

(92/11)

THE CROATIAN PARLIAMENT

2591

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

DECISION

PROMULGATING THE ACT ON THE ELECTION OF MEMBERS OF PARLIAMENT FROM THE REPUBLIC OF CROATIA TO THE EUROPEAN PARLIAMENT

I hereby promulgate the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament, passed by the Croatian Parliament at its session on 15 July 2010.

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Zagreb, 20 July 2010

The President of
the Republic of
Croatia
**prof. dr. sc. Ivo
Josipović, m.p.**

ACT

ON THE ELECTION OF MEMBERS OF PARLIAMENT FROM THE REPUBLIC OF CROATIA TO THE EUROPEAN PARLIAMENT

GENERAL AND FUNDAMENTAL PROVISIONS

Article 1

This Act regulates the election of members of the European Parliament (hereinafter: the election).

Article 2

Members of the European Parliament are elected by direct universal, free and equal suffrage and secret ballot for a five-year term.

Members of the European Parliament are elected for a five-year term which begins at the opening of the first session of the European Parliament following each election, and may be extended or curtailed pursuant to the decision of the Council of the European Union setting out a new electoral period.

Members elected to the European Parliament do not have a binding mandate. In the European Parliament, voting is individual and personal, and members are not bound by any instructions.

Article 3

Freedom of voters to choose and the secrecy of their voting are guaranteed.

It is the right and duty of voters to vote only once.

No one may ask a voter to publicly announce his voting choice.

No one may be held liable for having voted or for not having voted.

Article 4

Members of the European Parliament are elected by universal and equal suffrage by all Croatian nationals having the right to vote.

Nationals of other Member States of the European Union may elect members of the European Parliament subject to the same conditions which apply to Croatian nationals, provided that they have permanent or temporary residence in the Republic of Croatia under the Aliens Act (hereinafter: nationals of other Member States of the European Union), and if they submit a request for entry on the electoral roll to the body competent for maintaining the electoral roll at the latest 30 days before the election. Along with the request for entry on the electoral roll, nationals of other Member States of the European Union shall present a statement legalised by the notary public stating their citizenship, address of their permanent residence in the Republic of Croatia, where applicable, and the locality or constituency in his home Member State on the electoral roll of which his name was last entered, a statement that they shall exercise their right to vote only in the Republic of Croatia and a statement that they are not deprived of their right to vote in the Member State of the European Union of their citizenship.

Legal provisions on electoral rolls shall apply to the procedure of entry on the electoral roll and the protection of rights of the persons referred to in paragraph 2 of this Article.

The competent body maintaining the electoral roll shall notify the State Electoral Commission of the Republic of Croatia (hereinafter referred to as the State Electoral Commission) on the entry on the electoral roll of nationals of other Member States of the European Union within 8 days of such entry.

Article 5

Any Croatian national having the right to vote may be elected member of the European Parliament.

Any national of other Member State of the European Union may be elected member of the European Parliament provided that he has permanent or temporary residence in the Republic of Croatia under the Aliens Act, if he is eligible to stand as a candidate under this Act and provided that he was not deprived of legal capacity through a legally effective court decision in the Republic of Croatia or a Member State of the European Union, that is, that he was not deprived of his right to stand as a candidate through a criminal law or civil law decision.

Article 6

Any national of other Member State of the European Union who exercised his right to vote and to stand as a candidate in the election for members of the European Parliament in the Republic of Croatia shall be precluded from exercising that right in the Member State of residence or in any other Member State of the European Union, at the same elections.

Any national of the Republic of Croatia who exercised the right to vote and to stand as a candidate in an election for members of the European Parliament in another Member State of the European Union shall be precluded from voting and standing as a candidate in the same election for members of the European Parliament in the Republic of Croatia or any other Member State of the European Union, at the same elections.

The State Electoral Commission of the Republic of Croatia shall notify other Member States of the European Union through the ministry competent for foreign affairs of the nationals of

such Member States entered on the electoral roll of the Republic of Croatia or standing as a candidate.

The State Electoral Commission shall notify the public through the media of the way in which nationals of other Member States of the European Union may exercise their right to vote and to stand as a candidate for members of the European Parliament.

Article 7

Elections shall be held in the course of the last year of the five-year term of the European Parliament in the electoral term set out by the Council of the European Union.

The President of the Republic of Croatia shall adopt a Decision calling the election for members of the European Parliament.

The decision calling the election for members of the European Parliament shall include the number of members to be elected, and the number shall be fixed in the Accession Agreement between the Republic of Croatia and the European Union.

The day of holding the election shall be a Sunday, and by way of derogation for Croatian nationals who vote abroad the day of holding the election may be a Saturday.

At least 60 days shall pass from the date of calling the election to the date of the election for members of the European Parliament.

Article 8

The election shall be carried out at voting locations within the Republic of Croatia and in diplomatic missions and consular posts of the Republic of Croatia.

Article 9

Voters having a permanent residence in the Republic of Croatia shall vote at voting locations in the territory of the Republic of Croatia determined on the basis of their permanent residence.

Voters of other Member States of the European Union shall vote at voting locations in the territory of the Republic of Croatia determined on the basis of their permanent or temporary residence.

Voters having a permanent residence in the Republic of Croatia serving in the Armed Forces of the Republic of Croatia on the date of the election, voters in peace missions of the United Nations on the date of the election, voters who are crew-members on sea and river vessels carrying the Croatian flag outside the borders of the Republic of Croatia, and voters deprived of their freedom, shall vote at special voting locations determined in accordance with the provisions of this Act.

Voters having a permanent residence in the Republic of Croatia who are outside the borders of the Republic of Croatia on the date of the election shall vote in diplomatic missions and consular posts of the Republic of Croatia, subject to prior registration or certificate for the purpose of voting outside the location of permanent residence.

Voters not having a permanent residence in the Republic of Croatia shall vote in the in diplomatic missions and consular posts of the Republic of Croatia

INCOMPATIBILITY OF DUTIES AND THE END OF THE MANDATE, AND SUBSTITUTING A MEMBER

Article 10

Duties of a member of the European Parliament are incompatible with the following duties: member of the European Commission, Judge, Advocate-General or Registrar of the Court of Justice of the European Union, member of the Executive Board of the European Central Bank, member of the Court of Auditors, European Ombudsman, member of the Economic and Social Committee, Committee of the Regions, member of committees and other bodies set up 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 carrying out a permanent direct administrative task, member of the Board of Directors or Management Committee or staff of the European Investment Bank, active official or officer of the institutions of the European Union, or of the specialised bodies attached to them or of the European Central Bank.

At the same time as performing the duties of a member of the European Parliament, members of the European Parliament may not be any of the following: President of the Republic of Croatia, President of the Croatian Parliament, President of the Government of the Republic of Croatia, member of the Croatian Parliament, member of the Government of the Republic of Croatia, judge of the Constitutional Court of the Republic of Croatia, judge, state attorney, deputy state attorney, ombudsman, deputy ombudsman, head of a state administrative organisation, secretary of the Government of the Republic of Croatia, head 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, an active military person, official and employee in the Armed Forces, member of the management of a company, institution and extra budgetary fund of special state interest, and head of a legal person obligated to report to the Croatian Parliament under law.

The persons referred to in paragraph 2 of this Article may stand as candidates for a member of the European Parliament and should they be elected member of the European Parliament, their office shall end as of the commencement of their mandate in the European Parliament.

Article 11

The mandate of a member of the European Parliament shall end before the end of the term for which he was elected if:

1. he resigns,
2. during the mandate he accepts an office incompatible with that of a member of the European Parliament under this Act,
3. he is deprived of legal capacity by a legally effective court decision,
4. he is sentenced to unconditional imprisonment in the duration of over 6 months by a legally effective court decision,
5. by death.

Article 12

The member whose mandate ended shall be substituted by his deputy.

The President of the Croatian Parliament shall notify the President of the European Parliament concerning the end of the mandate of a member of the European Parliament and shall submit data about his deputy.

The deputy member shall take office after the Croatian Parliament establishes that the preconditions stipulated by law for the use of the institute of substitution have taken place.

Article 13

A member elected on the list shall be substituted by the non-elected candidate following him on the list with the highest number of preference votes.

If the list does not include several candidates who received preference votes of at least 10% of the votes obtained by the list, the member elected on the list shall be replaced by the non-elected candidate following him on the list.

If the list does not include any more candidates, the position of member shall remain vacant until the end of the mandate of the European Parliament.

CANDIDACY

Article 14

All political parties registered in the Republic of Croatia are entitled to propose party lists for the election of members of the European Parliament on the day of publication of the decision calling the election in the Official Gazette.

The list for the election of members for the European Parliament may be proposed independently by a political party, and two or more political parties (coalition list).

Political parties establish their party lists independently and the order of candidates on such lists as foreseen by the constitution of the political party, that is, in accordance with special constitutional decisions.

The list of candidates must include the same number of candidates as the number of members being elected to the European Parliament. At the time of drawing up the list, the proponent must take care of the principle of gender equality.

Article 15

Voters propose the lists of candidates based on duly collected signatures.

For the proposal of a list for the election of members for the European Parliament to be legally valid, it is necessary to collect at least 5,000 signatures.

Article 16

Where a candidate who is a national of other Member State of the European Union is found on the list of candidates, the candidate who is a national of other Member State must enclose a statement legalised by the notary public stating his nationality, address of his permanent residence in the Republic of Croatia, where applicable, and the locality or constituency in his home Member State on the electoral roll of which his name was last entered, a statement that he shall not stand as a candidate at the elections for the European Parliament in any other Member State of the European Union, and proof or document issued by the competent authorities of the state of his citizenship confirming that he is not deprived of the right to stand as a candidate in that state or a document that such disqualification in that state is not recognised.

Where the candidate referred to in paragraph 1 of this Article fails to submit to the State Electoral Commission proof or document issued by the competent authorities of the state of his citizenship confirming that he is not deprived of the right to stand as a candidate in that state or a document that such disqualification in that state is not recognised, his candidacy shall be regarded as inadmissible.

The State Electoral Commission shall establish whether the list of candidates referred to in paragraph 1 of this Article is legally valid. The State Electoral Commission shall notify the candidate referred to in paragraph 1 of this Article in writing of whether the list is legally valid.

Where the State Electoral Commission declares that the list of candidates referred to in paragraph 1 of this Article is not legally valid, the candidate who is national of other Member State of the European Union is entitled to file an objection to the State Electoral Commission or in the second instance has got the right to appeal to the Constitutional Court of the Republic of Croatia in accordance with the provisions of this Act on the protection of the right to vote.

Article 17

Proposals of the lists must be received by the State Electoral Commission of the Republic of Croatia at the latest within 14 days of the day of calling the election.

Proposed lists for the election of members to the European Parliament shall include the name of the list, and candidates must be listed from the ordinal number 1 to conclusively the number of members being elected to the European Parliament.

The name of the list is the full name of the political party or political parties or party coalition, which drew up the list. If the political parties use a shortened name of the party or parties or party coalition, the name may include such shortened forms.

If the list was proposed by a group of voters, its name shall be an "independent list".

Candidates may feature as candidates on only one list.

Article 18

Within 48 hours of the expiration of the time limit for the submission of lists for the election of members to the European Parliament, the State Electoral Commission shall accept and publish in all daily newspapers in the Republic of Croatia and on the Croatian Radio Television the joint list of all duly proposed lists, and the first and last names of candidates.

The joint list shall include the ordinal number and the name of each list, and the first and last names of the candidates on the list.

The joint list of party or independent lists shall include the full name of the political party or the coalition of political parties that proposed the list in alphabetical order. If several political parties proposed a common list, it shall be stated on the ballot based on the name of the first in line political party in the proposal.

The State Electoral Commission shall submit the joint list for publication to diplomatic missions and consular posts of the Republic of Croatia within the time limit referred to in paragraph 1 of this Article.

Article 19

Political parties that proposed the accepted lists of candidates for the election of members to the European Parliament may abandon the list as foreseen in their constitution or a special decision adopted on the basis of the constitution at the latest 48 hours after it was published as accepted by the State Electoral Commission. For an independent list, the decision on abandonment shall be made by the first candidate on the list.

The State Electoral Commission must receive a written notification about the abandonment within the time limit set out in paragraph 1 of this Article.

The withdrawal of one or more candidates from the list is not permissible after the list on which they are listed is accepted, the withdrawal of a candidate shall not be accepted and such a list shall remain legally valid with the names of all published candidates.

Article 20

Where a candidate on the list for the election of members to the European Parliament dies at the time of publication of duly proposed lists, the political parties that nominated the proposed member may nominate a new candidate or deputy in his place, without any special conditions for the validity of the candidacy under this Act, up to 10 days before the holding of the election.

If a candidate on the lists for the election of members to the European Parliament dies after the time limit referred to in paragraph 1 of this Article, the provision of Article 14 of this Act shall apply accordingly.

ELECTION ADVERTISING

Article 21

Election advertising begins on the day of publication of duly proposed lists, and ends 24 hours before the day of commencement of the election.

On the day of holding the election until the closing of the voting location, and 24 hours before the day of holding of the election, any election advertising is prohibited, and so is the assessment of electoral results, and the publication of previous, unofficial results of the election, publication of photographs in the media, and also statements and interviews by top candidates and the stating of their statements or written works.

Article 22

At the time of election advertising, all political parties who proposed the lists of candidates and candidates on independent lists shall have the right to present their views and to engage in election advertising under the same conditions.

The media shall enable the realisation of the rights of political parties and candidates on independent lists in their actions in accordance with the Rules on the conduct of electronic media with a national concession in the Republic of Croatia during election advertising.

ELECTION OF MEMBERS TO THE EUROPEAN PARLIAMENT

Article 23

Members of the European Parliament are elected based on proportional representation and preference voting.

Voting is carried out on ballots which include the lists of candidates.

The territory of the Republic of Croatia, including voting locations outside the borders of the Republic of Croatia, represents one electoral unit.

Article 24

Voters may vote only once and only for one list of candidates. On the ballot, a voter may mark one candidate who has got preference over other candidates on the list for which he voted (preference vote).

Article 25

The right to take part in the distribution for the European Parliament may be exercised by the lists which obtain at least 5% of the votes cast at the election.

Article 26

The distribution of seats for members of the European Parliament amongst the lists of candidates is carried out at state level.

The number of members to be elected from each list of candidates is established as follows:

The total number of valid votes obtained by each list (the electoral mass of the list) is divided by numbers from 1 to the number of members elected to the European Parliament, where decimal residue also counts. The number of candidates elected from the list of candidates is the number of mandates obtained by the list.

Preference votes for certain candidates count if the number of preference votes of a particular candidate is at least 10% of the votes obtained by the list concerned.

Elected candidates are candidates from each list of candidates who obtained the largest number of preference votes. Where two or more candidates obtain the same number of preference votes, the deciding factor is the order on the list of candidates.

If pursuant to paragraphs 4 and 5 of this Article the number of candidates is not the same as the number of mandates pertaining to that particular list, candidates who are next in order on the list shall be designated to the remaining places on the list.

Article 27

Deputy members of the European Parliament from each list of candidates are candidates who were not elected, and whose order is determined in accordance with Article 13, paragraph 1 of this Act.

BODIES FOR THE IMPLEMENTATION OF THE ELECTION

Article 28

Bodies for the implementation of the election of members of the European Parliament are the following:

The State Electoral Commission, county electoral commissions and the electoral commission of the City of Zagreb, municipal and town electoral commissions and election committees.

Members of electoral commissions and election committees, and their deputies have the right to a remuneration for their work.

The amount of the remuneration referred to in paragraph 3 of this Article shall be determined by the State Electoral Commission.

THE STATE ELECTORAL COMMISSION

Article 29

The State Electoral Commission:

1. takes care of the lawful preparation and implementation of the election for members of the European Parliament,
2. appoints members of county electoral commissions and the electoral commission of the City of Zagreb,
3. issues obligatory instructions for work of electoral commissions and election committees,
4. designates voting locations and appoints election committees in diplomatic missions and consular posts of the Republic of Croatia,
5. lays down forms in the procedure of preparation and implementation of the election,
6. supervises the work of county electoral commissions and the electoral commission of the City of Zagreb,
7. based on legally valid proposals, publishes the list of candidates,
8. supervises the lawfulness of election advertising,

9. publishes the results of the election for members of the European Parliament,
10. informs citizens of the holding of the election and the possibility of exercising and protecting the right to vote in the electoral process,
11. performs other activities set out in this Act.

Article 30

Obligatory instructions for the work of electoral commissions and election committees established by the State Electoral Commission shall be published in the Official Gazette, on the Croatian Radio Television and in the daily newspapers in the Republic of Croatia.

COUNTY ELECTORAL COMMISSIONS AND THE ELECTORAL COMMISSION OF THE CITY OF ZAGREB

Article 31

The county electoral commission and the electoral commission of the City of Zagreb consist of the president and two members, where each has got a deputy, appointed by the State Electoral Commission.

The president of the county electoral commission and the electoral commission of the City of Zagreb and their deputies are appointed by the State Electoral Commission from amongst the ranks of judges.

Article 32

The county electoral commission:

- takes care of the lawful implementation of the election at voting locations within its area of responsibility,
- designates voting locations at the proposal of municipal and town electoral commissions,
- appoints municipal and town electoral commissions,
- appoints and releases election committees,
- according to the obligatory instructions of the State Electoral Commission, performs all technical preparations for the holding of the election within its area of responsibility,
- gathers and counts the results of voting at voting locations within its area of responsibility from municipal and town electoral commissions and forwards them to the State Electoral Commission,
- performs other activities set out in this Act.

Article 33

The electoral commission of the City of Zagreb:

- takes care of the lawful implementation of the election at voting locations within its area of responsibility,
- designates voting locations in the City of Zagreb,
- appoints and releases election committees in the City of Zagreb,
- according to the obligatory instructions of the State Electoral Commission, performs all technical preparations for the holding of the election within its area of responsibility,
- gathers and counts the results of voting at voting locations within its area of responsibility from election committees and forwards them to the State Electoral Commission
- performs other activities set out in this Act.

MUNICIPAL AND TOWN ELECTORAL COMMISSIONS

Article 34

Municipal and town electoral commissions are appointed by the county electoral commission. The municipal and town electoral commissions consist of the president and two members, each of whom has a deputy.

The presidents of the municipal and town electoral commissions and their deputies are appointed by the county electoral commission from amongst the ranks of lawyers who have pursued the Master of Laws degree and who are not members of any political party.

Article 35

Municipal and town electoral commissions:

- propose voting locations in the area of the municipality or town to the county electoral commissions,
- propose the appointment of election committees in the area of the municipality or town,
- propose the release of election committees in the cases foreseen in this Act,
- collect data on election and forward them to the county electoral commission,
- perform other activities delegated to them by the county electoral commission from within its scope of work.

ELECTION COMMITTEES

Article 36

Election committees are directly in charge of carrying out voting by voters at voting locations, and provide for the lawfulness and secrecy of voting.

Election committees shall have the president and four members, and their deputies.

The president of the election committee and his deputy may not be members of any political party, and preferably should be of the legal profession.

Election committees for all voting locations, in accordance with the provisions of paragraphs 3 and 4 of this Article, shall be designated by county electoral commissions or the electoral commission of the City of Zagreb, competent according to the provisions of this Act, at the latest 20 days before the holding of the election.

HOLDING THE ELECTION

Article 37

At the latest ten days before the election, the State Electoral Commission shall publish the list of voting locations and indicate which voters are to vote at a particular voting location for voting locations abroad, and the county electoral commissions and the electoral commission of the City of Zagreb shall do the same for their areas of responsibility.

Article 38

At the latest 20 days before the holding of the election, voting locations shall be designated by:

The minister of defence for the voting of voters serving in the Armed Forces of the Republic of Croatia.

The minister of the sea, transport and infrastructure for the voting of voters who, on the election day, are outside the borders of the Republic of Croatia as crew-members of sea and river ships flying the Croatian flag.

The minister of justice for the voting of voters deprived of their freedom.

The minister of foreign affairs and European integration for the voting of voters who are in peace missions of the United Nations on the election day.

Article 39

In determining voting locations, the number of voters who will vote at them, and the accessibility and physical distance of the voting location must be taken into account.

The number of voters to vote at a particular voting location shall be determined in such a way to enable that voting can be held without any difficulties during the time period set out for voting.

A special room for voting shall be set out at each voting location, which must be equipped and furnished in a way to enable the secrecy of voting.

Each voting location shall have an ordinal number.

VOTING AND DETERMINING THE RESULTS OF VOTING

Article 40

Voting is personal and carried out by ballot.

No one may vote on behalf of another person.

Ballots are printed in the state printing house designated and directly supervised by the State Electoral Commission.

Ballots may be printed in Braille.

Every ballot must have a serial number printed on it.

Article 41

Voting ballots shall include the following:

1. the designation of the voting location,
2. instructions about the way of voting,
3. the ordinal numbers and the names of the lists in the same order as in the joint list of candidates, and each list should also include the ordinal numbers and the first and last names of candidates,
4. the serial number.

Article 42

Voting may be performed only for the lists stated on the ballot.

A voter shall vote in a way to encircle the ordinal number in front of the name of the list. If he wishes to give a preference vote to an individual candidate, he shall encircle the ordinal number in front of the first and last name of the candidate to whom he is to give his preference vote.

Article 43

A valid ballot shall be any ballot which shows the will of the voter and the list for which the voter voted in a safe and unambiguous way.

Article 44

Invalid ballots shall be the following:

1. a ballot which is not encircled,
2. a ballot filled out in a way which does not make it possible to determine with certainty the will of the voter and the list for which he voted,
3. a ballot on which the voter voted for two or more lists.

Article 45

If the voter encircles only the ordinal number in front of the name of the list, and does not give a preference vote to a candidate, the ballot is valid.

If the voter encircles the ordinal number for a list, and gives his preference vote to a candidate from another list, the ballot shall be valid in terms of the vote for the list, but the preference vote of the candidate shall not be accepted.

If the voter gives his preference vote to two or more candidates on the same list, the ballot is valid in terms of the vote for the list.

Article 46

Voting shall last without interruptions from seven to nineteen hours.

In diplomatic missions and consular posts of the Republic of Croatia, voting shall last two days, where it shall end on the day on which voting ends in the Republic of Croatia.

Voting locations shall close at 19:00 hours, but voters found at the voting location shall be enabled to vote.

At least five members of the election committee or their deputies shall be present at the voting location at all times.

Article 47

The president of the election committee shall have the duty and is authorised to protect calm and order at the voting location during the time of voting, and after the voting location is closed.

If it is essential to maintain calm and order, and in order to ensure an undisturbed flow of voting, the president of the election committee may ask the police for assistance at the voting location, which shall act according to his instructions, within its powers set out in law.

No one other than members of the police at the request of the president of the election committee may appear armed at the voting location.

Article 48

The president of the election committee or a member authorised by the president of the election committee shall make sure that each of the voters who appears at the voting location is listed on the excerpt from the electoral roll.

If a voter is not listed on the excerpt from the electoral roll, the president of the election committee shall not permit him to vote, unless the voter proves his right to vote at the voting location concerned by a certificate issued by the competent state body.

Article 49

Any voter who in view of a physical disability or illiteracy cannot vote independently may appear at the voting location with another person who is literate and who shall encircle the ordinal number in front of the list or in front of the name of the candidate for whom the voter wishes to vote according to his power and instructions.

Blind persons are entitled to vote on the ballot in Braille. If blind persons wish to vote on a ballot in Braille, they shall submit a request to the town or municipal electoral commission at the latest 30 days before the holding of the election.

The town or municipal electoral commission shall notify the State Electoral Commission about the number of submitted requests referred to in paragraph 2 of this Article for the purpose of making the ballots in Braille.

The State Electoral Commission shall issue a special instruction concerning the making of ballots in Braille and the manner of voting of blind persons.

Any voter who is not in the position to appear at the voting location shall notify the election committee accordingly. The president of the election committee shall designate at least two members of the election committee or deputies who shall visit the voter at the place where he can be found and enable him to vote, taking care of the secrecy of voting.

The president of the election committee shall record by name the voting of voters having a physical disability, illiterate voters, and voting outside the voting location further to a prior notification by the voter, in the minutes of the work of the election committee.

Article 50

On completion of voting, the election committee shall first count any unused ballots and place them in a separate envelope to be sealed.

The election committee shall then establish the total number of voters who voted based on the minutes, according to the electoral roll or the excerpt from the electoral roll.

After the number of voters who voted is established, the commission shall open the ballot box and count the votes.

Article 51

If at the time of counting the votes at the voting location it is established that the number of votes based on the excerpt from the electoral roll is greater than the number of votes based on the ballots, the results of voting based on the ballots shall prevail.

If at the time of counting the votes at the voting location it is established that the number of voters who voted is lower than the number of votes in the ballot box, the election committee shall stop its work immediately and submit the materials to the municipal or town election committee, along with its report.

The municipal or town election committee shall immediately notify the county electoral commission accordingly, which shall nullify the voting at the voting location, dismiss the election committee, appoint a new election committee and order that the voting at the voting location should be repeated within 14 days.

If at the time of counting the votes at a voting location in the City of Zagreb it is established that the number of voters who voted is lower than the number of votes in the ballot box, the election committee shall stop its work immediately and submit both the materials and a report to the electoral commission of the City of Zagreb, which shall dismiss the election committee, appoint a new election committee and order that the voting at the voting location should be repeated within 14 days.

Article 52

After the election committee establishes the results of voting at a voting location, it shall record the following in the minutes of its work:

– the number of voters according to the excerpt from the electoral roll,

- the number of voters who voted according to the excerpt from the electoral roll, and the number of voters who voted based on the certificate issued by the competent state body, and the number of voters in total,
- the number of votes cast for each list, and the first and last names of the candidates on that list with the number of preference votes,
- the number of ballots declared invalid.

The minutes of the work of the election committee shall also include all other facts relevant for the voting procedure.

Any member of the election committee is authorised to give written comments on the minutes.

The minutes must be signed by all members of the election committee and their deputies.

Every member of the election committee and their deputies are entitled to a copy or transcript of the minutes of work of the election committee, which is then certified by the signature of all members of the election committee.

Article 53

The election committee shall deliver the minutes of its work with other electoral materials to the municipal or town electoral commission and the electoral commission of the City of Zagreb at the latest within 12 hours of the closing of the voting location.

The election committee in a diplomatic mission or consular post of the Republic of Croatia shall deliver the minutes of its work with other electoral materials directly to the State Electoral Commission within 48 hours of the closing of the voting location.

Article 54

The municipal and town electoral commissions shall keep minutes of their work, in which it shall record the following:

1. the number of voters entered in the excerpt from the electoral roll in its area,
2. the number of voters who voted and the number of ballots which were declared invalid,
3. the number of votes given to each list, and the first and last names of the candidates on that list with the preference number of votes.

The municipal and town electoral commissions shall deliver the minutes of their work with other electoral materials to the county electoral commission at the latest within 18 hours of the closing of the voting location

Article 55

The county electoral commission and the electoral commission of the City of Zagreb shall keep minutes of their work, in which they shall record the following:

1. the number of voters entered in the excerpt from the electoral roll in its area,
2. the number of voters who voted and the number of ballots which were declared invalid,
3. the number of votes given to each list, and the first and last names of the candidates on that list with the preference number of votes.

Any member of the electoral commission is authorised to give written comments on the minutes. The minutes must be signed by all members of the electoral commission.

The electoral commission shall count the results of voting at voting locations in its area at the latest within 24 hours of the day of closing the voting location.

The county electoral commission and the electoral commission of the City of Zagreb shall deliver the results of voting in their area to the State Electoral Commission with the minutes of their work in the manner and within the term fixed by the State Electoral Commission.

Article 56

The results of the election for members of the European Parliament shall be established by the State Electoral Commission.

Article 57

When the State Electoral Commission establishes the results of voting for members of the European Parliament, it shall publish without any delay:

1. the number of voters entered on the electoral roll, the number of voters who voted, the number of votes given to a particular list, the first and last names of the candidates on that list with the number of preference votes, and the number of invalid ballots,
2. the number of mandates given to each list, and the first and last names of the candidates elected as members of the European Parliament.

Article 58

During the voting, the State Electoral Commission may publish interim reports on the number of voters who voted.

Article 59

After the closing of voting locations, the State Electoral Commission may publish interim and unofficial results of the election at its discretion.

Official results shall be published when voting locations in a Member State of the European Union whose voters are last to vote are closed, and after all legal remedies in the protection of the right to vote are exhausted or after the time limits for filing such legal remedies laid down by this Act expire.

The President of the Croatian Parliament shall notify the President of the European Parliament of the results of the election for members of the European Parliament.

COSTS OF HOLDING THE ELECTION

Article 60

Funds for covering the costs of the election shall be ensured in the State Budget of the Republic of Croatia and shall be used by the State Electoral Commission.

The State Electoral Commission shall set the way of using the funds, supervise the use of the funds, and award appropriate funds to election committees.

The State Electoral Commission shall publish in the media a thorough report on the costs of the election and the way in which they were incurred within 30 days of the date of publication of the official results of the election.

PROTECTING THE RIGHT TO VOTE

Article 61

Constitutionality and lawfulness of the election is supervised by the Constitutional Court of the Republic of Croatia.

Article 62

Complaints against irregularities in the candidacy procedure or in the electoral process may be filed by political parties, top candidates, candidates for members of the European Parliament, at least 100 voters or 5% of voters.

A group of at least 100 voters or at least 5% of voters shall designate a joint member authorised to submit a complaint.

Article 63

Complaints against irregularities in the candidacy procedure or in the electoral process for members of the European Parliament shall be submitted to the State Electoral Commission within 48 hours of the end of the day on which the action against which the complaint is submitted was committed.

The State Electoral Commission shall issue a decision concerning the complaint within 48 hours of the day on which the complaint was submitted or of the date when the electoral materials to which the complaint relates were delivered.

Article 64

If the State Electoral Commission, in the process of resolving about the complaint, establishes that there were irregularities which had or might have had a material impact on the results of the election, it shall nullify the actions and order that within a specific term, which must enable the election to be held on the day of calling, the actions should be repeated.

If there is no possibility for repeating the nullified actions or if the irregularities relate to the voting process and they had or might have had a material impact on the results of the election, the State Electoral Commission shall nullify the election and set a term for repeating the election.

Article 65

The complainant is entitled to file an appeal to the Constitutional Court of the Republic of Croatia against the decision issued by the State Electoral Commission.

The appeal shall be filed to the Constitutional Court of the Republic of Croatia through the State Electoral Commission within 48 hours of the end of the day on which the disputed decision was received.

The Constitutional Court of the Republic of Croatia shall adopt a decision concerning the appeal within 48 hours of the day of its receipt.

Article 66

A complaint or an appeal in the procedure of protecting the right to vote shall not postpone the performance of electoral actions laid down in this Act.

Article 67

Administrative fees shall not be payable on submissions and decisions in the procedure under this Act.

THE ETHICS COMMISSION

Article 68

The Ethics Commission is a supra-party body of generally recognised public repute which acts to promote and realise ethical and democratic principles in the election by making announcements and warnings.

The Ethics Commission appraises the conduct of participants in the election during the election campaign and the electoral process itself and carries out non-administrative supervision of the election campaign.

Article 69

The Ethics Commission has a chairman and six members, where three members are proposed by the majority party and opposition political parties, in accordance with the party composition of the Croatian Parliament.

Members of the Commission, based on the proposal by parliamentary political parties, are appointed by the Constitutional Court of the Republic of Croatia from amongst the ranks of prominent public figures who are not candidates at the election and who are not members of any political party.

Article 70

The President of the Croatian Academy of Sciences and Arts is the chairman of the Ethics Commission by position.

Article 71

After publication of the decision calling the election, and before the beginning of the election campaign, the Ethics Commission shall adopt and publish the Electoral Code of Ethics which consists of rules of conduct for individuals and political parties in the election campaign and in the electoral process. Before the adoption of the Electoral Code of Ethics, the Ethics Commission shall request an opinion of the parliamentary political parties.

MONITORING THE ELECTION

Article 72

Political parties, voters who nominated candidates, non-governmental organisations and international organisations active in the Republic of Croatia are entitled to monitor election advertising, printing and the use of electoral materials, the electoral process as a whole, voting, the work of electoral bodies and have access to all electoral materials.

Article 73

The observer designated by a political party shall present the certificate issued by the political party that designated him to the electoral body the work of which he is to monitor. The certificate shall be issued and signed by the person authorised to represent the political party or by the person empowered by the authorised person.

The observer designated by voters who nominated an independent candidate shall present the consent of such independent candidate to the electoral body the work of which he is to monitor.

Article 74

Non-governmental organisations shall request the State Electoral Commission to issue a permit for monitoring the work of election committees and electoral committees within 30 days of the date of calling of the election.

The State Electoral Commission shall permit the monitoring of the electoral process to all associations registered as associations engaged in the field of independent monitoring of electoral procedures and/or promoting of human and civil rights.

The State Electoral Commission shall deliver a decision concerning the request of a non-governmental organisation without any delay to the address of the seat of the association or to the authorised person of the association.

Based on the decision delivered in accordance with paragraph 3 of this Article, authorised non-governmental organisations shall submit a list with the names of their authorised observers to the State Electoral Commission at the latest 20 days before the holding of the election. The State Electoral Commission shall draw up official identity cards for each of the authorised observers and deliver them to the seats of the non-governmental organisations at the latest three days before the holding of the election.

Article 75

The observer designated by a non-governmental organisation permitted to monitor the election shall present the certificate of the non-governmental organisation that designated him and the identity card issued by the State Electoral Commission to the electoral body the work of which he is to monitor.

The certificate shall state the number and date of the approval issued by the State Electoral Commission for monitoring the work of the electoral body, and shall be issued and signed by the person authorised to represent the association or the person empowered by the authorised person.

Article 76

The observer designated by an international organisation active in the Republic of Croatia (foreign observer) shall be approved foreign observer status by the State Electoral Commission. The State Electoral Commission shall draw up the official identity card for the foreign observer.

Before beginning to monitor the electoral process, foreign observers shall present the approval referred to in paragraph 1 of this Article and the identity card issued by the State Electoral Commission to the electoral body the work of which they are to monitor.

Article 77

The State Electoral Commission shall issue rules in which it shall regulate in detail the rights and duties of observers in monitoring the electoral process within eight days of the date of having called the election.

PENAL PROVISIONS

Article 78

A fine in the amount of 3,000.00 kuna shall be issued for a misdemeanour:

– against a natural person who breaches electoral silence (Article 21).

A fine in an amount from 10,000.00 to 30,000.00 kuna shall be issued for a misdemeanour:

– against a candidate at the election who breaches electoral silence (Article 21).

A fine in an amount from 100,000.00 to 500,000.00 kuna shall be issued for a misdemeanour:

– against a legal person who breaches electoral silence (Article 21).

A fine in an amount from 10,000.00 to 30,000.00 kuna shall be issued for a misdemeanour:

– against the responsible person in a legal person who breaches electoral silence (Article 21).

OBSERVER STATUS

Article 79

The first election for members of the European Parliament shall be announced after the accession of the Republic of Croatia to the European Union or in accordance with the

Accession Agreement between the Republic of Croatia and the European Union, appropriately.

After the signing of the Accession Agreement between the Republic of Croatia and the European Union, the Croatian Parliament shall appoint observers to the European Parliament from amongst the ranks of members of the Croatian Parliament, *pro rata* to their share in the composition of the Croatian Parliament.

The number of observers referred to in paragraph 2 of this Article is compatible to the number of the members of the European Parliament that Croatia will be entitled to on the basis of the Accession Agreement between the Republic of Croatia and the European Union.

Article 80

The provisions of this Act concerning the incompatibility of the office of member of the Croatian Parliament and the office of member of the European Parliament shall not apply to observers appointed by the Croatian Parliament.

Article 81

Observer status referred to in Article 79, paragraph 2 of this Act shall terminate on the date of accession of the Republic of Croatia to the European Union, at which time observers shall temporarily become full-fledged members of the European Parliament until the holding of the first election for members of the European Parliament in the Republic of Croatia.

During their term as temporary members of the European Parliament, the mandate of member of the Croatian Parliament shall be stayed, and the member shall be substituted by a deputy pursuant to the provisions of the Act on the Election of Members of the Croatian Parliament.

Article 82

Observer status and the status of temporary member of the European Parliament may terminate even before the calling of the first election for the European Parliament referred to in Article 11 of this Act, and the institute of deputy shall be governed by the provisions of Article 12 of this Act.

After the end of the mandate of members of the convocation of the Croatian Parliament which appointed observers to the European Parliament, members may perform the duty of observer or temporary member of the European Parliament until the appointment of new members for such duties from amongst the ranks of the new convocation of the Croatian Parliament, at which time their mandate ends.

TRANSITIONAL AND FINAL PROVISIONS

Article 83

The provisions of Article 2, paragraphs 1 and 2 of this Act in terms of the duration of the mandate of a member of the European Parliament shall not apply to members of the European Parliament elected at the first election in the Republic of Croatia.

The mandate of the elected members of the European Parliament shall begin at the opening of the first session of the European Parliament after the first election in the Republic of Croatia, and shall end at the end of the term of the European Parliament.

Article 84

The provisions of Article 7, paragraphs 1, and Article 59, paragraph 2 of this Act shall not relate to the implementation of the first election for members of the European Parliament from the Republic of Croatia.

Article 85

Issues concerning the keeping of the electoral roll and electoral actions which are not regulated by this Act shall be governed by the provisions of the Act on Electoral Rolls.

Article 86

This Act shall be published in the Official Gazette and shall enter into force on the date of accession of the Republic of Croatia to the European Union, save for the provisions of Articles 79, 80, 81 and 82 which shall enter into force on the date of signing of the Accession Agreement between the Republic of Croatia and the European Union.

Class: 910-04/10-01/04

Zagreb, 15 July 2010

THE CROATIAN PARLIAMENT

The President
of the Croatian
Parliament
Luka Bebić, m.p.

THE CROATIAN PARLIAMENT

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

DECISION

PROMULGATING THE ACT ON THE AMENDMENTS TO THE ACT ON THE ELECTION OF MEMBERS OF PARLIAMENT FROM THE REPUBLIC OF CROATIA TO THE EUROPEAN PARLIAMENT

I hereby promulgate the Act on the Amendments to the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament, passed by the Croatian Parliament at its session on 22 February 2013.

Class: 011-01/13-01/35

No: 71-05-03/1-13-2

Zagreb, 22 February 2013

The President
of the Republic of
Croatia
Ivo Josipović, m.p.

(OG 23/13)

ACT

ON AMENDMENTS TO THE ACT ON THE ELECTION OF MEMBERS OF PARLIAMENT FROM THE REPUBLIC OF CROATIA TO THE EUROPEAN PARLIAMENT

Article 1

In the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) the title of the Act shall be replaced by the following: “The Act on the Election of Members of the European Parliament from the Republic of Croatia”.

Article 2

The following Article 1.a shall be inserted after Article 1:

»Article 1.a

This Act contains provisions in compliance with the following Acts of the European Union:

– Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals;

– Act concerning the election of the Members of the European Parliament by direct universal suffrage of 18 November 1999, version of 11 February 2004 (Consolidated version incorporating the Act of 20 September 1976 (OJEC L 278 of 08.10.1976, p. 5) and amendments introduced by Article 10 of the Act of Accession of Greece to the European Communities, by Article 10 of the Act of Accession of Spain and Portugal to the European Communities, by Decision 93/81/Euratom, ECSC, EEC of the Council of 1 February 1993 (OJEC L 33 of 09.02.1993, p. 15), by Article 11 of the Act of Accession of Austria, Sweden and Finland to the European Union and by Article 5 of the Treaty of Amsterdam of 2 October 1997 (OJEC C 340 of 10.11.1997, p. 1).”.

Article 3

The words “legalised by the notary public” in Article 4 paragraph 2 shall be deleted.

Article 4

In Article 5 paragraph 2 the words “he was not deprived of legal capacity through a legally effective court decision” and “, that is, that” shall be deleted.

Article 5

In Article 7 paragraph 4 the comma following the word “Sunday” shall be replaced by a full stop and the following wording: “and by way of derogation for Croatian nationals who vote abroad, the day of holding the election may be a Saturday.” shall be deleted.

Article 6

In Article 9 paragraph 3 the words “in peace missions of the United Nations” shall be replaced by “in peace operations and missions”, whereas the words “borders of the Republic of Croatia” shall be followed by a comma and the following text “on watercrafts on inland sea waters and the territorial sea of the Republic of Croatia, voters placed under the care of a social care facility”.

Article 7

Article 14 is amended as follows: in paragraph 2 the words “(coalition list)” shall be deleted.

The following paragraph 5 shall be inserted:

“If the proponent puts forward a number of candidates which is lower than the number of members to be elected to the European Parliament, the list of candidates shall be considered invalid.”.

Article 8

The words “legalised by the notary public” in Article 16 paragraph 1 shall be deleted.

Article 9

The words “or party coalition” occurring twice in Article 17 paragraph 3 shall be deleted.

In paragraph 4 the words “independent list” shall be replaced by “the voter-group list of candidates.”.

The following paragraph 5 shall be inserted after paragraph 4:

“The leader of the voter-group list shall be the first candidate on such list.”.

The existing paragraph 5 shall be renumbered into paragraph 6.

Article 10

Article 18 paragraph 3 shall be amended as follows:

“Party lists and voter-group lists of candidates shall be included on joint lists according to an alphabetical order of the full name of the political party or the two or more political parties proposing a list of candidates, or according to the last name of the leader candidate on the voter-group list of candidates. Where several political parties proposed a common list, it shall be included in the joint list, based on the name of the first in line political party in the proposal.”

Article 11

In Article 19 paragraph 1 the words “an independent list” shall be replaced by “the voter-group list of candidates” and the words “the first candidate on the list” shall be replaced by “the leader of the voter-group list of candidates”.

Article 12

Article 20 paragraph 2 shall be amended as follows: the words “after the time limit referred to in paragraph 1 of this Article, the provision of Article 14 of this Act shall apply accordingly” shall be replaced by “in a time limit shorter than 10 days preceding the day of the election, the list of candidates shall be considered valid”.

Article 13

Article 26 paragraph 2 shall be replaced as follows:

“The number of members to be elected from each list of candidates is established as follows:

– the total number of valid votes obtained by each list (the electoral mass of the list) is divided by numbers from 1 to the total number of seats available for the European Parliament, and the decimal residue shall also count. From the resulting figures, lists having obtained as many highest figures expressed in decimal points, as there is the number of seats available shall win the seats to the European Parliament. Each list shall be entitled to a number of seats in the European Parliament in proportion to the list's individual results among as many highest results as there are the seats to be allocated.

– preference votes for certain candidates shall count if the number of preference votes of a particular candidate is at least 10% of the votes obtained by the list concerned;

– elected candidates are candidates from each list of candidates who obtained the largest number of preference votes. Where two or more candidates obtain the same number of preference votes, the outcome shall be determined by the order from the list of candidates;

– if, pursuant to subparagraphs 2 and 3 of this Article, the number of elected candidates differs from the number of mandates pertaining to that particular list, the candidates who are next in order on the list shall be designated to the remaining places on the list.”.

Article 14

In Article 28 shall be added the following paragraph 3:

“Upon the proposal of the State Electoral Commission, the same permanent composition of both municipal and town electoral commissions may be nominated for election in several municipalities and towns.”

The existing paragraphs 3 and 4 shall be renumbered into paragraphs 4 and 5.

Article 15

In Article 29 paragraph 1 item 7 the words “list of candidates” shall be replaced by “joint list”.

The following item 11 shall be inserted:

“11. monitors the funding of the election campaign in accordance with a special law.”

The existing item 11 shall be renumbered into item 12.

Article 16

In Article 30 the words “the Official Gazette” shall be followed by a full stop instead of a comma and the words: “on the Croatian Radio Television and in the daily newspapers in the Republic of Croatia” shall be removed.

Article 17

In Article 35 paragraph 1 subparagraph 4 shall be replaced by the following:

“– collect election turnouts from electoral committees in its area of responsibility and forwards them to the county electoral commission.”

Article 18

The following sentence is added to Article 36 paragraph 2: “Two members and their deputies shall be appointed by the majority political party, or political parties, whereas the remaining two and their deputies shall be appointed by the opposition political party, or political parties, in line with the current party representation within the Croatian Parliament.”

The following paragraphs 3 and 4 are inserted after paragraph 2:

“Political parties shall designate members of specific election committees and submit their names to the competent electoral commissions at the latest 18 days before the day of holding of the election. If they fail to designate such members, or if they fail to submit their names to the competent electoral commissions, the latter shall designate members of the election committees on their own.

Where members of a group should disagree on the distribution of its members in electoral committees, the competent electoral commission shall draw the lots regarding such distribution in the manner that each party be represented in the highest possible number of electoral committees with regard to the total number of party members.

The existing paragraph 3 shall be renumbered into paragraph 5.

The existing paragraph 4 shall become paragraph 6 and the words “paragraphs 3 and 4” shall be replaced by “paragraphs 3, 4, and 5” and the words “20 days” shall be replaced by “15 days”.

Article 19

Article 38 is amended as follows:

“At the latest 20 days before the holding of the election, voting locations shall be designated by the following:

- the minister accountable for the defence for the voting of voters serving in the Armed Forces of the Republic of Croatia,
- the minister accountable for maritime affairs for the voting of voters who, on the election day, are outside the borders of the Republic of Croatia as crew-members of sea and river ships flying the Croatian flag as well as crew-members on watercrafts on inland seas and the territorial sea of the Republic of Croatia,
- the minister accountable for welfare, for the voting of voters who are placed in a social care facility,
- the minister accountable for justice for the voting of voters deprived of their freedom,
- the minister accountable for foreign and European affairs for the voting of voters who are in peace operations and missions on the election day.”.

Article 20

Item 1 of Article 41 shall be deleted.

The existing items 2, 3 and 4 are renumbered into 1, 2 and 3.

Article 21

In Article 42 paragraph 2 the words “on that list” shall be inserted after “an individual candidate” and the word “also” shall be inserted after the words “he shall”.

Article 22

In Article 44 item 3 after the last word “lists” the full stop shall be replaced by a comma.

The following item 4 shall be added:

“4. a ballot where the voter voted for candidates from a number of lists, but failing to encircle any lists.”.

Article 23

Article 45 paragraph 3 is amended as follows:

“If the voter gives his preference vote to two or more candidates on the same list, the ballot is valid in terms of the vote for the list, regardless of whether the ordinal number in front of such list is encircled or not, whereas the preference vote to a candidate shall not be valid.”

The following paragraphs 4 and 5 shall be added:

“If the voter gives his preference vote to to a candidate from a specific list, but failing to encircle the ordinal number in front of that list, the ballot shall be valid both in terms of the vote for the list as well as in terms of the preference vote to a candidate from the same list.

If the voter gives his preference vote to candidates from different lists and encircles the ordinal number in front of one such list, the ballot shall be valid in terms of the vote for the list and in terms of the preference vote to a candidate from that list, provided that he gives that list a single preference vote.”.

Article 24

In Article 50 paragraph 2 is amended as follows:

“Election committees shall then establish the total number of voters who voted based on the excerpt from the electoral roll.”.

Article 25

In Article 60 paragraph 3 the following words “in the media” shall be replaced by “on its website”.

Article 26

In Article 62 paragraph 1 the following words “of 5% of voters” shall be deleted.

In paragraph 2 the following words “or at least 5% of voters” shall be deleted.

Article 27

In Article 73 paragraph 2 the following words “nominated an independent candidate” shall be replaced by “nominated the voter-group list of candidates” and the words “the consent of such independent candidate” shall be replaced by “the consent of the leader of the voter-group list of candidates”.

Article 28

In Article 78 paragraph 2, the item following the first subparagraph shall be deleted and the following subparagraph shall be added instead:

“– a national of other Member States of the European Union who submits a false statement as referred to in Article 4 paragraph 2 and Article 16 paragraph 1 of this Act.”.

Article 29

In Article 79 paragraph 1 shall be amended as follows:

“The first *ad hoc* direct general election for members of the European Parliament from the Republic of Croatia shall be announced within a time frame which should provide that the holding of election occur before the accession date of the Republic of Croatia to the European Union, in accordance with the Accession Agreement between the Republic of Croatia and the European Union.”.

Article 30

In Article 81 paragraph 1 the comma following the words “European Union” shall be replaced by a full stop and the words “at which time observers shall temporarily become full-fledged members of the European Parliament until the holding of the first election for members of the European Parliament in the Republic of Croatia.” shall be deleted.

Paragraph 2 shall be deleted.

Article 31

In Article 82 paragraph 1 the following words “and the status of temporary member of the European Parliament” shall be deleted and the words “even before the calling of the first election for the European Parliament” shall be replaced by “even before the accession of the Republic of Croatia to the European Union”.

Paragraph 2 shall be deleted.

Article 32

Article 83 is replaced by the following:

In paragraph 1 the following words “the first election” shall be replaced by “the first *ad hoc* direct general election”.

In paragraph 2 the following words “at the opening of the first session of the European Parliament after the first election in the Republic of Croatia” shall be replaced by “on the day of accession of the Republic of Croatia to the European Union”.

Article 33

In Article 84 the following words “the first election” shall be replaced by “the first *ad hoc* direct general election”.

Article 34

In Article 85 the following words “the Act on Electoral Rolls” shall be replaced by “the act regulating the electoral register”.

Article 35

In Article 86 the following words “on the date of accession of the Republic of Croatia to the European Union” shall be replaced by “on 1 March 2013.”.

TRANSITIONAL AND FINAL PROVISIONS

Article 36

By way of derogation from the time limits set out in Article 7 paragraph 5 and Article 74 paragraphs 1 and 4 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10), at the first *ad hoc* direct general election of the Members of the European Parliament from the Republic of Croatia the following shall be valid:

- a time span of at least 30 days must pass from the day of the announcement until the day of the holding of the election;
- the permit by the non-governmental organisations referred to in Article 74 paragraph 1 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) shall be requested within 15 days of the date of calling the election, whereas the list of authorised observers referred to in Article 74 paragraph 4 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) shall be submitted to the State Electoral Commission at the latest 10 days before the holding of the election.

By way of derogation from the provisions of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) and this Act, where the first *ad hoc* direct general election of Members of the European Parliament from the Republic of Croatia should occur simultaneously with the local elections, for the first *ad hoc* direct general election of Members of the European Parliament from the Republic of Croatia the following shall be valid:

- pursuant to the Act on Local Elections, the election shall be carried out by the same electoral bodies which are designated for the implementation of local elections,
- voting locations as described in Article 19 of this Act and voting locations abroad shall be determined by the competent bodies no later than 15 days before the holding of the election, whereas the electoral committees for the implementation of the election on such voting locations shall be appointed by the competent bodies at the latest 10 days prior to the election day,
- the remuneration levels awarded to electoral bodies in the electoral process shall be fixed by the State Electoral Commission, whereas the Government of the Republic of Croatia shall determine the amount of such remuneration.

The financial resources to cover the costs of the simultaneous holding of elections as referred to in the second paragraph of this Article shall be endowed in equal parts from the State Budget and the budgets of local and regional self-government units.

The State Electoral Commission shall determine the way in which financial resources referred to in the third paragraph of this Article shall be spent and monitor such spending.

Article 37

Throughout the text of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) the following words “independent list” shall be replaced by “the voter-group list of candidates” in the appropriate gender, number and case”.

Article 38

Nationals of other European Union Member States are not entitled to either vote nor to present their candidacy at the first *ad hoc* direct general election for Members of the European Parliament from the Republic of Croatia.

Article 39

The right of blind persons to vote on the ballot in Braille referred to in Article 49 paragraph 2 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) and the duties of the competent electoral commissions in relation to the voting of blind persons in Braille as described in Article 49 paragraphs 3 and 4 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) shall not apply at the first *ad hoc* direct general election.

Article 40

This Act shall be published in the Official Gazette and shall enter into force on 1 March 2013.

Class: 022-03/13-01/24

Zagreb, 22 February 2013

THE CROATIAN PARLIAMENT

The President

of the Croatian
Parliament

Josip Leko, m. p.