

THE CROATIAN PARLIAMENT

2592

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

DECISION

PROMULGATING THE ACT ON THE RIGHTS OF NATIONALS OF OTHER EUROPEAN UNION MEMBER STATES IN THE ELECTION TO REPRESENTATIVE BODIES OF THE LOCAL AND REGIONAL SELF-GOVERNMENT UNITS

I hereby promulgate the Act on the Rights of Nationals of Other European Union Member States in the Election to Representative Bodies of the Local and Regional Self-Government Units, passed by the Croatian Parliament at its session on 15 July 2010.

Class: 011-01/10-01/85

No.: 71-05-03/1-10-2

Zagreb, 20 July 2010

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

ACT

ON THE RIGHTS OF NATIONALS OF OTHER EUROPEAN UNION MEMBER STATES IN THE ELECTION TO REPRESENTATIVE BODIES OF THE LOCAL AND REGIONAL SELF-GOVERNMENT UNITS

Article 1

This Act lays down the provisions for the exercise of the right of voters who are nationals of other European Union Member States residing either permanently or temporarily in the Republic of Croatia under the Aliens Act (hereinafter: nationals of other European Union Member States) in the election to representative bodies of the local and regional self-government units (hereinafter: units).

Article 2

Nationals of the European Union residing either permanently or temporarily in the unit holding the election have the right to vote and to stand as a candidate for the members of the representative body of that unit.

Article 3

Nationals of other European Union Member States shall submit the request for entry on the electoral roll to the authorities competent for managing the roll according to the place of permanent or temporary residence, at the latest 30 days before the polling day.

Along with the request for entry on the electoral roll, nationals referred to in the first paragraph of this Article shall present a statement legalised by the notary public stating their

citizenship, address of their permanent or temporary residence in the territory of the unit holding the election and a declaration that they have not been deprived of the right to vote in the European Union Member State of which they are nationals.

Article 4

Legal provisions pertaining to electoral rolls shall apply to the procedure of entry on the electoral roll and the safeguard of rights.

Article 5

At the end of the election for representative bodies, nationals of other European Union Member States who were entered in the electoral roll shall remain on such roll, whereas the log of changes or the cancellation from the electoral roll shall be kept in accordance with the legal provisions concerning electoral rolls.

On request of a national of other European Union Member States, the authority competent for the keeping of the electoral roll shall be erased from the electoral roll.

Article 6

Nationals of other European Union Member States may stand as a candidate and be chosen a member of a unit's representative body under the same conditions as nationals of the Republic of Croatia, as laid down in the Act on the election of members of representative bodies of the local and regional self-government units, provided that they were not deprived of the legal capacity through a legally effective court decision in the Republic of Croatia or a European Union Member State, that is, that they were not deprived of their right to stand as a candidate through a criminal law or civil law decision.

The competent electoral commission shall inform the public through the media on the manner nationals of other European Union Member States are to exercise their right to vote and to stand as a candidate.

Article 7

Where lists of candidates for members of representative bodies include a candidate who is a national of other European Union Member States, the list of candidates or his application must be accompanied by a declaration legalised by the notary public stating his nationality and his address of permanent or temporary residence on the territory of the unit holding the election as well as a proof or a document from the competent state authorities of the Member State of which he is a national certifying that he has not been deprived of the right to stand as a candidate in that Member State or that they are not aware of the existence of such disqualification.

Where the candidate referred to in the first paragraph of this Article fails to provide the competent electoral commission with the attestation or the document from the competent state authorities of his home Member State certifying that he has not been deprived of the right to stand as a candidate in that Member State or that no such disqualification is known to those authorities, his application to stand as a candidate shall be considered invalid.

The competent electoral commission shall determine the validity of the list of candidates referred to in the first paragraph of this Article. Nationals of other European Union Member States shall be informed in writing on the validity of that list by the competent electoral commission.

Where the competent electoral commission should declare that the list referred to in the first paragraph of this Article is not legally valid, the candidate who is a national of other European Union Member State is entitled to file an objection to the competent 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 on the safeguard of the right to vote laid down in the law enshrining the manner, conditions and the procedure inherent to the election for members of representative bodies.

Article 8

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.

Class: 015-01/10-01/01

Zagreb, 15 July 2010

THE CROATIAN PARLIAMENT

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