

CROATIAN PARLIAMENT

2591

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

DECISION

PROMULGATING THE REPUBLIC OF CROATIA EUROPEAN PARLIAMENTARY ELECTIONS ACT

I hereby promulgate the Republic of Croatia European Parliamentary Elections Act, as enacted by the Croatian Parliament at its session of 15 July 2010.

Class.: 011-01/10-01/84
Ref. no.: 71-05-03/1-10-2
Zagreb, 20 July 2010

President
of the Republic of Croatia
Ivo Josipović, Ph.D. (*signed*)

REPUBLIC OF CROATIA

EUROPEAN PARLIAMENTARY ELECTIONS ACT

GENERAL AND BASIC PROVISIONS

Article 1.

This Act governs the election of members to the European Parliament (hereinafter: elections) from the Republic of Croatia.

Article 2.

Members of the European Parliament shall be elected in direct elections, based on universal, unrestricted and equal adult suffrage by secret ballot for a term of five years.

Members of the European Parliament shall be elected for a term of five years, which commences with the opening of the first session of the European Parliament after the elections are conducted, and such term may be extended or curtailed pursuant to a decision of the Council of the European Union on the establishment of a new electoral period.

The elected members of the European Parliament shall not have binding mandates. They shall vote individually and personally in the European Parliament and they shall not be bound by any manner of instructions whatsoever.

Article 3.

The free preferences of voters and the secrecy of the ballot are hereby assured.

It is the right and duty of voters to cast a ballot only once.

No one may seek from voters the disclosure of their voting preferences.

No one may be called to account due to voting or for refusing to vote.

Article 4.

Members shall be elected to the European Parliament, pursuant to universal and equal adult suffrage, by all Croatian citizens who are entitled to vote.

Under the same conditions which apply to Croatian citizens, members of the European Parliament may be elected by the citizens of other member states of the European Union who have registered domicile or temporary residence in the Republic of Croatia in compliance with the Aliens Act (hereinafter: citizens of other European Union member states), inasmuch as they submit a request to the relevant authority which maintains the voter rolls not later than 30 days prior to the election date. Citizens of other European Union member states shall attach to the request for registration in the voter roll declarations certified by a notary public which specify their citizenship, the address of their registered domicile in the Republic of Croatia and, where applicable, the locations or electoral units in their member states of origin in which their names last appeared on the voter rolls, a statement that they shall exercise their right to vote solely in the Republic of Croatia and confirmation that they have not been deprived of the right to vote in the member state of the European Union whose citizens they are.

The legal provisions governing voter rolls shall be applied accordingly to the procedure for registration in the voter rolls and protection of the rights of the persons specified in paragraph (2) of this Article.

The authority responsible for maintenance of voter rolls shall be obliged to notify the National Elections Commission of the Republic of Croatia (hereinafter: National Elections Commission) on the registration into the voter roll of citizens of other European Union member states within a period not to exceed 8 days after the date of registration.

Article 5.

A Croatian citizen with the right to vote may be elected a member of the European Parliament.

Citizens of other European Union member states who have registered domicile or temporary residence in the Republic of Croatia are eligible for election to the European Parliament provided that they fulfil the criteria for eligibility of candidacy stipulated by this Act and

provided that in the Republic of Croatia and the European Union member states of which they are citizens they have not been declared unqualified to engage in gainful employment by a binding court decision or their eligibility for candidacy has not been revoked in individual rulings in criminal proceedings or civil litigation.

Article 6.

Inasmuch a citizen of another European Union member state exercises the right to vote and candidacy in elections to the European Parliament in the Republic of Croatia, such right may not be exercised in the European Union member state of origin nor in any other European Union member state in the same elections.

A citizen of the Republic of Croatia who exercises the right to vote and candidacy in elections to the European Parliament in another European Union member state may not exercise the right to vote and candidacy in the same elections to the European Parliament in the Republic of Croatia nor any other European Union member state.

Through the intercession of the ministry in charge of foreign affairs, the National Elections Commission shall notify other European Union member states of their citizens registered in the voter rolls of the Republic of Croatia and who are standing as candidates.

The National Elections Commission shall be obliged to notify the public of the methods for exercise of the right to vote and candidacy of citizens of other European Union member states for members of the European Parliament via the public media.

Article 7.

Elections shall be held in final year of the five-year term of office of the European Parliament within the electoral deadline specified by the Council of the European Union.

The President of the Republic of Croatia shall make the Decision to announce elections to the European Parliament.

The Decision to announce the elections to the European Parliament shall specify the number of members to be elected, and such number shall be ascertained by the Treaty of Accession between the Republic of Croatia and the European Union.

The election day shall be a Sunday, and by way of exception for those Croatian citizens who vote abroad, the election day may also be the Saturday preceding.

A minimum of 60 days must pass between the date of announcement and the date of the elections to the European Parliament.

Article 8.

Elections shall be conducted at polling stations in the Republic of Croatia and in the seats of diplomatic missions and consulates of the Republic of Croatia.

Article 9.

Voters with registered domicile in the Republic of Croatia shall vote at polling stations in the territory of the Republic of Croatia determined according to their registered domicile.

Voters of other European Union member states shall vote at polling stations in the territory of the Republic of Croatia determined according to the location of their registered domicile or temporary residence.

Voters who have registered domicile in the Republic of Croatia but who are in service in the Armed Forces of the Republic of Croatia on the election date, voters who are serving in peace missions of the United Nations on the election date, voters who, as crew members on maritime and riverine vessels sailing under the Croatian flag outside of its borders and incarcerated voters shall vote at special polling stations designated in compliance with the provisions of this Act.

Voters who have registered domicile in the Republic of Croatia and who are outside of the borders of the Republic of Croatia shall vote in the seats of diplomatic missions and consulates of the Republic of Croatia with prior registration or confirmation for the purpose of voting outside of their place of domicile.

Voters who do not have registered domicile in the Republic of Croatia shall vote in the seats of diplomatic missions and consulates of the Republic of Croatia.

INCOMPATIBILITY OF DUTIES, CESSATION OF TERM AND REPLACEMENT OF MEMBERS

Article 10.

Membership in the European Parliament shall not be compatible with the post of: member of the European Commission, judge, independent attorney or secretary of the European Court of Justice, member of the Board of Directors of the European Central Bank, member of the Court of Auditors, European Ombudsman, member of the European Economic and Social Committee and the Committee of the Regions, member of committees or other bodies established pursuant to the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community for the purpose of managing the funds of the Union or performing ongoing direct administrative tasks, member of the Board of Directors or Management Committee of the European Investment Bank, active official or civil servant in the institutions of the European Union, other specialized bodies affiliated therewith or the European Central Bank.

The duty of member of the European Parliament shall not be simultaneously compatible with the post of: President of the Republic of Croatia, Speaker of the Croatian Parliament, Prime Minister of the Republic of Croatia, member of the Croatian Parliament, member of the Government of the Republic of Croatia, justice of the Constitutional Court of the Republic of Croatia, judge, public prosecutor, deputy public prosecutor, ombudsman, deputy ombudsman, director of a state administrative organization, secretary of the Government of the Republic of Croatia, chief of staff of the Office of the President of the Republic, ambassador, consul general, county prefect and deputy county prefect, mayor and deputy mayor of the City of Zagreb, active military personnel, official or employee of the Armed Forces, member of the top management of a commercial enterprise, institution or extra-budgetary fund that is of

special state interest and chief executive of any legal person obliged by law to report to the Croatian Parliament.

The persons specified in paragraph (2) of this Article may stand as a candidate for European Parliament, and inasmuch as they are elected to the European Parliament, the functions they perform shall cease as at the date of commencement of their term in the European Parliament.

Article 11.

The term of office of a member of the European Parliament shall cease prior to expiry of the time for which he/she was elected:

1. if he/she tenders his/her resignation,
2. if during his/her term of office, he/she assumes a duty which is deemed incompatible according to the provisions hereof,
3. if he/she is declared unfit for gainful employment by a binding court decision,
4. if he/she is sentenced to an unconditional prison term for a duration exceeding 6 months pursuant to a legally binding court judgment,
5. upon death.

Article 12.

A member whose term has ceased shall be replaced by an alternate member.

The Speaker of the Croatian Parliament shall be obliged to notify the President of the European Parliament on the cessation of the term of office of a member of the European Parliament and shall be obliged to forward data on his/her alternate.

The alternate member shall commence performance of duties after the Croatian Parliament ascertains the onset of the legal conditions for application of the institute of replacement.

Article 13.

A member elected from a slate shall be replaced by the first subsequent non-elected candidate from that slate with the most preference votes received.

If there are no more candidates who received preference votes at a minimum of 10% of the votes which that slate received, the member elected from that slate shall be replaced by the first subsequent un-elected candidate from that slate.

If there are no more candidates on the slate, then the seat shall remain vacant until the end of the term of office of the European Parliament.

CANDIDACY

Article 14.

The right to nominate party slates for election to the European Parliament may be exercised by all political parties registered in the Republic of Croatia as at the date of publication of the decision to announce the elections in the official journal of the Republic of Croatia, *Narodne novine*.

The slate for election of members to the European Parliament may be independently nominated by a single political party, or by two or more political parties (coalition slate).

Political parties shall autonomously establish their party slates and the order of candidates nominated thereon in the manner stipulated by their by-laws or in compliance with special decisions complying with said by-laws.

A candidate slate must contain as many candidates as there are members being elected to the European Parliament. Upon compilation of the slate, due consideration shall be accorded to the principle of gender equality.

Article 15.

Voters may nominate candidate slates on the basis of legally gathered signatures.

A minimum of 5,000 voter signatures must be gathered to ensure legal validity of a proposed slate for election of members to the European Parliament.

Article 16.

Inasmuch as a candidate slate contains a citizen of another European Union member state, the candidate slate shall have attached thereto a declaration, certified by a notary public, from the candidate who is a citizen of another European Union member state containing specification of his/her citizenship and the address his/her registered domicile in the Republic of Croatia and, where applicable, the location or electoral unit in his/her member state of origin in which his/her name last appeared on the voter roll, a statement that he/she is not a candidate in elections for the European Parliament in any other European Union member state and evidence, i.e. a document, from the relevant authorities in the state whose citizen he/she is confirming that he/she has not been deprived of the right to vote in that state or a document testifying that such disqualification in that state is not known to exist.

Inasmuch as the candidate specified in paragraph (1) of this Article fails to submit to the National Elections Commission the evidence or document from the relevant authorities of the state whose citizen he/she is confirming that he/she has not been deprived of the right to vote in that state or a document testifying that such disqualification in that state is not known to exist, his/her candidacy shall be deemed legally invalid.

The National Elections Commission shall ascertain the legal validity of the candidate slate specified in paragraph (1) of this Article. The National Elections Commission shall be obliged to notify in writing the candidates specified in paragraph (1) of this Article on the legal validity of their slate.

In case the National Elections Commission proclaims the candidate slate specified in paragraph (1) of this Article legally invalid, the candidate who is a citizen of another European Union member state shall be entitled to lodge a complaint with the National

Elections Commission and, in appeals process, to file an appeal to the Constitutional Court of the Republic of Croatia pursuant to the provisions of this Act on the protection of suffrage.

Article 17.

Draft slates must be received by the National Elections Commission not later than 14 days after the date of announcement of the elections.

The proposed slate for election of members to the European Parliament shall have a title, and the candidates thereon shall be listed in order from the number 1 up to the number of members being elected to the European Parliament.

The title of the slate shall be the name of the political party or political parties or party coalition which has/have proposed the slate. If the political parties employ the abbreviated name of party, parties or party coalition, these abbreviations may be used in the title.

Inasmuch as a slate is proposed by a group of voters, its title shall be “independent slate”.

An individual may be a candidate only on a single slate.

Article 18.

The National Elections Commission shall, within a period not to exceed 48 hours after the expiry of the deadline for submission of slates for elections to the European Parliament, ratify and release to all daily newspapers in the Republic of Croatia and the national public broadcaster Croatian Radio-Television the consolidated slate of all legally valid proposed slates and the names and surnames of the candidates therein.

The consolidated slate shall contain the ordinal number and title of each slate and the names and surnames of the candidates therein.

The party and independent slates shall be entered in the consolidated slate based on the alphabetical order of the full name of the political party or coalition of parties proposing a slate. Inasmuch as several political parties propose a joint slate, it shall be designated on the ballot according to the name of the first political party specified in the proposal.

Within the period specified in paragraph (1) of this Article, the National Elections Commission shall forward the consolidated slate to the seats of diplomatic missions and consulates of the Republic of Croatia for the purpose of its public release.

Article 19.

Political parties which have proposed ratified slates of candidates for election to the European Parliament may, in the manner stipulated in their own by-laws or special decision made on the basis of said by-laws, withdraw from this slate within a period not to exceed 48 hours after it was publicly released as ratified by the National Elections Commission. In case of an independent slate, the decision on withdrawal shall be made by the first candidate on the electoral slate.

Written notification on withdrawal must be received by the National Elections Commission within the period specified in paragraph (1) of this Article.

Withdrawal of one or more candidates from a slate shall not be permitted after ratification of the slate on which they are listed, and the withdrawal of any candidate shall not be acknowledged and such slate shall remain legally valid with the names of all publicized candidates.

Article 20.

Should any of the candidates on the slates for election to the European Parliament die during the period following the date of release of the legally valid proposed slates, the political parties which nominated the prospective member may nominate a new candidate or alternate in his/her stead without adherence to the special conditions on the validity of candidacy stipulated in this Act, until ten days prior to the election date.

Should any of the candidates on the slates for election to the European Parliament die after the period specified in paragraph (1) of this Article, the provisions of Article 14 of this Act shall be applied appropriately.

ELECTION CAMPAIGN PUBLICITY

Article 21.

Campaign publicity shall commence on the date of release of the legally valid proposed slates, and it shall conclude 24 hours prior to the election date.

All campaign publicity, release of estimates of election results and preliminary, unofficial election results, publication of photographs in the mass media, statements and interviews by the heads of slates or candidates and citation of their statements or written works shall be prohibited on the election date until the closing of the polling stations and also for the entire 24-hours prior to the election date.

Article 22.

During the election campaign, all political parties which have nominated candidate slates and the candidates on independent slates shall be entitled to state their positions and to engage in campaign publicity under equal conditions.

In their operations, all of the mass media shall be obliged to facilitate the exercise of the rights of political parties and independent slate candidates in compliance with the Rules on the Operation of Electronic Media with National Concessions in the Republic of Croatia during the course of election campaigns.

ELECTION OF MEMBERS TO THE EUROPEAN PARLIAMENT

Article 23.

Members shall be elected to the European Parliament based on proportional representation and preference votes.

Voting shall be done on a ballot on which the candidate slates are listed.

The territory of the Republic of Croatia, including polling stations outside of its borders, shall constitute a single electoral unit.

Article 24.

Voters may vote only once and only for a single candidate slate. On the ballot, the voter may designate a single candidate who has preference over the remaining candidates in the slate for which such voter votes (preference vote).

Article 25.

The right to participate in the apportionment of members in the European Parliament shall be granted to those parties which receive a minimum of 5% of the ballots cast by voters in the election.

Article 26.

The apportionment of seats for member of the European Parliament among the candidate slates shall be conducted at the national level.

The number of members to be elected from each candidate slate shall be ascertained in the following manner:

The total number of valid votes received by each slate (slate voter pool) shall be divided by numbers from 1 to the number of members being elected to the European Parliament, wherein decimal remainders shall also be taken into account. The number of candidates elected from a candidate slate shall correspond to the number of seats won by said slate.

Preference votes for individual candidates shall be taken into consideration inasmuch as the number of preference votes for an individual candidate is a minimum of 10% of the votes received by an individual slate.

The candidates from each candidate slate who receive the highest number of preference votes shall be elected. When two or more candidates receive the same number of preference votes, the decisive factor shall be their order on the candidate slate.

If, pursuant to paragraphs (4) and (5) of this Article, a number of candidates corresponding to the number of seats to which an individual slate is entitled is not elected, the remaining seats on this slate shall be allotted to the candidates in their order on the slate.

Article 27.

The alternate members of the European Parliament from each candidate slate shall be those candidates not elected, and their order shall be established pursuant to Article 13(1) of this Act.

BODIES CONDUCTING ELECTIONS

Article 28.

The bodies conducting the election of members to the European Parliament shall be:

The National Elections Commission, the county election commissions and the Zagreb City Election Commission, the municipal and city election commissions and the poll committees.

The members of election commissions and poll committees and their deputies shall be entitled to remuneration for their work.

The level of the remuneration specified in paragraph (3) of this Article shall be determined by the National Elections Commission.

NATIONAL ELECTIONS COMMISSION

Article 29.

The National Elections Commission shall:

1. see to the lawful preparation and conduct of elections to the European Parliament,
2. appoint members to the county election commissions and the Zagreb City Election Commission,
3. establish the mandatory instructions governing the operations of election commissions and poll committees,
4. establish the polling stations and appoint the poll committees in the seats of diplomatic missions and consulates of the Republic of Croatia,
5. stipulate the forms used in the procedures and conduct of elections,
6. oversee the work of county election commissions and Zagreb City Election Commission,
7. release the candidate slates based on the legally valid nominations,
8. oversee the propriety of election campaign publicity,
9. release the results of elections to the European Parliament,
10. inform citizens of the conduct of elections and opportunities for the exercise and protection of suffrage in the electoral process,
11. perform other tasks specified by this Act.

Article 30.

The mandatory instructions governing the work of election commissions and poll committees established by the National Elections Commission shall be published in the official journal of

the Republic of Croatia, *Narodne novine*, released to Croatian Radio-Television and in all daily newspapers in the Republic of Croatia.

COUNTY ELECTION COMMISSIONS AND ZAGREB CITY ELECTION COMMISSION

Article 31.

The county election commissions and the Zagreb City Election Commission shall each consist of a chairperson and two members, of whom each shall have an alternate, appointed by the National Elections Commission.

The chairpersons of the county election commissions and the Zagreb City Election Commission and their deputies shall be appointed from among the ranks of sitting judges by the National Elections Commission.

Article 32.

The county election commissions shall:

- see to the lawful conduct of elections at the polling stations in the areas under their jurisdiction,
- establish the polling stations at the proposal of the municipal and city election commissions,
- appoint the municipal and city election commissions,
- appoint and dismiss poll committees,
- perform all technical preparations for the conduct of elections in the areas under their jurisdiction in compliance with the mandatory instructions issued by the National Elections Commission,
- gather and compute the results of voting at the polling stations in the areas under their jurisdiction from the municipal and city election commissions and forward said results to the National Elections Commission,
- perform other tasks specified by this Act.

Article 33.

The Zagreb City Election Commission shall:

- see to the lawful conduct of elections at the polling stations in the area under its jurisdiction,
- establish the polling stations in the City of Zagreb,
- appoint and dismiss the poll committees in the area under its jurisdiction,
- perform all technical preparations for the conduct of elections in its territory in compliance with the mandatory instructions issued by the National Elections Commission,

- gather and compute the results of voting at the polling stations in the area under its jurisdiction from poll committees and forward said results to the National Elections Commission,
- perform other tasks specified by this Act.

MUNICIPAL AND CITY ELECTION COMMISSIONS

Article 34.

Municipal and city election commissions shall be appointed by the relevant county election Commission.

Municipal and city election commissions shall each consist of a chairperson and two members, of whom each shall have an alternate.

The chairpersons of the municipal and city election commission and their deputies shall be appointed by the relevant county election commission from among the ranks of masters of laws (LL M) who may not be members of any political parties whatsoever.

Article 35.

Municipal and city election commissions shall:

- propose to the relevant county election commission the establishment of polling stations in the territories of the relevant municipalities and cities or towns,
- propose the appointment of poll committees in the territories of their municipalities and cities or towns,
- propose the dismissal of poll committees in cases foreseen by this Act,
- gather data on elections and forward these data to the relevant county election commission,
- perform other tasks delegated to them within its jurisdiction by the relevant county election commission.

POLL COMMITTEES

Article 36.

Poll committees shall directly conduct the voting by voters at the polling stations and ensure the propriety and confidentiality of voting.

A poll committee shall consist of a chairperson and four members, and their alternates.

The chairperson of a poll committee and his/her deputy may not be members of any political party whatsoever and, if possible, they should have a professional background in law.

Poll committees for each polling station shall, in compliance with paragraphs (3) and (4) of this Act, be appointed by the relevant county election commission or the Zagreb City Election Commission in compliance with the provisions of this Act, not later than 20 days prior to the election date.

CONDUCT OF ELECTIONS

Article 37.

Not later than ten days prior to the elections, the designated polling stations shall be released by the National Elections Commission for polling stations abroad and by county election commissions and the Zagreb City Election Commission for the areas under their jurisdiction, accompanied by indication of which voters are to vote at individual locations.

Article 38.

Polling stations shall be designated not later than 20 days prior to the election date:

by the Minister of Defence for voting by voters on active service in the Armed Forces of the Republic of Croatia;

by the Minister of the Sea, Transportation and Infrastructure for voting by voters who are the members of crews on maritime and riverine vessels sailing under the Croatian flag outside of the borders of the Republic of Croatia on the election date;

by the Minister of Justice for voting by incarcerated voters;

by the Minister of Foreign Affairs and European Integration for voting by voters who are serving in peace missions of the United Nations on the election date.

Article 39.

In the determination of polling stations, due consideration must be accorded to the number of voters who are to vote at them and the accessibility and physical distance of polling stations.

The number of voters who are to vote at a given polling station shall be determined such that voting may proceed without hindrance during the time allotted for voting.

A separate room for voting shall be set aside at each polling station which must be equipped and furnished in a manner that ensures the confidentiality of voting.

Each polling station shall have a numerical designation.

VOTING AND DETERMINATION OF THE RESULTS OF VOTING

Article 40.

Voting shall be done in person, on physical ballots.

No one may vote on behalf of another person.

The ballot shall be printed by a state-run printing press which shall be assigned and directly supervised by the National Elections Commission.

The ballot may also be printed in Braille.

Each ballot must contain an impressed serial number.

Article 41.

A ballot used for voting shall contain:

1. the designation of the polling station,
2. instructions on the manner of voting,
3. the ordinal numbers and titles of the slates in their order from the consolidated candidate slate, and on each slate the ordinal numbers and full names of the candidates,
4. a serial number.

Article 42.

A voter may vote only for the slates specified on the ballot.

A voter shall vote by circling the number before the title of the slate. Inasmuch as a voter wishes to give an individual candidate a preference vote, he/she shall circle the number before the name and surname of the candidate to whom the preference vote is given.

Article 43.

A valid ballot is that ballot on which the will of the voter and the slate for which the voter voted for a slate may be positively and unambiguously ascertained.

Article 44.

An invalid ballot shall be:

1. a blank ballot,
2. a ballot completed in a manner which precludes the positive establishment of the will of the voter and the slate for which he/she voted,
3. a ballot on which the voter voted for two or more slates.

Article 45.

Inasmuch as the voter only circles the number before the title of the slate, and does not give a preference vote to a candidate, the ballot shall be deemed valid.

Inasmuch as the voter circles the number before the title of one slate, but gives a preference vote to a candidate on another slate, the vote for the slate on the ballot shall be deemed valid, while the preference vote for the candidate shall not be acknowledged.

Inasmuch as a voter gives preference votes to two or more candidates on the same slate, the ballot shall be deemed valid with reference to the vote for the slate.

Article 46.

Voting shall proceed uninterrupted from 7 a.m. to 7 p.m.

Voting shall proceed for two days in the seats of diplomatic missions and consulates of the Republic of Croatia, provided that it concludes on the day on which voting in the Republic of Croatia closes.

Polling stations shall be closed at 7 p.m., but voters at the polling stations at this moment shall be allowed to vote.

A minimum of five members of the poll committee or their alternates shall be present at the polling station at all times.

Article 47.

The chairperson of the poll committee shall be obliged and authorized to maintain peace and order at the polling station during voting, and after closure of the polling station.

If necessary in order to maintain peace and order and for the sake of unhindered voting, the chairperson of the poll committee may seek the assistance of the police, who shall be obliged to proceed in compliance with the chairperson's instructions at the polling station, albeit within the framework of their legal authority.

No one, with the exception of police officers at the summons of the chairperson of the poll committee, may enter a polling station bearing arms.

Article 48.

The chairperson of the poll committee or a member authorized thereby shall be obliged to verify that each voter who arrives to vote is registered in the voter roll.

Inasmuch as the voter is not registered in the voter roll, the chairperson of the poll committee shall not allow him/her to vote, unless the voter proves his/her right to vote at that polling station with a certificate from the proper state authority.

Article 49.

A voter who is unable to vote independently due to any manner of physical impediment or due to illiteracy may be accompanied to the polling station by another individual who is literate and who shall, as per the voter's authorization and instructions, circle the number before the title of the slate and before the name of the candidate for whom the voter is voting.

Sightless individuals shall be entitled to vote on ballots issued in Braille. Inasmuch as a sightless person wishes to vote on a ballot issued in Braille, he/she shall be obliged to submit a request to the relevant municipal or city election commission not less than 30 days prior to the election date.

The city or municipal election commission shall notify the National Elections Commission of the number of filed requests specified in paragraph (2) of this Article for the purpose of printing of ballots in Braille.

The National Elections Commission shall issue special instructions on the printing of ballots in Braille and the manner of voting by sightless persons.

A voter who is not able to come to the polling station shall notify the poll committee thereof. The chairperson of the poll committee shall assign a minimum of two members of the poll committee or their alternates who shall visit such voter wherever he/she may be and facilitate his/her voting, taking into consideration the confidentiality of voting.

The chairperson of the poll committee shall be obliged to cite by name the voting by physically impaired, illiterate voters and voting outside of the polling station based on the prior notification of the voters in the minutes on the work of the poll committee.

Article 50.

Upon the conclusion of voting, the poll committee shall first count the unused ballots and place them in a special envelope which shall be sealed.

The poll committee shall then, based on the minutes, ascertain the total number of voters who voted according to the voter roll.

After the number of voters who voted is ascertained, the committee shall open the ballot boxes and tally the votes.

Article 51.

If during the vote count at the polling station it is ascertained that the number of votes according to the voter roll is higher than the number of votes according to the ballots, the results based on the ballots shall be deemed valid.

If during the vote count at the polling station it is ascertained that a lower number of voters voted than the number of votes in the ballot box, the poll committee shall immediately halt its work and submit its report accompanied by all materials to the municipal or city election commission.

The municipal or city election commission shall immediately notify the relevant county election commission thereof, which shall declare the vote null and void at that polling station, dissolve the poll committee and appoint a new committee and specify a renewed vote at this polling station within a period not to exceed 14 days.

If during the vote count at a polling station in the City of Zagreb it is ascertained that a lower number of voters voted than the number of votes in the ballot box, the poll committee shall

immediately halt its work and submit its report accompanied by all materials to the Zagreb City Election Commission which shall dissolve the poll committee and appoint a new committee and specify a renewed vote at this polling station within a period not to exceed 14 days.

Article 52.

When the poll committee establishes the results of voting at its polling station, it shall record in the minutes on its work:

- the number of voters according to the voter roll,
- the number of voters who voted based on the voter roll, and the number who voted based on a certificate from the proper state authority and their total number,
- the number of votes received by each slate and the names and surnames of the candidates from these slates together with the number of preference votes,
- the number of ballots declared invalid.

All other facts relevant to the electoral procedure shall be recorded in the minutes on the poll committee's work.

Every member of the poll committee shall be authorized to provide written commentary or criticism concerning the minutes.

The minutes shall be signed by all members of the poll committee and their alternates.

Each member of the poll committee and each alternate shall be entitled to a copy or transcript of the minutes on the work of the poll committee, which copy or transcript shall be certified by the signatures of all members of the poll committee.

Article 53.

The poll committee shall deliver the minutes on its work with the remaining election materials to the municipal or city election commission, or the Zagreb City Election Committee, not later than 12 hours after closure of the polling station.

A poll committee in the seat of a diplomatic mission or consulate of the Republic of Croatia shall deliver the minutes on its work with the remaining election materials directly to the National Elections Commission within a period not to exceed 48 hours after the closure of the polling station.

Article 54.

The municipal and city election commissions shall maintain minutes on their work, in which they shall record:

1. the number voters registered in the excerpt from the voter roll in the area under their jurisdiction,

2. the number of voters who voted and the number of ballots declared invalid,
3. the number of votes received by each slate and the names and surnames of the candidates from these slates together with the number of preference votes.

The municipal or city election commissions shall deliver the minutes on their work with the remaining election materials to the relevant county election commissions not later than 18 hours after the closure of the polling stations.

Article 55.

The county election commissions and the Zagreb City Election Commission shall maintain minutes on their work in which they shall record:

1. the number of voters registered in the excerpt from the voter roll in the areas under their jurisdiction,
2. the number of voters who voted and the number of ballots declared invalid,
3. the number of votes received by each slate and the names and surnames of the candidates from these slates together with the number of preference votes.

Every member of an election commission may provide written comments or criticisms concerning the minutes. The minutes shall be signed by all members of the election commission.

Election commissions shall tally the results of voting at the polling stations in areas under their jurisdiction the within a period not to exceed 24 hours after the closure of the polling stations.

The county election commissions and the Zagreb City Election Commission shall deliver the electoral results for the areas under their jurisdiction to the National Election Commission, accompanied by the minutes on their work in the manner and within the deadline specified by the latter.

Article 56.

The results of the elections to the European Parliament shall be established by the National Elections Commission.

Article 57.

When the National Elections Commission confirms the results of the voting for members of the European Parliament, it shall forthwith release:

1. the number of voters entered in the voter rolls, the number of voters who voted, the number of votes received by individual slates, the names and surnames of the candidates from these slates together with the number of preference votes and the number of invalid ballots,

2. the number of seats won by each slate, and the names and surnames of the candidates who were elected members of the European Parliament.

Article 58.

During the course of the vote, the National Elections Commission may release preliminary data on the number of voters who turned out to vote.

Article 59.

After the closure of the polling stations, the National Elections Commission may release preliminary and unofficial election results at its own discretion.

The official results shall be released when the polling stations close in the member state of the European Union whose voters are the last to vote and after all legal means in the protection of suffrage are expended or after expiry of the deadlines specified for their submission as stipulated by this Act.

The Speaker of the Croatian Parliament shall notify the President of the European Parliament of the results of the elections to the European Parliament.

COST OF CONDUCTING ELECTIONS

Article 60.

The funds to cover the cost of elections shall be allocated from the central state budget of the Republic of Croatia, and said funds shall be placed at the disposal of the National Elections Commission.

The National Elections Commission shall specify the manner of use of funding, conduct oversight of its expenditure, and disburse the appropriate sums to the election commissions.

The National Elections Commission shall release a complete statement on the costs of the elections and the manner of use of funds to the public media within a period not to exceed 30 days after the date of publication of the official election results.

PROTECTION OF SUFFRAGE

Article 61.

The constitutionality and legality of the elections shall be under the jurisdiction of the Constitutional Court of the Republic of Croatia.

Article 62.

Complaints over irregularities in the nomination procedure or in election procedures may be lodged by political parties, the heads of slates, candidates for membership in the European Parliament, not less than 100 voters or 5% of the electorate.

A group of less than 100 voters or less than 5% of the electorate shall be obliged to designate a joint advocate authorized to lodge their complaint.

Article 63.

A complaint prompted by irregularities in the procedures for nomination and elections of members to the European Parliament shall be lodged with the National Elections Commission within a period of 48 hours, computed from the end of the day on which the action prompting said complaint occurred.

The National Elections Commission shall be obliged to issue a ruling on the complaint within 48 hours after the date on which the complaint is lodged, or the date on which the election materials to which the complaint pertains were delivered.

Article 64.

If in its consideration of a complaint the National Elections Commission ascertains any irregularities which have essentially influenced or may have influenced the election results, it shall declare the activity in question null and void and specify a deadline, which must enable the elections to be held on the scheduled date, for such activity to be repeated.

If there is no possibility of repeating the voided activity or if the irregularities pertain to the electoral procedure and they significantly influenced or may have influenced the election results, the National Elections Commission shall declare the election null and void and specify a deadline within which the specific election is to be repeated.

Article 65.

A petitioner may file an appeal against a decision of the National Elections Commission with the Constitutional Court of the Republic of Croatia.

Appeals shall be filed with the Constitutional Court of the Republic of Croatia via the National Elections Commission within a period not to exceed 48 hours counted from the end of the day on which the contested decision was received.

The Constitutional Court of the Republic of Croatia shall be obliged to rule on the appeal within a period not to exceed 48 hours after the date on which it was received.

Article 66.

The lodging of a complaint or appeal in procedures to safeguard suffrage shall not delay the performance of the electoral operations specified by this Act.

Article 67.

No administrative charges shall be imposed upon the petitions and rulings based on the procedures specified in the provisions of this Act.

ETHICS COMMISSION

Article 68.

The Ethics Commission shall be a supra-party body with a generally-accepted public reputation which shall serve the promotion and exercise of ethical and democratic principles in elections by issuing statements and warnings.

The Ethics Commission shall assess the behaviour of the participants in elections during election campaigns and the actual electoral procedure and conduct extra-administrative oversight of campaign publicity.

Article 69.

The Ethics Commission shall have a chairperson and six members, of whom three members shall be proposed by the majority and opposition political parties in compliance with the party composition of the Croatian Parliament.

The members of the Commission shall, based on the proposals of the parliamentary political parties, be appointed by the Constitutional Court of the Republic of Croatia from among the ranks of distinguished public individuals who are not candidates in the elections and who are not members of any political parties.

Article 70.

The president of the Croatian Academy of Arts and Science shall be chairperson of the Ethics Commission by virtue of said post.

Article 71.

After publication of the decision to announce elections, and prior to the commencement of the election campaign, the Ethics Commission shall also publish the Electoral Code of Ethics, consisting of a system of rules on the conduct of individuals and political parties in campaign publicity and in the electoral procedure. Prior to adoption of the Electoral Code of Ethics, the Ethics Commission shall seek the opinion of parliamentary political parties.

ELECTION MONITORING

Article 72.

Political parties, voters who nominated candidates, non-governmental organizations and international organizations operating within the Republic of Croatia shall be entitled to monitor campaign publicity, printing and use of election materials, the overall electoral procedure, the vote and the work of electoral bodies and be allowed to scrutinize all electoral materials.

Article 73.

A monitor assigned by a political party shall be obliged to present to the electoral body whose work is being monitored with a confirmation from the political party which assigned him/her. The confirmation shall be issued and signed by the person authorized to represent the political party or another individual duly authorized by such person.

A monitor assigned by the voters who nominated an independent candidate shall be obliged to present to the electoral body whose work is being monitored with consent from the nominated candidate.

Article 74.

Within a period not to exceed 30 days after the date of announcement of elections, non-governmental organizations shall be obliged to seek from the National Elections Commission permission to observe the work of the election commissions and poll committees.

The National Elections Commission shall facilitate the monitoring of the electoral procedure to all organizations registered as associations which are active in the field of independent monitoring of electoral procedures and/or promotion of human and civil rights.

The decision on a request from non-governmental organizations shall be forthwith delivered by the National Elections Commission to the address of the registered seat of the organization or that organization's authorized officer.

Pursuant to the decision delivered as specified in paragraph (3) of this Article, the authorized officers of the non-governmental organizations shall be obliged to send a list of the names of their authorized monitors to the National Elections Commission within a period not to exceed 20 days. The National Election Commission shall prepare official badges for each authorized monitor and deliver them to the seats of the relevant non-governmental organizations not later than three days prior to the election date.

Article 75.

A monitor assigned by a non-governmental organization who is allowed to monitor elections shall be obliged to present to the electoral body whose work he/she is monitoring the confirmation from the non-governmental organization which assigned him/her and the badge issued to him/her by the National Elections Commission.

The confirmation shall specify the number and date of the permit issued by the National Elections Commission for monitoring of the work of the electoral body, and it shall be issued and signed by the person authorized to represent the organization or another individual duly authorized by that person.

Article 76.

A monitor assigned by an international organization operating in the Republic of Croatia (foreign monitor) shall have the status of foreign monitor approved by means of a permit issued by the National Elections Commission. The National Elections Commission shall be obliged to prepare an official badge for the foreign monitor.

Prior to the commencement of the electoral procedure, foreign monitors shall be obliged to present to the electoral bodies whose work they are monitoring the permit specified in paragraph (1) of this Article and the badge issued to them by the National Elections Commission.

Article 77.

Within a period not to exceed eight days after the date of announcement of the elections, the National Elections Commission shall adopt rules thoroughly regulating the rights and duties of monitors in the monitoring of the electoral procedure.

PENALTIES

Article 78.

A monetary fine in an amount of HRK 3,000.00 shall be charged against:

- a natural person for violation of the election campaign moratorium (Article 21).

A monetary fine in an amount ranging from HRK 10,000.00 to 30,000.00 shall be charged against:

- a candidate in the elections for violation of the election campaign moratorium (Article 21).

A monetary fine in an amount ranging from HRK 100,000.00 to 500,000.00 shall be charged against:

- a legal person for violation of the election campaign moratorium (Article 21).

A monetary fine in an amount ranging from HRK 10,000.00 to 30,000.00 shall be charged against:

- the accountable officer in the legal person responsible for violation of the election campaign moratorium (Article 21).

OBSERVER STATUS

Article 79.

The elections to the European Parliament shall be announced after accession of the Republic of Croatia to the European Union, in compliance with the Treaty of Accession to the European Union.

After signing the Treaty of Accession to the European Union, the Croatian Parliament shall appoint observers to the European Parliament from among the ranks of members of the Croatian Parliament proportionate to the composition of the Croatian Parliament.

The number of observers specified in paragraph (2) shall correspond to the number of members to which the Republic of Croatia shall be entitled pursuant to the Treaty of Accession to the European Union.

Article 80.

The provisions of this Act stipulating the incompatibility of membership in the Croatian Parliament with membership in the European Parliament shall not apply to the observers appointed by the Croatian Parliament.

Article 81.

Observer status as specified in Article 79(2) of this Act shall cease as at the date of accession of the Republic of Croatia to the European Union, when such observers shall become full members of the European Parliament until announcement of the first elections to the European Parliament in the Republic of Croatia.

For the duration of their service as interim members of the European Parliament, the term of these members in the Croatian Parliament shall be suspended, and they shall be replaced by their alternates in compliance with the provisions of the Croatian Parliamentary Elections Act.

Article 82.

The status of observer and interim member of the European Parliament may cease even prior to the announcement of elections to the European Parliament in the cases specified in Article 11 of this Act, while the institution of their replacement shall be subject to Article 12 of this Act.

After expiry of the term of office of the members of the Croatian Parliament which appointed the observers to the European Parliament, the members may perform the duty of observer or interim member of the European Parliament until the appointment of new members to perform said duties from among the ranks of the new convocation of the Croatian Parliament, when their term of office expires.

TRANSITIONAL AND FINAL PROVISIONS

Article 83.

The provisions of Article 2(1) and (2) of this Act shall not be applied with reference to the duration of the term of members of the European Parliament to members of the European Parliament elected in the first elections in the Republic of Croatia.

The term of elected members of the European Parliament shall begin as of the commencement of the first session of the European Parliament after the first elections in the Republic of Croatia, and it shall cease upon the end of the term of office of the European Parliament.

Article 84.

The provisions of Article 7(1) and Article 59(2) of this Act shall not pertain to the first election of members to the European Parliament from the Republic of Croatia.

Article 85.

The provisions of the Voter Rolls Act shall be applied to questions pertaining to maintenance of voter rolls and electoral operations not regulated by this Act.

Article 86.

This Act shall be published in the official journal of the Republic of Croatia, *Narodne novine*, and it shall enter into force upon the date of accession of the Republic of Croatia to the

European Union, with the exception of Articles 79, 80, 81 and 82, which shall enter into force on the date of signing of the Treaty of Accession between the Republic of Croatia and the European Union.

Class.: 910-04/10-01/04

Zagreb, 15 July 2010

CROATIAN PARLIAMENT

Speaker
of the Croatian Parliament
Luka Bebić, (*signed*)