

THE LAW ON THE ELECTION OF THE PRESIDENT OF THE REPUBLIC OF CROATIA¹

General Provisions

Article 1

The President of the Republic of Croatia shall be elected by Croatian citizens who have reached the age of eighteen years (hereinafter: “voters”) at direct elections by secret ballot for a term of 5 years.

Article 2

Any Croatian citizen who has reached the age of 18 years may be elected President of the Republic of Croatia.

Article 3

Elections for the President of the Republic of Croatia shall be called by the Government of the Republic of Croatia within a term which makes it possible to conduct them within a minimum of 30 days and a maximum of 60 days before the expiry of the incumbent President’s term of office.

In the event of the termination of the term of office of the President of the Republic of Croatia according to Article 97, Paragraph 1 of the Constitution, elections for the President of the Republic of Croatia shall be called by the Government of the Republic of Croatia so that they can be conducted within a term of 60 days from the date when the former President ceased to perform his/her office.

Article 4

The election day for the President of the Republic of Croatia shall be determined by a writ to call the elections.

At least 30 days shall elapse from the date of the call for elections for the President of the Republic of Croatia and the holding of such elections.

Article 5

Voters who at the time of the elections for the President of the Republic of Croatia find themselves outside the borders of the Republic of Croatia shall be ensured their right to vote in diplomatic and consular representative offices and offices of the Republic of Croatia abroad.

¹ Official Gazette (in Croatian, the title is „Narodne novine“), No. 22/92, 42/92 – correction, 69/04 - the decision of the Constitutional Court of the Republic of Croatia from May 11, 2004, No. U-I-2495/20, 99/04 – correction of the decision of the Constitutional Court of the Republic of Croatia from May 11, 2004, No. U-I-2495/20, 44/06 – see Article 27 of the State Electoral Commission Act , 24/11 – see Article 52 of the Political Activity and Election Campaign Financing Act).

Article 6

Freedom of voters' choice and secret ballot shall be guaranteed. No one shall be called to account for the way he/she has voted or for not voting. No one may demand that voters disclose their voting choice.

Candidature

Article 7

Candidates for the President of the Republic of Croatia may be proposed by political parties registered in the Republic of Croatia and by voters individually or in groups.

Two or more political parties registered in the Republic of Croatia may propose one candidate.

Political parties shall propose candidates for the President of the Republic of Croatia in the manner provided for in their statute or a special decision made on the basis of the statute.

Article 8

All those who are proposed by one or more political parties and supported by signatures duly collected from at least 10,000 voters, or who have been proposed by voters on the basis of at least 10,000 duly collected signatures, shall be eligible as candidates for President of the Republic of Croatia.

Article 9

Signatures of voters in the candidature procedure for the election of the President of the Republic shall be collected on a prescribed form in which their first and family names and citizen's identification number shall be entered, and the same data shall also be entered for each proposer signed.

Each voter may by his/her signature support only one candidate for the President of the Republic.

Article 10

Proposals for candidates for the President of the Republic of Croatia made in conformity with the conditions and the manner specified in Articles 7, 8 and 9 of this Law must be received by the Election Commission of the Republic of Croatia² not later than within 12 days from the date of the call for elections.

Proposals for candidates as referred to in the preceding Paragraph shall be

² Today our Commission is called "the State Electoral Commission of the Republic of Croatia". It has been the independent state body since 2007. The Law on the Election of the President of the Republic of Croatia hasn't change meanwhile in order to change the title of our Commission in its provisions, so in it's provisions it is still written – „the Election Commission of the Republic of Croatia“, what was a title that was used when our Commission was *ad hoc* state body.

accompanied by a court-attested statement from the candidate concerning his/her acceptance of the candidature.

Together with the proposal for a candidate for the President of the Republic, the political party concerned shall also submit an attested statement, signed by a person who according to the party's statute represents the party, which confirms that the party has proposed the candidate in conformity with the conditions specified in Article 7, Paragraph 3 of this Law.

Article 11

The Election Commission of the Republic of Croatia shall within 48 hours from the expiry of the time-limit mentioned in Article 10, Paragraph 1 of this Law announce the list of candidates for the President of the Republic of Croatia in all daily newspapers in the Republic of Croatia and over Croatian Radio-Television.

The Election Commission of the Republic of Croatia shall, within the term mentioned in the preceding Paragraph, send the list of candidates for the President of the Republic to diplomatic and consular representative offices and offices of the Republic of Croatia abroad for its public announcement.

Article 12

Candidates for the President of the Republic of Croatia shall be entered in the list of candidates in alphabetical order of their family names. The name of the party or parties or the party coalition which have or has proposed the candidates shall be cited together with their first and family names and citizen's identification number. If a candidate has been proposed by voters, "independent candidate" shall be added to his/her first and family name.

Article 13

From the day when the Election Commission of the Republic of Croatia has announced the list of candidates until 24 hours before the election day, all candidates for the President of the Republic of Croatia shall have under the same conditions the right to present and explain their election programs and election campaign.

Article 14

Croatian Radio-Television shall during the period of the election campaign, within the framework of its radio and television programs, give each candidate for the President of the Republic of Croatia equal time to present their election program.

All public media shall make it possible for all candidates for the President of the Republic to present their programs and conduct their election campaign under equal conditions.

Article 15

On the election day and 24 hours preceding it any campaigning and any announcement of preliminary results or estimates of results of the elections shall be prohibited.

Article 16

*Deleted.*³

Elections

Article 17

The President of the Republic of Croatia, regardless of whether one or more candidates stand for the elections, shall be elected by a majority vote of all the voters who voted. If none of the candidates obtained such a majority, the elections shall be repeated after 14 days.

If more than one candidate participated in the elections, the two candidates who won the most votes at the first election have the right to stand for election. If one of the candidates withdraws, the candidate, who is next according to the number of votes obtained, shall have the right to stand for new elections.

If owing to the withdrawal of a candidate who under the provisions of the preceding Paragraph had the right to stand for a new election, there remains only one candidate, elections shall be carried out.

At the new election the candidate who has obtained the largest number of votes of the voters who have voted, shall be elected. If the candidates have obtained the same number of votes, the elections shall be held again.

Article 18

If one of the candidates for the President of the Republic dies between the day of the announcement of the list of candidates and 48 hours before the election day, the political party or parties may instead of him/her propose a new candidate. In such a case the conditions regarding the number of signatures cited in Article 8 of this Law shall not apply.

If one of the candidates who has the right to stand at new elections dies in the period from the day of the first vote at which none of the candidates obtained the majority referred to in Article 17, Paragraph 1 of this Law and the date of the new elections, the entire electoral procedure shall be repeated.

Article 19

If according to the provisions of Article 17 of this Law, elections for the President of the Republic of Croatia are repeated, in the period from the day of the first vote until 24 hours before the day of the new elections, candidates for the President of the Republic of Croatia shall have all rights regarding the presentation of their election programs and regarding the election campaign as determined in Articles 13 and 14 of this Law.

³ This Article was deleted by the Article 16 of the The Political Activity and Election Campaign Financing Act (Official Gazette – No. 24/11).

Bodies for Conducting Elections

Article 20

Elections for the President of the Republic of Croatia shall be conducted by the Election Commission of the Republic of Croatia, election commission of the City of Zagreb, city and municipal election commissions and electoral committees.

Only persons having the right to vote may be members of the election commissions and electoral committees or their deputies.

Members of election commissions and their deputies shall be graduate lawyers and they may not be members of any political party.

Members of electoral committees and their deputies may not be members of any political party.

Article 21

*Deleted.*⁴

Election commission of the City of Zagreb and city and municipal election commissions shall consist of a President and two members, who shall each have a deputy, and they shall be appointed by the Election Commission of the Republic of Croatia from among judges or other lawyers.

Article 22

The Election Commission of the Republic of Croatia shall:

1. ensure the lawful preparation and conduct of elections for the President of the Republic of Croatia;
2. appoint members of city and municipal election commissions and issue mandatory instructions for the work of municipal election commissions and electoral committees;
3. prescribe forms for the procedure of preparation and conducting the elections;
4. oversee the work of the Election commission of the City of Zagreb, and city and municipal election commissions on the basis of valid proposals of candidates;
5. draw up a list of candidates for the President of the Republic of Croatia,
6. oversee the correctness of the election campaign in conformity with this Law;
7. announce the results of the elections for the President of the Republic of Croatia;
8. carry out other work as specified by this Law.

The Election Commission of the Republic of Croatia shall announce mandatory instructions for the work of municipal election commissions and electoral committees in all daily newspapers in the Republic of Croatia and over Croatian Radio-Television.

⁴ Paragraph 1 of this Article is deleted by the Paragraph 2 of the Article 27 of the State Electoral Commission Act (Official Gazette – No. 44/06).

Article 23

Election commission of the City of Zagreb, city and municipal election commissions shall:

1. ensure the lawful conduct of the elections at the polling stations in their respective territories;
2. designate polling stations;
3. appoint electoral committees;
4. make all technical preparations for conducting the elections in their respective territories according to the mandatory instructions of the Election Commission of the Republic of Croatia;
5. collect and count the results of voting at polling stations in the territory of cities and municipalities and send them to the Election Commission of the Republic of Croatia in the manner and within the time limit set by the latter;
6. perform other work specified by this Law.

Article 24

Electoral committees shall directly conduct voting at the elections for the President of the Republic of Croatia and ensure the correctness and secrecy of voting.

An electoral committee shall be appointed for every polling station. An electoral committee shall consist of a President and two members. The President and the members shall have appointed deputies.

Election commission of the City of Zagreb, city and municipal election commissions shall appoint members and deputy members of the electoral committees not later than five days before the election day for the President of the Republic of Croatia.

Registered political parties, which have proposed candidates for the election of the President of the Republic of Croatia, may appoint observers to monitor the work of the bodies in charge of conducting the elections.

In its mandatory instructions, the Election Commission of the Republic of Croatia shall define the rights and duties of the observers as well as the manner of monitoring the work of the bodies in charge of conducting the elections.

Conducting the Elections

Article 25

Voting at elections for the President of the Republic of Croatia shall take place at polling stations in the territory of the Republic of Croatia and, and in conformity with Article 5 of this Law, at the polling stations in Croatian diplomatic and consular missions and offices abroad.⁵

Every polling station shall have an ordinal number.

Not later than five days before the election day, the Election Commission of the

⁵ Due to the recent change of the Constitution, polling stations abroad can be only on seats of diplomatic and consular offices.

Republic of Croatia shall, for polling stations abroad and city and municipal election commissions for the territory of the Republic of Croatia, announce which polling stations have been established and which voters will vote at individual polling stations.

Article 26

Polling stations shall be established with regard to the number of voters and territorial distances, so that the number of voters at one polling station shall be such as not to cause any difficulties in voting during the time set for voting. A separate room shall be provided for each polling station.

The room provided for voting shall be arranged so as to ensure secrecy of voting.

Voting and Determining the Results of Voting

Article 27

Votes shall be cast personally.

Voting shall be carried out on ballot papers.

Article 28

A ballot paper shall contain:

1. the candidate's first and family name;
2. the full and abbreviated name of the political party or parties or the party coalition which has or have proposed the candidate. If a candidate has been proposed by Croatian citizens, his/her first and family name shall be followed by the designation "independent candidate".

Candidates shall be listed on the ballot papers in the order in which they are cited on the list of candidates. An ordinal number shall be placed before the first and family name of every candidate.

At a new election for the President of the Republic of Croatia, candidates shall be entered on the ballot papers so that first place is taken by the candidate who obtained more votes at the first vote.

Article 29

Votes shall be cast only for the candidates listed on the ballot papers.

Ballot papers shall be filled in by circling the ordinal number preceding the name of the candidate selected.

Ballot papers, from which it is possible to determine with certainty and unambiguously for which candidate the vote was cast, shall also be deemed valid.

Article 30

Ballot papers, which have not been filled in, and ballot papers, which have been filled in so that it is not possible with certainty to determine for which candidate the vote was cast, shall be deemed invalid.

Ballot papers on which voters have voted for two or more candidates shall also be deemed invalid.

Article 31

Voting shall continue uninterruptedly from 7 a.m. to 7 p.m. Polling stations shall close at 7 p.m. Voters who find themselves at the polling stations shall be allowed to vote.

A polling station at which all registered voters have voted shall be closed even before the expiry of the time limit referred to in the preceding Paragraph.

Article 32

All members of the electoral committee and their deputies shall be present at the polling stations during the entire time of voting.

The President of an electoral committee shall ensure maintenance of law and order during voting. In case of need, the president shall request assistance from the police, who shall when they arrive at the polling station, proceed according to the president's instructions and within the framework of their statutory powers.

No one may come armed to a polling station, except in the case referred to in Paragraph 2 of this Article.

Article 33

The President of an electoral committee or a member of an electoral committee authorized by him/her shall check in the list of voters whether the voter about to vote is entered on the list.

A voter, who owing to a physical disability or because he/she is illiterate would not be able to vote in the manner provided for in this Law, may come to the polling station accompanied by another person who is literate and who shall on his/her authority circle the ordinal number preceding the name of the candidate for whom the voter is voting.

If a voter is not entered in the list of voters, the President shall not allow him/her to vote, unless the voter proves with a certificate from a competent authority that he/she has the right to vote.

When a voter, who is unable to come to the polling station to vote, notifies the electoral committee thereof, the committee shall make it possible for him/her to vote.

Voting in the manner determined in Paragraphs 2, 3 and 4 of this Article shall be

entered in the minutes on the work of the electoral committee by the names of the voters.

Article 34

Voters serving in the armed forces of the Republic of Croatia shall vote at the polling stations to be designated by the Minister of Administration⁶ at the proposal of the Minister of Defense⁷.

Voters who as members of the crews of marine and river ships of the Croatian Merchant Navy find themselves on election day outside the borders of the Republic of Croatia shall vote at the polling stations to be determined by the Minister of Maritime Affairs⁸.

Voters who are imprisoned shall vote at the polling stations to be determined by the Minister of Justice⁹.

Article 35

After voting has been completed, the electoral committee shall first count the unused ballot papers and place them in a separate envelope and seal it.

After that, the electoral committee shall, according to the list of voters or excerpts therefrom and on the basis of the minutes, determine the total number of the voters who have voted, and open the ballot box and begin counting the votes.

If during the counting of votes at the polling station, it is found that the number of votes cast according to the list of voters is greater than the number of votes cast according to the ballot papers, the results of the voting shall be valid according to the ballots cast.

If during the counting of votes at the polling station, it is found that the number of voters who have voted is smaller than the number of votes in the ballot box, the electoral committee shall be dissolved and a new one appointed, and voting at that polling station shall be repeated.

The result of the voting at that polling station shall be determined within 24 hours after the repeated voting.

Article 36

When an electoral committee has determined the voting results at the polling station, it will in the minutes on its work register the number of voters according to the list of voters or an excerpt therefrom, how many voters voted according to the list of voters or the excerpt therefrom, and how many voted on the basis of Article 33, Paragraph 3 of this Law, and how many voted altogether, and how many votes were received by each of the candidates, and

⁶The Ministry of Administration.

⁷The Ministry of Defense of the Republic of Croatia.

⁸The Ministry of Maritime Affairs, Transport and Infrastructure.

⁹The Ministry of Justice.

how many ballot papers were declared invalid.

All other facts relevant to voting shall be entered in the minutes on the work of the electoral committee.

Each member of an electoral committee may enter his/her observations in the minutes.

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

Article 37

An electoral committee shall send to the Election commission of the City of Zagreb, city or municipal election commission the minutes on its work together with other election materials not later than within twelve hours after the closing of the polling station.

Electoral committees in Croatian diplomatic and consular representative offices and offices abroad shall deliver the document referred to in the preceding Paragraph directly to the Election Commission of the Republic of Croatia within twelve hours from the closing of the polling stations.

Article 38

Election commission of the City of Zagreb, city and municipal election commission shall add together the voting results at the polling stations on its territory not later than 24 hours after the hour of the closing the polling stations.

The Election commission of the City of Zagreb, city and municipal election commission shall deliver the election results on its territory to the Election Commission of the Republic of Croatia together with the minutes on its work in the manner and within the term determined by the latter.

A municipal election commission shall keep minutes on its work in which it shall enter:

1. the number of voters registered in the list of voters or excerpt therefrom;
2. the number of those who have voted and the number of ballot papers that have been declared invalid;
3. the first and family name of each candidate with the designation of how many votes individual candidates obtained on the territory of the municipality;

Each member of the election commission of a constituency may enter his/her observations in the minutes. The minutes shall be signed by all members of the municipal election commission.

Article 40

The results of the election of the President of the Republic of Croatia shall be determined by the Election Commission of the Republic of Croatia on the basis of the voting results at all polling stations.

Article 41

When the Election Commission of the Republic of Croatia has determined the results of the elections for the President of the Republic of Croatia, it shall immediately announce:

1. the number of voters registered in the electoral register, the number of voters who voted, how many votes individual candidates obtained, and how many ballot papers were found invalid;
2. the first and family name of the candidate elected.

If none of the candidates for the President of the Republic of Croatia has obtained the majority required for election according to Article 17, Paragraph 1 of this Law, the Election Commission of the Republic of Croatia shall announce in all daily newspapers in the Republic of Croatia and over Croatian Radio Television the first and family names of the two candidates who have obtained the largest number of votes and who have the right to take part in a new election.

Election Expenses

Article 42

Funds for covering election expenses shall be provided from the State Budget of the Republic of Croatia.

The funds referred to in the preceding Paragraph shall be distributed by the Election Commission of the Republic of Croatia.

The Election Commission of the Republic of Croatia shall determine the manner in which the funds for conducting the elections shall be used, and shall supervise their use.

The Election Commission of the Republic of Croatia shall allocate appropriate funds to Election commission of the City of Zagreb, city and municipal election commissions.

Protection of the Right to Vote

Article 43

The Constitutional Court of Croatia shall supervise the constitutionality and legality of the election of President of the Republic of Croatia and decide election disputes in conformity with the provisions of this Law.

Article 44

*Deleted.*¹⁰

If a candidate for the President of the Republic of Croatia was proposed by

¹⁰ The Paragraphs 1 and 2 of this Article were deleted by the decision of the Constitutional Court of the Republic of Croatia from May 11, 2004, No. U-I-2495/20, Official Gazette – No. 69/04.

several political parties, or by several voters, the complaint shall be deemed as legally valid even if it was lodged by one political party only, or by any of the voters who proposed the candidature.

Article 45

A complaint concerning irregularities in the candidature procedure or in the procedure for the election of the President of the Republic of Croatia shall be lodged with the Election Commission of the Republic of Croatia within 48 hours from the expiry of the date when the act, which is the subject matter of the complaint, was committed.

The Election Commission of the Republic of Croatia shall render a ruling on the complaint within 48 hours from the date of receipt of the complaint or the date of receipt of the election material to which the complaint relates.

Article 46

If in deciding on a complaint from Article 45, the Election Commission of the Republic of Croatia finds that there were irregularities which substantially influenced or might have influenced the result of the elections, it shall annul the acts in this procedure and order that these acts be repeated within a specified term, so as to make it possible for the elections to be held on the day for which they were called.

If there is no possibility of repeating the annulled acts as referred to in the preceding Paragraph, or if these irregularities relate to the voting procedure, and have substantially influenced or might have influenced the results of the election, the Election Commission of the Republic of Croatia shall annul the election of the President of the Republic of Croatia and shall fix a term for the repeated election.

Article 47

An appeal may be lodged against the ruling of the Election Commission of the Republic of Croatia with the Constitutional Court of the Republic of Croatia by the person who has filed the complaint.¹¹

An appeal as referred to in the preceding Paragraph shall be lodged with the Constitutional Court of the Republic of Croatia within 48 hours from the expiry of the day of the receipt of the challenged ruling.

The appeal shall be submitted through the Election Commission of the Republic of Croatia.

It shall be deemed that the appeal has been lodged on time if it has been delivered to the Election Commission of the Republic of Croatia before the expiry of the term cited in Paragraph 2 of this Article.

¹¹ In the Paragraph 1 and of this Article words „*as well as the candidate for the President of the Republic who isn't satisfied with such decision*“, were deleted by the decision of the Constitutional Court of the Republic of Croatia from May 11, 2004, No. U-I-2495/20, Official Gazette – No. 69/04.

The Constitutional Court of the Republic of Croatia shall render a ruling on the appeal within 48 hours from the date of receipt of the appeal.

Article 48

The submitted complaint or the submitted appeal in the procedure for the protection of the right to vote shall not suspend the performance of election actions prescribed by this Law.

Assuming Office and Swearing in

Article 49

The elected President of the Republic of Croatia shall assume office on the last day of the term of the outgoing President.

In the event of the election of the President of the Republic of Croatia according to Article 97 of the Constitution of the Republic of Croatia, the elected President shall assume office on the day of the announcement of the results of the elections.

The solemn oath which the President of the Republic of Croatia shall give before the Constitutional Court of the Republic of Croatia, undertaking to be faithful to the Constitution, shall read as follows:

“I swear on my honor that I will perform the duty of President of the Republic of Croatia conscientiously and responsibly, for the benefit of the Croatian people and all Croatian citizens.

As the Croatian Head of State I shall:

- abide by the Constitution and laws;
- ensure respect for the constitutional and legal order of the Republic of Croatia;
- oversee the orderly and just functioning of all governmental bodies
- preserve the independence, existence and integrity of the State of Croatia.

So help me God.”

Final Provision

Article 50

This Law shall enter into force on the eighth day after the day of its publication in Narodne novine.¹²

¹² „Narodne novine“ is title for our Official Gazette.