

# THE CROATIAN PARLIAMENT

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Pursuant to Article 88 of the Constitution of the Republic of Croatia, I hereby issue the

## DECISION

### PROMULGATING THE ACT ON THE STATE ELECTORAL COMMISSION OF THE REPUBLIC OF CROATIA

I hereby promulgate the Act on the State Electoral Commission of the Republic of Croatia, passed by the Croatian Parliament at its session on 31 March 2006.

Class: 011-01/06-01/01  
Reg. No: 71-05-03/1-06-2  
Zagreb, 4 April 2006

The President of the Republic of Croatia

**Stjepan Mesić**, m.p.

## ACT

### ON THE STATE ELECTORAL COMMISSION OF THE REPUBLIC OF CROATIA

#### 1. INTRODUCTORY PROVISIONS

##### Article 1

This Act regulates the establishment of the State Electoral Commission of the Republic of Croatia (hereinafter: the Commission), its composition, the means of electing its Chairperson, Vice-Chairpersons and members, its scope of activity, methods of work and decision-making, relations with citizens, bodies and institutions in the Republic of Croatia, co-operation with international organisations and institutions, and other matters of significance related to the scope of activity of the Commission.

##### Article 2

The Commission is a permanent, independent state body which acts within its scope of activity in accordance with this Act and other laws regulating the election of representatives to the Croatian Parliament, the President of the Republic of Croatia, members of the representative bodies of units of local and territorial (regional) self-government, heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb, members of councils and representatives of national minorities in units of local and territorial (regional) self-government, and the holding of state, local and advisory referenda.

The seat of the Commission is in Zagreb.

## 2. COMPOSITION OF THE COMMISSION AND ELECTION OF THE CHAIRPERSON, VICE-CHAIRPERSONS AND MEMBERS

### *a) Composition of the Commission*

#### Article 3

The Commission consists in its permanent composition of the Chairperson, two Vice-Chairpersons and four other members.

The Chairperson of the Commission, two Vice-Chairpersons and four other members are elected for a term of eight years, according to the means and procedure defined by this Act.

### *b) Chairperson of the Commission*

#### Article 4

The Chairperson of the Commission is elected from among candidates who meet the requirements for election, by a majority vote of all representatives of the Croatian Parliament, for a term of eight years.

The Chairperson of the Commission is elected on the basis of a public invitation.

The committee of the Croatian Parliament responsible for elections and appointments establishes a proposal of the decision to appoint the Chairperson of the Commission.

The mandate of the Chairperson of the Commission shall begin on the day he or she takes up his or her appointment. The day of the commencement of the appointment is determined by the decision on the election.

#### Article 5

The Chairperson of the Commission must be a citizen of the Republic of Croatia residing in territory of the Republic of Croatia, with the general right to election, who is a law graduate with 12 years of work experience in the field of law, knowledge of the political and electoral systems and who is not a member of any political party.

#### Article 6

The Chairperson represents the Commission, acts on its behalf, directs its work, determines measures and procedures in accordance with his or her legal powers and undertakes the activities necessary to ensure the unhindered, regular performance of tasks within the scope of the Commission.

*c) Vice-Chairpersons and members of the Commission*

## Article 7

The Vice-Chairpersons and other members of the Commission are elected by a majority vote of all representatives of the Croatian Parliament for a term of eight years. One Vice-Chairperson and two members are proposed for election by the majority political party or coalition, and the other Vice-Chairperson and two members are proposed for election by the opposition political parties or coalitions, in accordance with the party structure of the Croatian Parliament at the time of the election.

The mandate of the Vice-Chairpersons and other members begins on the day they take up their appointment. The day of the commencement of their appointment is determined by the decision on the election of the Vice-Chairpersons or members of the Commission.

## Article 8

The Vice-Chairpersons and members of the Commission must be citizens of the Republic of Croatia residing in the territory of the Republic of Croatia, with the general right to election, who are law graduates with 10 years of work experience in the field of law, knowledge of the political and electoral systems and who are not members of any political party.

## Article 9

The procedure to elect the Chairperson, Vice-Chairpersons and other members of the Commission is initiated and carried out by the committee of the Croatian Parliament responsible for elections and appointments, in accordance with this Act and other regulations.

### 3. SWEARING-IN OF THE CHAIRPERSON, VICE-CHAIRPERSONS AND MEMBERS OF THE COMMISSION

## Article 10

Before taking up their appointments, the Chairperson, Vice-Chairpersons and members of the Commission shall be sworn in before the President of the Croatian Parliament. The oath shall take the following form:

"I swear upon my honour that in carrying out the duties of a member of the State Electoral Commission I will respect the Constitution and laws of the Republic of Croatia and that I will fulfil my duties conscientiously and impartially."

### 4. SCOPE OF THE COMMISSION

## Article 11

The Commission shall carry out activities prescribed by the laws regulating the election of representatives to the Croatian Parliament, the President of the Republic of Croatia, members of the representative bodies of units of local and territorial (regional) self-government, heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb, members of councils and representatives of national minorities in units of local and territorial (regional) self-government, and the holding of state, local and advisory referenda.

Along with the activities listed in paragraph 1 of this Article, the Commission shall also carry out the following activities:

- presenting opinions on additions and improvements to electoral legislation and legislation regulating referenda,
- appointing members of county electoral commissions and the city electoral commission of the City of Zagreb
- training members of electoral commissions and commissions for holding referenda in units of local and territorial (regional) self-government,
- informing citizens on the holding of elections and the opportunities for exercising and protecting electoral rights in the election process,
- determining the method of keeping records and publishing material concerning the holding of elections and referenda,
- publishing periodical expert publications pertaining to the electoral system, holding of elections and practice,
- submitting reports to the competent authorities on the holding of elections and referenda,
- determining the organisation of the Expert Service of the Commission, electing the Commission's Secretary and his or her deputy,
- carrying out co-operation within the country and with international organisations and institutions in the area of electoral legislation and elections in general,
- submitting to the Croatian Parliament reports on elections or referenda held, within 60 days of the publication of the official results of the elections,
- carrying out other duties prescribed by special regulations.

## 5. RIGHTS AND OBLIGATIONS OF THE CHAIRPERSON, VICE-CHAIRPERSONS AND MEMBERS OF THE COMMISSION

### Article 12

The Chairperson, Vice-Chairpersons and members of the Commission are state functionaries.

During the period of performing their duties, the Chairperson, Vice-Chairpersons and members of the Commission are entitled to receive salaries and other material rights, in accordance with the law regulating the obligations and rights of state functionaries.

### Article 13

During the period of performing their duties, the Chairperson, Vice-Chairpersons and members of the Commission may not carry out any other professional duties, nor any duties which would bring their impartiality into question, harm their moral integrity and public reputation, nor any duty which might influence the occurrence of circumstances linked to conflicts of interest, in accordance with the law regulating the avoidance of conflicts of interest in the Republic of Croatia.

### Article 14

The Chairperson, Vice-Chairpersons and members of the Commission may carry out scientific and expert work and research, publish expert and scientific publications, participate in expert and scientific gatherings, in the drafting of regulations, and voluntarily participate in the work of humanitarian, cultural and sporting associations.

## 6. PREMATURE TERMINATION OF THE MANDATE OF THE CHAIRPERSON, VICE-CHAIRPERSONS AND MEMBERS OF THE COMMISSION BEFORE THE END OF THE REGULAR TERM

### Article 15

The mandates of the Chairperson, Vice-Chairpersons and members of the Commission shall be terminated prematurely in the case of death or if they are relieved of their duties.

The Chairperson, Vice-Chairpersons and members of the Commission shall be relieved of their duties:

- at their own request,
- if they are no longer able to carry out their duties,
- if they are sentenced to prison for the commission of a crime,
- if they fail to fulfil one of the conditions required for election,
- if they fail to carry out their duties in accordance with the law and the Rules of Procedure of the Commission,
- if they become candidates for election.

The existence of grounds for prematurely relieving the Chairperson, Vice-Chairpersons and members of the Commission of their duties shall be confirmed by the committee of the Croatian Parliament responsible for elections and appointments. The decision to relieve members of the Commission of their duties shall be taken by a majority vote of all representatives of the Croatian Parliament.

### Article 16

If the Chairperson, Vice-Chairpersons and members of the Commission seek to be relieved of their duties and the Croatian Parliament does not pass a decision to do so within three months of the submission of the request, the duties of the Chairperson, Vice-Chairpersons and members of the Commission shall cease by virtue of law at the expiry of three months from the submission of the request.

A court which has passed a prison sentence is obliged to deliver the legally effective judgment to the committee of the Croatian Parliament responsible for elections and appointments without delay.

### Article 17

In exceptional circumstances, should elections or referenda be announced and the Croatian Parliament is not in session, or has been dissolved, and the conditions in Article 15 of this Act have been fulfilled, the decision to relieve the Chairperson, Vice-Chairpersons or members of the Commission of their duties or to elect a new Chairperson, Vice-Chairpersons or members of the Commission shall be made by the Constitutional Court of the Republic of Croatia.

In the case of paragraph 1 of this Article, the Constitutional Court shall appoint the Chairperson, Vice-Chairpersons or members of the Commission from among the ranks of Supreme Court judges of the Republic of Croatia.

A Chairperson, Vice-Chairperson or member of the Commission appointed pursuant to the provisions of paragraph 1 of this Article shall perform his or her duties without an employment contract in the Commission.

The mandate of a Chairperson, Vice-Chairperson or member of the Commission appointed pursuant to the provisions of paragraph 1 of this Article shall be terminated upon the taking up of duties by a Chairperson, Vice-Chairperson or member of the Commission elected in accordance with Articles 4 and 7 of this Act.

## 7. THE COMMISSION'S METHODS OF WORK AND DECISION-MAKING

### Article 18

The decisions of the Commission are made at its sessions.

The sessions of the Commission shall be public.

### Article 19

The Chairperson of the Commissions convenes and chairs the session of the Commission.

Should the Chairperson be prevented from attending, he or she shall appoint one of the Vice-Chairpersons to deputise for him or her.

A Vice-Chairperson may convene and chair a session of the Commission if authorised to do so by the Chairperson of the Commission.

### Article 20

The Commissions makes decisions by a majority vote of all members.

## 8. CO-OPERATION OF THE COMMISSION WITH OTHER BODIES AND INSTITUTIONS

### Article 21

The Commission shall establish co-operation with expert bodies and associations founded in the Republic of Croatia and with international organisations and institutions.

## 9. THE COMMISSION'S RULES OF PROCEDURE

### Article 22

The methods of work and decision-making of the Commission shall be regulated by the Commission's Rules of Procedure (hereinafter: "the Rules").

The Rules shall be adopted at a session of the Commission by a majority vote of all members of the Commission and published in the Official Gazette.

## 10. EXPERT SERVICE OF THE COMMISSION

### Article 23

The Commission shall have an expert service, established to carry out expert tasks within the scope of the Commission, and administrative and technical tasks, the performance of which will facilitate the regular, unhindered work of the Commission.

The Rules on the internal organisation of the expert service (hereinafter: "the Rules") shall regulate the internal organisation and methods of work of the expert service, posts and job descriptions, the exact number of civil servants and civil service employees, and the professional and other conditions required for assignment to posts.

The regulations relating to civil servants and civil service employees shall apply to those employed in the expert service.

The Rules in paragraph 2 of this Article shall be adopted by the Commission by a majority vote of all its members.

### Article 24

The Secretary of the Commission (hereinafter: "the Secretary") is the head of the expert service.

The Secretary directs the expert service, guides and aligns the work of the expert service and is answerable to the Commission for the work of the expert service.

The Secretary is elected by the Commission by a majority vote of all members of the Commission, after public advertising of the post, in accordance with the provisions of the law regulating the recruitment of civil servants into the Civil Service.

In relation to the expert service, the Secretary has the status of Head of a body of state administration.

The Commission may decide that the Secretary should have a deputy, elected in the same way and under the same conditions as the Secretary.

### Article 25

The Secretary of the Commission and his or her deputy may not be members of any political party.

## 11. FUNDS FOR THE WORK OF THE STATE ELECTORAL COMMISSION

### Article 26

Funds for the work of the Commission are ensured in the State Budget of the Republic of Croatia.

The Chairperson of the Commission decides on the distribution and use of funds for the work of the Commission in accordance with the State Budget.

The Chairperson of the Commission is responsible for the lawful use of the funds of the Commission.

## 12. TRANSITIONAL AND FINAL PROVISIONS

### Article 27

On the day of the entry into force of this Act, the provisions of Articles 45, 46 and 47 of the Act on the Election of Representatives to the Croatian Parliament (Official Gazette nos. 116/99, 109/00, 53/03 and 69/03 – revised text) shall cease to apply.

On the day of the entry into force of this Act, the provisions of Article 21, paragraph 1 of the Act on the Election of the President of the Republic of Croatia (Official Gazette nos. 22/92, 71/97 and 69/04) shall cease to apply.

On the day of the entry into force of this Act, the provision of Article 30, paragraphs 2, 3, 4 and 5 of the Act on the Election of Members of Representative Bodies in Units of Local and Territorial (Regional) Self-government (Official Gazette nos. 33/01, 10/02, 155/02, 45/03, 43/04, 40/05 and 44/05 – revised text) shall cease to apply.

On the day of the entry into force of this Act, the provision of Article 13 of the Act on Referenda and Other Forms or Individual Participation in the Performance of State Authority and Local Self-government (Official Gazette nos. 33/96 and 92/01) shall cease to apply.

### Article 28

The committee of the Croatian Parliament responsible for elections and appointments shall publish a public invitation for the election of the Chairperson of the Commission within 30 days of the entry into force of this Act. The Committee in Article 1 of this Act is obliged, within 90 days at the latest of the entry into force of this Act, to propose to the Croatian Parliament persons suitable for election to the positions of Chairperson, Vice-Chairpersons and members of the Commission, in accordance with this Act.

### Article 29

The State Electoral Commission appointed according to regulations in force on the day of the entry into force of this Act shall continue its work until the election of a new Commission according to the provisions of this Act.

### Article 30

The Rules of Procedure of the Commission and the Ordinance on the Internal Organisation of the Expert Service shall be adopted within 60 days of the Commission taking up its appointment.

Article 31

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

Class: 013-03/05-01/01  
Zagreb, 31 March 2006

THE CROATIAN PARLIAMENT  
The President of the Croatian Parliament  
**Vladimir Šeks, m.p.**