, depending on the scope of the electoral tasks, and taking into account the provisions of the second paragraph of this article, is determined by the commission for mandate issues, elections and appointments of the municipal council no later than ten days after the announcement of elections. The criteria for determining the amount of compensation referred to in this paragraph shall be determined by an act of the municipal council.

The president and members of the electoral commissions and their deputies, who conduct voting at the polling station on the day of voting determined by the act on the announcement of elections, have the right to compensation for their work at the election in the amount specified for the electoral commissions for elections and referendums at the state level

The allowances specified in this article are paid on the basis of the act on the appointment of the electoral body.

7. Representatives and trustees of the candidates and list of candidates

Article 46

Representatives of the candidates and the list of candidates may be present during the work of the municipal election commission.

Candidates' confidants and the list of candidates may be present during the work of election committees.

Representatives and confidants of candidates and the list of candidates can alert the president of the electoral body to irregularities.

Article 47

The representative of the candidate or list of candidates is determined by the proposer of the candidate or list when submitting the candidacy or list of candidates to the municipal election commission.

The names of the candidate's trustee or the list of candidates are communicated by the representative of the candidate or the list to the municipal election commission no later than five days before the day of voting.

The representative or confidant of the candidate or list of candidates must not be a candidate.

The trustee of a candidate or list of candidates can only be a person who is registered in the electoral register and has the right to vote in the municipality.

8. Nomination

a) Running for majority elections

Article 48

Candidates for members of the municipal council, who are elected according to the majority principle, are determined by political parties in the municipality and voters in the electoral unit.

Article 49

Candidates for members of the municipal council, representatives of the Italian or Hungarian national community, are determined by voters - members of the national community in the municipality with the signatures of at least 15 voters.

Candidates for members of the municipal council - representatives of the Roma community are determined by voters - members of the Roma community in the municipality, with the signatures of at least 15 voters or the body of the social organization of Roma in the municipality.

Article 50

Each political party in the municipality can nominate candidates for municipal council members in each electoral unit. In each electoral unit, a maximum number of candidates can be determined, as many members of the municipal council are elected in the electoral unit.

Article 51

A political party nominates candidates according to the procedure established by its rules. Only party members who have the right to vote and have permanent residence in the municipality may participate in the selection of candidates. Candidates are determined by secret ballot.

**Article 52
(deleted)**

Article 53

Voters determine candidates by signature.

Article 54

Candidates for members of the municipal council in an individual electoral unit can be determined by signature by a group of voters who have a permanent residence in the electoral unit, or if the voters are citizens of another EU member state who do not have a registered permanent residence in the Republic of Slovenia, a temporary residence. The required number of signatures is at least 1% of the number of voters in the electoral unit on the day the election is called, but not less than 30 and not more than 1,000.

If the area of the municipality changes during the time until regular elections are called, if the area of the municipality is divided into several electoral units or the area of electoral units changes, the municipal election commission determines the required number of signatures in accordance with the previous paragraph.

Article 55

Each group of voters from the previous article can nominate a maximum number of candidates in each electoral unit, as many members of the municipal council are elected in the electoral unit.

**Article 56
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**Article 57
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**Article 62
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**Article 63
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**Article 64
(deleted)**

b) Running for proportional elections

Article 65

Lists of candidates for members of the municipal council, which are elected according to the proportional principle, are determined by political parties in the municipality and voters in the electoral unit.

Article 66

The list of candidates can contain a maximum of as many candidates as there are municipal council members to be elected in the electoral unit.

Article 67

Each political party in the municipality can determine one list of candidates in each electoral unit.

The political party determines the list or lists of candidates according to the rules set out in Article 51 of this law.

Article 68

The list of candidates in the electoral unit can be determined by signature by a group of voters who have permanent residence in the electoral unit, or if the voters are citizens of another EU member state who do not have a registered permanent residence in the Republic of Slovenia, temporary residence. The required number of signatures is at least 1% of the number of voters in the electoral unit on the day the election is called, but not less than 30 and not more than 1,000.

In the event of a change in the area of the municipality or electoral units before the announcement of elections, the provision of the second paragraph of Article 54 of this Act shall apply.

Each group of voters can determine only one list of candidates.

c) Common provisions on candidacy

Article 68.a

The candidate must have a permanent residence in the electoral unit in which he/she is running for a member of the municipal council, and if the candidate is a citizen of another EU member state who does not have a registered permanent residence in the Republic of Slovenia, a temporary residence.

Article 69

Everyone can be a candidate in only one constituency and only on one list of candidates.

Article 70

The written consent of the candidate is required for each candidacy. The candidate's consent is irrevocable.

Article 70a

A political party or voters who nominate more than one candidate for a member of the municipal council in an electoral unit must determine the candidates or candidate lists in such a way that at least 40% of the candidates or places on the candidate list belong to each of the two genders and their candidates or candidates in the first half distribute candidate lists alternately by gender.

The provision of the first paragraph of this article does not apply to candidate lists on which three male or female candidates are placed, and the candidate list on which three male or female candidates are placed must have at least one representative of each gender.

Article 71

Each voter can support by signing only one proposal of candidates who are elected according to the majority principle, or only one list of candidates.

Article 72

The candidacy or the list of candidates must contain the electoral unit code, the name of the proposer, the name of the list of candidates, personal data of the candidates: name, surname, date of birth, level of education, title of education, professional or scientific title and work performed, address of permanent or temporary residence place of residence, if he is a citizen of another EU member state and does not have a registered permanent residence in the Republic of Slovenia, the first and last name and address of the permanent residence of the representative of the candidacy or list of candidates, if he is a citizen of another EU member state who does not have a registered permanent residence in the Republic of Slovenia, and the address temporary residence. The candidacy or list of candidates must be accompanied by the written consent of the candidates and the minimum number of voter signatures on the prescribed forms specified by this law.

The candidacy or the list of candidates submitted by a political party must also be accompanied by the rules of the political party on the selection of candidates or the list of candidates and the minutes on the selection of candidates or the list of candidates.

Article 73

If the proposer of the candidacy or list of candidates is a group of voters, the name of the proposer is the first and last name of one of these voters with the addition " and group of voters ". The name of the proposer is also considered the name of the list, if the voters did not specify another name for the list.

9. Confirmation of candidacies or list of candidates

Article 74

Nominations or lists of candidates shall be submitted to the municipal election commission no later than thirty days before the day of voting by 7 p.m.

Regarding the process of confirming candidacies or lists of candidates, determining the lists of confirmed candidacies or lists of candidates and their publication, the provisions of the Act on Elections to the National Assembly shall apply mutatis mutandis.

10. Voting at polling stations

Article 75

Regarding the organization and work at the polling stations and voting, the provisions of the Act on Elections to the National Assembly shall apply mutatis mutandis, unless otherwise stipulated by this Act.

Article 76

Polling stations are determined by the municipal election commission.

Article 77

The municipal election commission informs voters about the day of voting and about the polling station where they are registered in the voter's register.

Article 78

Voters who are absent on the day of voting may vote before that day, but no earlier than five days and no later than two days before the day of voting, at a special polling station at the headquarters of the municipal election commission.

Article 79 (deleted)

Article 80

The provisions of the Act on Elections to the National Assembly, which refer to voting by mail abroad and voting at diplomatic consular representations of the Republic of Slovenia and voting at a polling station outside the place of permanent residence, do not apply to local elections.

Article 81

Voters who, due to illness, cannot report in person at the polling station where they are registered in the voter's register, may vote in front of the electoral committee at their home, if they notify the municipal electoral commission no later than three days before the day of voting.

Article 82

The ballot for the majority election contains:

- the code of the municipality and the code of the electoral unit,
- sequential numbers and surnames and first names of candidates according to the list and the name of the proposer,
- instructions on how to vote.

The voter votes by circling the consecutive number in front of the names of the candidates for whom he is voting on the ballot. A voter can vote for a maximum of as many candidates as there are members of the municipal council in the municipality or in the electoral unit.

Article 83

The ballot for proportional elections, in which candidates are voted on, contains:

- the code of the municipality and the code of the electoral unit,
- sequential numbers and names of the candidate lists in order from the list of candidate lists, with space for entering a preferential vote for each candidate on the list,
- instructions on how to vote.

The voter votes by circling the serial number of the list of candidates for which he is voting. If he wants to give a preferential vote to an individual candidate from the list, he writes in the designated space on the list the serial number of the candidate from the list to whom he is giving a preferential vote.

11. Determination of election results

Article 84

The provisions of the Act on Elections to the National Assembly shall be applied *mutatis mutandis* to determining the outcome of the vote at the polling station and to the determination of election results in the electoral unit and in the municipality, unless otherwise specified by this Act.

Article 85

When determining the electoral outcome of majority elections, the municipal election commission determines how many votes individual candidates received and which candidates are elected.

Article 86

When determining the electoral outcome of proportional elections in which candidate lists are voted on, the municipal election commission determines how many votes each candidate list received, how many mandates belong to each list and which candidates from individual candidate lists are elected.

Article 87

When mandates are divided in the electoral unit and at the municipal level in proportional elections, the municipal election commission determines how many mandates are allocated to lists of candidates of the same name at the municipal level and which candidates are elected.

Article 88

The outcome of voting by mail is determined by the municipal election commission, taking into account the ballots that arrived by mail by 12:00 on the day after the voting day.

Envelopes with ballots must be postmarked with the date, or the envelopes must be accompanied by documents showing the date they were sent to the post office.

Ballots that arrived by post and whose envelopes are not equipped in the manner specified in the previous paragraph are invalid.

Article 89

The electoral committee at the polling station sends minutes of its work and other electoral material to the municipal electoral commission no later than the next day after the day of voting by 12 noon.

Article 90

The municipal election commission compiles a report on the outcome of the elections in the municipality and sends it to the mayor no later than the sixth day after the day of voting. The Municipal Electoral Commission also sends a report on the outcome of the elections in the municipality to the National Electoral Commission and to the representatives of the candidacies or lists of candidates.

The results of elections in the municipality are published by the municipal election commission in the municipal official gazette.

Article 91

The municipal election commission issues a certificate of election to elected candidates for municipal council members.

12. Subsequent and re-elections

Article 92

Subsequent elections are held if voting was not conducted in the electoral unit or at the individual polling station on the day designated for voting.

Subsequent elections are announced by the municipal election commission. Subsequent elections must be held no later than 30 days after the day set for voting in the general or alternate elections.

Article 93

Re-elections are held if the municipal election commission annuls voting at the polling station and orders re-elections due to irregularities that have or could significantly affect the outcome of the elections.

Article 94

Re-elections are also held if the municipal council does not confirm the mandate of a member of the municipal council, or if the court annuls the confirmation of the mandate of a member of the municipal council on the basis of an appeal and the municipal election commission determines that it is necessary to hold re-elections.

Article 95

Repeat elections are announced by the municipal election commission.

Re-elections based on existing candidacies shall be held no later than 15 days from the date of the call for re-elections.

Re-elections on the basis of new candidacies are held no later than two months from the date of the call for re-elections.

13. Protection of the right to vote

Article 96

Due to irregularities in the candidacy procedure, every candidate or representative of a candidacy or list of candidates has the right to file an objection with the municipal election commission. The objection can be filed before the deadline set for the submission of the list of candidates.

The Municipal Electoral Commission decides on the objection in the process of confirming candidacies or the list of candidates. He must decide on the objection no later than 48 hours after the end of the deadline for submitting candidacies or lists of candidates.

Article 96 a

The Municipal Electoral Commission shall cancel, in whole or in part, the decision by which it approved the list of candidates in the process of confirming the lists of candidates, if it itself, by the deadline for the publication of confirmed lists of candidates, or on the basis of the objection of a representative of any list of candidates, determines that the list of candidates has been drawn up in violation of these laws. The objection of the representative of the list of candidates must be submitted no later than 48 hours after the date of publication of the list of candidates.

The municipal election commission decides on the objection no later than 24 hours after receiving the objection.

An appeal from Article 97 of this Act is allowed against the decision of the municipal election commission from the second paragraph of this article.

Article 97

Any candidate or representative of the candidacy or the list of candidates may file an appeal with the court competent for administrative disputes within 48 hours of receipt against the decision of the municipal election commission rejecting the candidacy or the list of candidates or the objection referred to in Articles 96 and 96a of this Act. decisions.

The court must decide on the appeal no later than 48 hours after receiving the appeal.

Article 98

Due to irregularities in the work of the electoral committee, every candidate, representative of the candidacy or list of candidates and every voter has the right to file an objection with the municipal electoral commission.

The objection can be filed no later than the day after the voting day. The municipal election commission must decide on the objection no later than the fourth day after the day of voting.

Article 99

If the municipal electoral commission finds such irregularities in voting at the polling station or in the work of the electoral committee, which have or could significantly affect the outcome of the election, it annuls the voting at the polling station and orders re-elections to the extent in which the voting was annulled.

Article 100

([encroachment of the US decision on the manner of enforcement of this article](#))

Against the decision of the municipal election commission, which may affect the confirmation of mandates, every candidate and representative of the candidacy or the list of candidates has the right to file an appeal with the municipal council, except in the case of by-elections from Article 30 of this law, where only the representative of the list of candidates has the right to appeal . He can file an appeal until the beginning of the first meeting of the municipal council. However, he can file an appeal regarding replacement, subsequent or re-elections no later than 15 days from the day of these elections.

The municipal council decides on the appeal upon confirmation of the mandates of the members of the municipal council.

Article 101

([encroachment of the US decision on the manner of enforcement of this article](#))

If the municipal council does not grant the appeal, the appellant may, within eight days from the day of receiving the notification, file an appeal with the court competent for administrative disputes.

The court decides on the appeal within 30 days from the date of filing the appeal.

Article 102

([encroachment of the US decision on the manner of enforcement of this article](#))

In the cases from the previous article and article 97 of this law, the court decides in a panel of three judges.

The court decides upon appropriate application of the provisions of the Act on Administrative Disputes.

III. MAYOR ELECTIONS

Article 103

Every voter who has the right to vote in municipal council elections has the right to vote for the mayor.

The person referred to in the first paragraph of Article 5 of this Act has the right to be elected mayor.

Article 104

Regular elections of mayors are held at the same time as regular elections to municipal councils.

Regular mayoral elections are announced by the President of the National Assembly of the Republic of Slovenia.

Article 105

Local elections for the mayor are held if the mayor's mandate ends before the end of the mandate period.

Local elections for the mayor are announced by the municipal election commission.

Article 106

Regarding the determination of candidates for mayor, the provisions of this Act on candidacy for majority elections to the municipal council apply mutatis mutandis. When the candidate for mayor is determined by a group of voters, the number of signatures required is at least 2% of the number of voters in the municipality who voted in the first round at the last regular election for mayor, but not less than 15 and not more than 2,500.

Article 107

The candidate who received the majority of valid votes is elected mayor .

If no candidate received the majority of votes, a second round of elections is held between the two candidates who received the most votes. If several candidates have received the same highest number of votes, or if two or more candidates have received the same second highest number of votes, the selection of candidates for the second round of elections shall be determined by lot. The two candidates are listed on the ballot in order of the number of votes they received in the first round of elections. If the number of votes obtained is the same, the order is determined by lot.

The second round of regular elections is announced by the National Election Commission, and the second round of all other elections by the municipal election commission. The second round of elections takes place 14 days after the first round of elections.

Article 108

Regarding issues that are not specifically regulated in this section, the provisions of this Act on elections to municipal councils shall apply mutatis mutandis.

IV. ELECTIONS TO COUNCILS OF LOCAL, VILLAGE AND QUARTERLY COMMUNITIES

Article 109

The provisions of this Act, which apply to municipal council elections, shall apply mutatis mutandis to the elections of members of district community councils.

The provisions of this Act, which apply to majority elections to municipal councils, apply mutatis mutandis to the elections of members of councils of local communities and members of councils of village communities as parts of the municipality.

Regardless of Article 54 of this law, candidates for council members of a local, village or neighborhood community can be determined by signing a group of at least ten voters. Signatures are given on a list containing the personal data of the signatories: first and last name, date of birth and address of permanent residence, if the signatories are citizens of another EU member state, and address of temporary residence if they do not have a registered permanent residence in the Republic of Slovenia. The data in the list of signatories is verified by the municipal election commission.

The political party determines the candidates for members of the council of the local, village or district community according to the procedure specified in Article 51 of this law. Party members who have the right to vote and have permanent residence in the municipality must participate in the selection of candidates.

Electoral units are determined by the local community body, which is competent by law to determine the number of members of the local community body.

Electoral units are determined in such a way that the representation of the inhabitants of individual settlements or parts of a local, village or neighborhood community is ensured in the council of that community.

Citizens of the Republic of Slovenia with permanent residence in a local, village or district community have the right to vote .

Citizens of another EU member state who have a certificate of registration of permanent residence and a registered permanent residence in a local, village or district community also have the right to vote, but if they do not have a registered permanent residence in the Republic of Slovenia, a certificate of registration of residence and registered temporary residence in a local, village or neighborhood communities.

Foreigners who have a permanent residence permit and a registered permanent residence in a local, village or district community also have the right to vote.

Article 110

Regular elections to councils of local, village and district communities are held at the same time as regular elections to municipal councils.

By-elections in the councils of local and village communities are held when the term of office of at least one third of the council members expires.

Article 111

Elections to councils of local, village and district communities are announced by the mayor.

If a local, village or district community is established after regular elections have been held, the first elections to the council of the local, village or district community are held in accordance with the provisions of this Act on early elections to the municipal council.

Article 112

Elections to councils of local, village and district communities are managed and carried out by the municipal election commission.

Article 113 (deleted)

Article 114

Regarding issues that are not specifically regulated in this section, the provisions of this Act on elections to municipal councils shall apply *mutatis mutandis*.

III.a PENAL PROVISION

Article 114a

A fine of 600 euros shall be imposed for the offence:

1. an individual who does not inform the competent election commission about a kinship or other relationship with the candidate within the specified period (fifth paragraph of Article 37),
2. an individual who makes a false written statement that he or she is not related to the candidate (paragraph seven of Article 37).

The tasks of the misdemeanor authority are performed by the inspectorate responsible for internal affairs. The competent municipal election commission, which finds violations, must submit a proposal to the misdemeanor authority to initiate a misdemeanor procedure.

SHOW CONSOLIDATED TRANSITIONAL AND FINAL PROVISIONS

The Act on Local Elections (Official Gazette of the RS, No. [72/93](#)) contains the following transitional and final provisions:

"IV. TRANSITIONAL AND FINAL PROVISIONS

Article 115

The first regular elections of municipal councils shall be held first two months and no later than 15 days before the expiration of four years after the elections to the municipal assemblies in 1990 or, if their mandate will be extended, before the end of the extended mandate of the municipal assemblies.

Article 116

The number of members of the first municipal council is determined in the law on the establishment of municipalities.

The number of members of the municipal council is determined according to the number of inhabitants in the municipality, so that the municipal council has the following number of members:

- 7 to 11 members in a municipality with up to 3,000 inhabitants,
- 12 to 15 members in a municipality with up to 5,000 inhabitants,
- 16 to 19 members in a municipality with up to 10,000 inhabitants,
- 20 to 23 members in a municipality with up to 15,000 inhabitants,
- 24 to 27 members in a municipality with up to 20,000 inhabitants,
- 28 to 31 members in a municipality with up to 30,000 inhabitants,
- 32 to 35 members in a municipality with over 30,000 inhabitants,
- 36 to 45 members in a municipality with over 100,000 inhabitants.

In ethnically mixed municipalities, the two national communities in the municipal councils have a tenth of the total number of members of the municipal council, or at least one.

Article 117

Within 30 days of the entry into force of the Act on Determining Areas and Boundaries of New Municipalities, municipal assemblies adopt the necessary regulations for holding the first elections to municipal councils and appoint municipal election commissions.

In the municipalities that will be established on the basis of referendums held until March 31, 1994, the electoral commissions of the referendum area take over the tasks from the first paragraph of this article. The Republican Electoral Commission can, if necessary, change the composition of the electoral commissions of the referendum area.

Elections in new municipalities established on the basis of referendums held by March 31, 1994 shall be held by June 30, 1994, and shall be called by the National Assembly of the Republic of Slovenia after the adoption of the law on the areas of these municipalities by April 30, 1994 at the latest.

In those parts of the current municipalities in which referendums for the establishment of new municipalities will be held by March 31, 1994, but proposals for the establishment of new municipalities will not be accepted, elections to the municipal council will be held by June 30, 1994 at the latest, with the provisions of this of the Act on Alternate Elections.

Article 118

The first meeting of the first elections of the elected municipal council is convened by the chairman of the municipal election commission no later than 20 days after his election.

Article 119

The first regular elections of mayors are held at the same time as the first regular elections to municipal councils.

Article 120

Regular elections to the councils of existing local communities are held at the same time as the first regular elections to municipal councils.

Article 121

The provisions of the Act on General Assembly Elections (Official Gazette of the SRS, No. 42/89 and 5/90 and Official Gazette of the RS, No. 10/90 and 45/90) relating to by-elections of delegates cease to apply on the date of entry into force of this Act. assemblies of municipal assemblies and special socio-political communities.

Article 122

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Elections (Official Gazette of the RS, No. [7/94](#)) amends Article 115 of the Act to read:

» Article 115

Referendums on the formation of new municipalities will be held by the end of May 1994.

Based on the referendums, new municipalities are established by law by the end of July 1994.

Elections to municipal councils and elections of mayors and the constitution of municipal councils in new municipalities shall take place no later than 31 December 1994 .

amends Article 117 of the Act to read:

» Article 117

Within 30 days of the entry into force of the law on the establishment of municipalities, municipal assemblies adopt decrees on the determination of electoral units and appoint municipal election commissions. If they do not do this, they adopt decrees on the determination of the electoral units of the electoral commissions of the referendum areas, which also perform the tasks of the municipal electoral commissions. In this case, the Republican Electoral Commission can, if necessary, change the composition of the electoral commissions of the referendum areas. ";

amends Article 120 of the Act to read:

» 1 20 . Article

» The first elections to the councils of local, village and district communities are held within one year of the entry into force of the municipal statute. ";

and contains the following final provision:

"7. Article

This law enters into force the day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. [33/94](#)) amends Article 117 of the Act to read:

» 11 7 . member _

Municipal assemblies, on the proposal of the executive councils, adopt decrees on the determination of electoral units and appoint municipal election commissions within five days after the law on the establishment of municipalities comes into force. If they do not do this, they adopt decrees on the determination of the electoral units of the electoral commissions

of the referendum areas, which also perform the tasks of the municipal electoral commissions. In this case, the Republican Electoral Commission can, if necessary, change the composition of the electoral commissions of the referendum areas. ";

and contains the following final provision:

"8. Article

This law enters into force the day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Elections - ZLV-C (Official Gazette of the RS, No. [70/95](#)) contains the following final provision:

"3. Article

This law enters into force the day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Elections - ZLV-D (Official Gazette of the RS, No. [51/02](#)) contains the following transitional and final provision:

"26. Article

Pending the systematic regulation of the issue of taxation of the personal remuneration of the president and members of the electoral committees, no personal remuneration tax and income tax shall be paid from the allowances referred to in the fifth paragraph of Article 11 of this Act.

Article 27

The provision of Article 9 of this law comes into force after the expiration of the mandate of the municipal election commissions appointed before the entry into force of this law.

Article 28

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The partial repeal of the Act on Elections to the National Assembly, the Act on the State Council, the Act on the Election of the President of the Republic and the Act on Local

Elections (Official Gazette of the Republic of Slovenia, No. [73/03](#)) in connection with the partial repeal of Article 5 of the Act stipulates:

» 2. The annulment from the previous point of the ruling takes effect 6 months after the publication of this decision in the Official Gazette of the Republic of Slovenia. "

The Income Tax Act - ZDoh-1 (Official Gazette of the Republic of Slovenia, No. [54/04](#)) amends Article 26 of the Act on Amendments and Supplements to the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. [51/02](#)) to read:

"26. Article

Pending the systematic regulation of the issue of taxation of the personal remuneration of the president and members of the electoral committees, no personal remuneration tax and income tax shall be paid from the allowances referred to in the fifth paragraph of Article 11 of this Act. ([partially discontinued](#)) ;

and contains the following final provision:

"153. Article
(start of validity and use)

This law enters into force the day after its publication in the Official Gazette of the Republic of Slovenia, and it applies from January 1, 2005 onwards, with the exception of the provisions of Article 145 of this law, which apply from May 1, 2004, and the provisions of Article 148 of this law, which shall be used from the date of entry into force of this Act. "

The Act on Amendments to the Act on Local Elections - ZLV-E (Official Gazette of the Republic of Slovenia, No. [72/05](#)) contains the following transitional and final provision:

» TRANSITIONAL AND FINAL PROVISION

Article 4

Regardless of the provision of Article 70a of the Act, after the entry into force of this Act, political parties or voters who nominate more than one candidate for a member of the municipal council in an electoral unit must designate candidates or candidate lists in such a way that they belong to each of the two sexes for the first regular elections at least 20% and for the next regular elections at least 30% of the candidacies or places on the candidate list and to arrange their candidates or candidates on the first half of the candidate list alternately at least every third candidate by gender.

The municipal election commission shall not refuse to confirm candidacies or candidate lists submitted by a political party in the municipality, if it has taken into account the gender ratio from the first paragraph of this article at the municipal level.

Article 5

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments to the Act on Local Self-Government - ZLS-M (Official Gazette of the Republic of Slovenia, No. [72/05](#)) contains the following final provision:

"36. Article

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments to the Act on Local Elections - ZLV-F (Official Gazette of the Republic of Slovenia, No. [121/05](#)) contains the following final provision:

"4. Article

This law enters into force the day after its publication in the Official Gazette of the Republic of Slovenia. "

The decision on the finding that the Act on Elections to the National Assembly and the Act on Local Elections are inconsistent with the Constitution, because they do not regulate in more detail the rules on voting by mail and on the rejection of a constitutional appeal (Official Gazette of the Republic of Slovenia, No. [54/07](#)), states:

» 1. Act on Elections to the National Assembly (Official Gazette of the Republic of Slovenia, No. 44/92, 60/95, 78/06 and 109/06 - ed. pb) and Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 72/ 93, 7/94, 33/94, 70/95, 51/02, 72/05, 100/05 - ed. pb, 121/05 and 22/06 - ed. pb) are inconsistent with the Constitution, because they do not regulate the rules on voting by mail in more detail.

2. The legislator is obliged to eliminate the established discrepancy within one year after the publication of this decision in the Official Gazette of the Republic of Slovenia.

3. Until the identified discrepancy is resolved, envelopes with ballots that arrive at the competent electoral commission by mail must have a postmark or must be accompanied by documents showing the date they were sent to the post office.

[...]"

The Act on Amendments and Supplements to the Act on Local Elections - ZLV-G (Official Gazette of the RS, No. [60/07](#)) contains the following final provision:

» FINAL PROVISION

Article 9

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Self-Government - ZLS-H (Official Gazette of the Republic of Slovenia, No. [45/08](#)) contains the following final provision:

"5. Article

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Elections - ZLV-I (Official Gazette of the RS, No. [83/12](#)) contains the following transitional and final provision:

» TRANSITIONAL AND FINAL PROVISION

Article 4

Until the law governing the record of voting rights is harmonized with the provisions of Article 2 of this law, the electoral registers for the elections of mayors and members of the municipal council regarding citizens of other member states of the European Union, who have a certificate of registration of residence and registered temporary residence in the Republic of Slovenia, compiled with the meaningful application of the provisions of the first paragraph of Article 2, Articles 8, 9, 19, 20, 24 and 26 of the Act on the Record of Voting Rights (Official Gazette of the Republic of Slovenia, No. 1/07 – official consolidated text).

Article 5

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

The Act on Amendments and Supplements to the Act on Local Elections - ZLV-J (Official Gazette of the RS, No. [68/17](#)) contains the following transitional and final provisions:

"TRANSITIVE AND FINAL PROVISIONS

Article 30

Electoral procedures that have already started, which are led by electoral commissions of electoral units and electoral commissions of local, village and district communities on the day of entry into force of this law, are completed in accordance with the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 94/07 - official consolidated text , 45/08 and 83/12).

The mandate of electoral commissions of electoral units and electoral commissions of local, village or district communities ends on the date of entry into force of this law, except in the case from the previous paragraph, when their mandate is extended until the end of the elections.

Article 31

The provisions of the general acts of municipalities shall be harmonized with the provisions of this Act no later than six months after its entry into force.

Article 32

This law enters into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia. "

Decision on the finding that Articles 100, 101 and 102 of the Act on Local Elections are inconsistent with the Constitution and annulment of the judgment of the Administrative Court and the decision of the Municipal Council of Šmarješka Toplica Municipality in the part relating to the rejection of the appeal (Official Gazette of the Republic of Slovenia, no. [93/20](#)) determines :

"1. Articles 100, 101 and 102 of the Act on Local Elections (Official Gazette of the Republic of Slovenia, No. 94/07 – official consolidated text, 45/08, 83/12 and 68/17) are inconsistent with the Constitution.

2. The National Assembly must eliminate the established unconstitutionality from the previous point within one year after the publication of this decision in the Official Gazette of the Republic of Slovenia.

3. Until otherwise provided for in the Act on Local Elections, the Administrative Court is competent to decide on an appeal against the decision of the municipal election commission, which may affect the confirmation of mandates (Article 100 of the Act on Local Elections). An appeal can be filed within 15 days of the constitutive meeting of the municipal council, at which the municipal council confirms the mandates of the members of the municipal council and determines the election of the mayor.

The Administrative Court in the appeal procedure:

- rejects the appeal if it finds no irregularities or if it finds such irregularities which did not or could not affect the outcome of the election;
- grants the appeal, cancels the election and orders the call for re-election if it finds irregularities that affected or could affect the outcome of the election;
- grants the appeal, cancels the election result and only determines a new election result, if it finds irregularities, the nature of which allows to determine the election result with certainty.

Appeals and revisions to the Supreme Court are not permitted against the decision of the Administrative Court.

If the Administrative Court approves the appeal, annuls the election and orders the call for re-elections, the municipal election commission shall call for re-elections within two days after the Administrative Court's decision has been served. The decree of the municipal election commission on the call for re-elections is published in the Official Gazette of the Republic of Slovenia or the municipal gazette.

4. Judgment of the Administrative Court no. IU 446/2019 of 9 April 2019 and the decision of the Municipal Council of the Municipality of Šmarješka Toplice no. 032-0010/2018-48 of January 30, 2019, in the part that refers to the rejection of the appeal, are annulled and the case is returned to the Administrative Court for a new decision.

5. The appellant herself shall bear the costs of the procedure with a constitutional appeal. "