

Pursuant to Article 89 of the Croatian Constitution, I hereby issue the

DECISION

PROMULGATING THE ACT ON THE ELECTION OF NATIONAL MINORITY
COUNCILS AND REPRESENTATIVES

I hereby promulgate the Act on the Election of National Minority Councils and Representatives, adopted by the Croatian Parliament at its session on 1 March 2019.

Class No: 011-01/19-01/37

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Zagreb, 6 March 2019

President
of the
Republic of Croatia
Kolinda Grabar-Kitarović, m. p.

ACT

ON THE ELECTION OF NATIONAL MINORITY COUNCILS AND
REPRESENTATIVES

TITLE I
GENERAL PROVISIONS

Scope of the Act

Article 1

(1) This Act regulates the election of national minority council members and national minority representatives in local and regional self-government units (hereinafter: units).

(2) Gender-specific terms used in this Act shall relate equally to both the male and the female gender.

Election of National Minority Council Members and Representatives

Article 2

(1) The right to elect national minority council members and representatives shall be determined in accordance with the provisions of the constitutional law governing national minority rights.

(2) National minority council members and representatives shall be elected directly for a term of four years by secret ballot.

Rights and Duties of National Minority Council Members and Representatives

Article 3

(1) The rights and duties of national minority council members shall begin on the day on which the council is constituted.

(2) The rights and duties of national minority representatives shall begin on the first working day following the day of publication of the final election results.

Suffrage

Article 4

(1) Croatian citizens who are 18 years of age or older, registered in the electoral register as members of a national minority with the right to a council or a representative in the unit, and who are registered as residents of the unit where the elections are being held (hereinafter: voters) shall have the right to elect national minority council members or representatives.

(2) Any Croatian citizen who is 18 years of age or older at the day of the submission of the proposed list of candidates or nomination to the competent electoral commission, and registered in the electoral register as a member of a national minority with the right to a council or a representative in the unit, and who is registered as a resident of the unit where the elections are being held, shall have the right to be elected as a national minority council member or representative.

Freedoms and Rights in Exercising the Right of Suffrage

Article 5

(1) The freedom of voter preference and the right to a secret ballot are guaranteed.

(2) Voters may cast their votes at the same elections only once.

(3) No one may vote on behalf of another person.

(4) No one may request voters to declare their voting preference.

(5) Voters are free to declare their voting preference.

(6) No one may be called to account for voting or for not having voted.

Call for Election

Article 6

(1) The Government of the Republic of Croatia shall call for an election of national minority council members and an election of national minority representatives.

(2) The election day and the units where the elections for national minority council members or the elections for national minority representatives are to be held shall be provided in the decisions on calling for an election issued by the Government of the Republic of Croatia under paragraph 1 of this Article.

(3) At least 30 days and no more than 45 days shall elapse from the day of entry into force of the decisions on calling for an election and the election day.

(4) The decisions on calling for an election shall be published in the Official Gazette.

Holding of Elections

Article 7

The elections for council members and the elections for national minority representatives shall be held at the same time, on the first Sunday in May every four years.

TITLE II NOMINATION PROCEDURE

CHAPTER I GENERAL PROVISIONS

Nominations and Authorised Proposers

Article 8

(1) Nomination is a procedure of proposing lists of candidates and nominations by authorised proposers.

(2) National minority organisations and members of national minorities – voters are authorised proposers of the lists of candidates for the election of national minority council members and nominations for the election of national minority representatives.

Lists of Candidates and Nominations Proposed by National Minority Organisations

Article 9

(1) The right to propose the lists of candidates and nominations shall be granted to organisations established for the purpose of protecting national minorities and organisations focused on a national minority whose members shall elect national minority council members or representatives (hereinafter: national minority organisations), which are registered in the Associations Register of the Republic of Croatia (hereinafter: Associations Register) on the day of entry into force of the decision on calling for an election.

(2) The lists of candidates and nominations may be proposed by a single national minority organisation or jointly by two or more organisations of the same national minority.

(3) A single national minority organisation or two or more organisations of the same national minority, when proposing a common list of candidates or nomination, may propose only one list of candidates or nomination for the same election in the same electoral constituency.

(4) The list of candidates and the nomination proposed by a national minority organisation shall be signed by the person registered with the Associations Register as an authorised representative of the national minority organisation or its authorised agent.

Lists of Candidates and Nominations Proposed by Members of a National Minority – Voters

Article 10

(1) Pursuant to the provisions of the constitutional law governing national minority rights, the right to propose the lists of candidates and nominations shall be granted to:

- in a municipality – at least 20 members of a national minority – voters in the municipality;
- in a city – at least 30 members of a national minority – voters in the city;
- in a county and the City of Zagreb – at least 50 members of a national minority – voters in the county.

(2) The proposed list of candidates or nominations proposed by members of a national minority – voters shall be signed by the persons submitting the list of candidates or the nomination.

(3) The persons submitting the lists of candidates or nominations under paragraph 2 of this Article shall be the first three proposers of the proposed list of candidates or nomination.

(4) The persons under paragraph 3 of this Article may submit only one list of candidates or nomination for the same election in the same electoral constituency.

(5) The lists of candidates or nominations may also be submitted by candidates.

Prohibition of Nomination

Article 11

(1) Voters who are police officers or active army officers shall not be nominated for a national minority council member or a representative or their deputy.

(2) Voters who hold the office of a municipal prefect, mayor, county prefect or their deputy elected at the same time, in an electoral constituency, shall not at the same time be nominated for a national minority council member, a national minority representative or their deputy in the same municipality, city, county or the City of Zagreb.

Prohibition of Multiple Nominations

Article 12

(1) No one shall at the same time be nominated for more than one proposed list of candidates in a single election of national minority council members in the same electoral constituency.

(2) No one shall at the same time have more than one proposed nomination in a single election of national minority representatives in the same electoral constituency.

CHAPTER II SUBMITTING PROPOSED LISTS OF CANDIDATES AND NOMINATIONS

Methods for Submitting Lists of Candidates and Nominations

Article 13

(1) The lists of candidates and nominations shall be submitted on forms the content and format of which shall be prescribed by the State Electoral Commission of the Republic of Croatia (hereinafter: State Electoral Commission) in its mandatory instructions.

(2) The proposed lists of candidates and nominations, drafted in accordance with the requirements and as prescribed by this Act and by the mandatory instructions of the State Electoral Commission, shall be submitted to the competent electoral commission.

Contents of the Proposed List of Candidates for Members of the National Minority Council

Article 14

(1) The proposed list of candidates shall indicate the proposers of the list of candidates as well as candidate data.

(2) If the list of candidates is proposed by a national minority organisation, the proposal shall indicate the name of the national minority organisation(s) which proposed the list of candidates, in the form and the language as registered at the Associations Register.

(3) If the list of candidates is proposed by the members of a national minority – voters, the proposals of each proposer – voter shall indicate the full name of the proposer – voter, their nationality, residential address, valid identity card number and the place of issue thereof, and the signature of the proposer – voter.

(4) The proposer may propose the lists of candidates in:

– municipalities – between 6 and 10 candidates;

– cities – between 8 and 15 candidates; and

– counties or the City of Zagreb – between 13 and 25 candidates.

(5) If the proposer proposes a number of candidates greater than the number prescribed by paragraph 4 of this Article, only the candidates up to the maximum number prescribed in paragraph 4 of this Article shall be considered as validly proposed candidates.

(6) If the proposer proposes fewer candidates than the number prescribed by paragraph 4 of this Article, the proposal shall not be valid.

(7) For each candidate in the list the proposal shall indicate their full name, nationality, residential address, date of birth, personal identification number (OIB) and sex.

Contents of a Nomination Proposal for a National Minority Representative

Article 15

(1) The nomination proposal shall indicate the nomination proposer and the data on both the candidate for the national minority representative and the candidate for their deputy.

(2) The proposer data referred to in Article 14, paragraphs 2 and 3 of this Act shall be provided in the nomination proposal.

(3) The data referred to in Article 14, paragraph 7 of this Act for each candidate for a national minority representative and their deputy shall be provided in the nomination proposal.

Statements Accompanying the Lists of Candidates and Nominations

Article 16

(1) The proposed lists of candidates and nominations shall be accompanied by statements on accepting the nomination of each candidate on the list or nomination, notarised by a notary public or the competent electoral commission.

(2) The statement on accepting the nomination shall contain a declaration by the candidate on the absence of the nomination prohibition and the absence of the prohibition of multiple nominations.

(3) The candidate shall be responsible for providing incorrect data in the statement under paragraph 2 of this Article.

CHAPTER III RECEIVING PROPOSED LISTS OF CANDIDATES AND NOMINATIONS

Nomination Deadline

Article 17

(1) The proposed list of candidates and nominations shall be submitted to the competent electoral commission within 12 days from the day of entry into force of the decision on calling for the elections.

(2) After receiving the lists of candidates and nominations, the competent electoral commission shall verify if they have been submitted in accordance with the provisions of this Act and the mandatory instructions by the State Electoral Commission.

(3) If the competent electoral commission should find that the list of candidates or the nomination had not been submitted in accordance with the provisions of this Act, it shall request the applicant to remedy the deficiencies within 48 hours or at the latest by the expiry of the nomination deadline.

(4) Notwithstanding paragraph 3 of this Article, the competent electoral commission may prescribe a shorter deadline for the person submitting the list of candidates to remedy the deficiencies if the nomination deadline should expire in less than 48 hours.

Establishing the Validity and Accepting the Lists of Candidates and Nominations

Article 18

(1) The competent electoral commission shall determine the validity of the proposed lists of candidates and nominations, in accordance with the provisions of this Act.

(2) The competent electoral commission shall accept valid lists of candidates and nominations, whereas the untimely and the inadmissible ones and the invalid ones shall respectively be dismissed or rejected by issuing a decision.

(3) When determining the valid lists of candidates and nominations, the competent electoral commission shall act in favour of safeguarding the nomination procedure or the right to propose the lists of candidates or nominations.

CHAPTER IV CONSOLIDATED LIST

The Consolidated List of Candidates and Nominations

Article 19

(1) The consolidated list of candidates shall be prepared by the competent electoral commission after it determines the validity of the proposed lists of candidates or nominations.

(2) The consolidated list of candidates shall indicate the number and the full name of all validly proposed candidates for members of the national minority council in a particular electoral constituency.

(3) The consolidated nominations list shall indicate the number and the full name of all validly proposed candidates for national minority representatives and the full name of their deputies in a particular electoral constituency.

(4) Apart from the data referred to in paragraphs 2 and 3 of this Article, the consolidated lists of candidates or nominations shall also indicate the shorter name of the organisation or two or more organisations that proposed the candidate. If the candidate has been proposed by the members of a national minority – voters, along with their full name, the consolidated list shall be provided with the following text: “candidate of members of a national minority – voters”.

(5) The candidates shall be listed alphabetically on the consolidated list of candidates or nominations, according to the surname of the candidate for a member of a national minority council or a national minority representative.

(6) If the consolidated list of candidates or the consolidated list of nominations has two or more candidates with the same given name and surname, the consolidated list shall indicate the candidates' date of birth following their names.

(7) If the candidates referred to in paragraph 6 of this Article share the same birth date, the list shall indicate their residence.

Publication of Lists

Article 20

(1) Within 48 hours after the expiry of the nominations deadline, competent electoral commissions shall publish:

– validly proposed lists of candidates for members of a national minority council and a consolidated list of candidates;

– validly proposed nominations for national minority representatives and a consolidated nominations list.

(2) Publication of validly proposed lists of candidates or nominations shall comprise the publication of data provided in the proposed list of candidates or nominations, with the exception of data with regard to the candidates' personal identification number (OIB).

(3) If the validly proposed list of candidates or nomination has been proposed by members of a national minority – voters, then the publication of the said lists or nominations shall for the proposer indicate full names of persons submitting the proposed lists of candidates or nominations, referred to in Article 10, paragraph 3 of this Act.

(4) The lists under paragraph 1 of this Article shall be published on a notice board and the website of the unit where the elections are being held, and the website shall clearly indicate the time of publication.

(5) The lists under paragraph 1 of this Article shall be delivered by competent electoral commissions to the State Electoral Commission in order to publish complete information on all lists of candidates and nominations and consolidated lists of candidates and nominations on the State Electoral Commission website. Publication of complete information shall not constitute an electoral act in terms of protection of electoral rights.

Decision on Not Holding the Elections

Article 21

(1) Elections for national minority council members or national minority representatives shall not be held if the competent electoral commission does not receive any valid list of candidates or nomination.

(2) In the case referred to in paragraph 1 of this Article, the electoral commission competent for receiving the lists of candidates or nominations in accordance with the provisions of this Act shall issue a decision on not holding the elections.

(3) The decision under paragraph 2 of this Article shall be published in accordance with the provisions on the publication of election results provided herein.

CHAPTER V WITHDRAWAL OF THE NOMINATION

Withdrawal of the Accepted List of Candidates

Article 22

(1) National minority organisations which proposed the accepted lists of candidates may withdraw their lists in the manner provided for in their articles of association or in a special decision issued on the basis of their articles of association, within 24 hours after the competent electoral commission publishes the list.

(2) For the list of candidates proposed by members of a national minority – voters, the withdrawal decision shall be issued by the persons submitting the proposed list of candidates under Article 10, paragraph 3 of this Act.

(3) The withdrawal decision shall be sent in writing to the competent electoral commission within the time frame provided in paragraph 1 of this Article.

(4) Withdrawal of one or more candidates on the list shall not be allowed after the expiry of the nomination deadline, and in that case the withdrawal of a candidate shall not be accepted and the list shall remain valid with the names of all published candidates.

(5) If one or more candidates from the list of candidates should withdraw prior to the expiry of the nomination deadline, the competent electoral commission shall apply *mutatis mutandis* the provision under Article 17, paragraphs 3 and 4 of this Act.

Procedure in the Event of Accepting the Nomination on Several Lists of Candidates for the Same National Minority Council

Article 23

(1) If one of the candidates declared their acceptance of nomination on several lists of candidates for the election of the same national minority council, they shall exclusively be considered a candidate on the list of candidates which the competent electoral commission received first.

(2) The competent electoral commission shall invite the proposers of other lists under paragraph 1 of this Article to supplement their lists with other candidates within 24 hours.

(3) If the proposer under paragraph 2 of this Article should fail to supplement their list, the competent electoral commission shall act in accordance with the provision of Article 18 of this Article.

Withdrawal of the Accepted Nomination

Article 24

- (1) National minority organisations which proposed the accepted nominations may withdraw the nomination in the manner provided for in their articles of association or in a special decision issued on the basis of their articles of association, within 24 hours after the competent electoral commission publishes the nomination.
- (2) The withdrawal decision shall be sent in writing to the competent electoral commission within the time frame provided in paragraph 1 of this Article.
- (3) The candidate for the national minority representative proposed by a national minority organisation may withdraw from their nomination within the time frame provided in paragraph 1 of this Article, with a written approval from the national minority organisation.
- (4) The decision on the withdrawal of the accepted nomination of a candidate for the national minority representative, proposed by the members of the national minority – voters, shall be issued by the candidate through a written statement notarised by a notary public or the competent electoral commission.
- (5) The nomination withdrawal decision shall be sent in writing to the competent electoral commission within the time frame provided in paragraph 1 of this Article.

CHAPTER VI DEATH OF A CANDIDATE

Procedure in the Event of Death of a Candidate for a Member of the National Minority Council

Article 25

- (1) If any of the validly proposed candidates for a member of the national minority council should die in the period after the expiry of the nomination deadline, and not later than 15 days prior to the election day, national minority organisations or the proposers of the list of candidates under Article 10, paragraph 3 of this Act may, within 48 hours following the candidate's death, propose a replacement candidate in accordance with the provisions of this Act.
- (2) The competent electoral commission, irrespective of whether or not the authorised proposer proposed a new candidate, shall issue and publish a decision on amending the valid list of candidates and the amended consolidated list of candidates within 24 hours following the expiry of the deadline under paragraph 1 of this Article.
- (3) If any of the candidates for a member of a national minority council should die within a period of less than 15 days prior to the election day, the replacement of the candidate shall be carried out in accordance with paragraphs 1 and 2 of this Article, and the competent electoral commission shall order a seven-day postponement of the elections for council members of that national minority in that unit.

(4) In the case referred to in paragraph 1 or paragraph 3 of this Act, if the authorised proposer fails to propose a new national minority council member candidate in the unit, on account of which the total number of validly proposed candidates would be less than the minimum number of candidates prescribed in Article 14, paragraph 4 of this Act, the competent electoral commission shall proceed in accordance with Article 14, paragraph 6 of this Act.

Procedure in the Event of Death of a Candidate for a National Minority Representative

Article 26

(1) If any of the validly proposed candidates for a national minority representative or their deputy should die in the period after the expiry of the nomination deadline, and not later than 15 days prior to the election day, the national minority organisations or the nomination proposers under Article 10, paragraph 3 of this Act may, within 48 hours following the candidate's death, propose a replacement candidate in accordance with the provisions of this Act.

(2) The competent electoral commission, irrespective of whether or not the authorised proposer proposed a new candidate within 24 hours following the expiry of the deadline under paragraph 1 of this Article, shall issue and publish a decision on amending the nominations list and the amended consolidated nominations list.

(3) If any of the validly proposed candidates for a national minority representative in a particular unit should die within a period of less than 15 days prior to the election day, the replacement of the candidate shall be carried out in accordance with paragraphs 1 and 2 of this Article, and the competent electoral commission shall order a seven-day postponement of the elections for representatives of that national minority in that unit.

(4) In the case referred to in paragraph 1 or paragraph 3 of this Act, if the authorised proposer fails to propose a new candidate for a national minority representative in the unit, and there are no other validly proposed candidates for the said election, the competent electoral commission shall proceed in accordance with Article 21 of this Act.

TITLE III ELECTION CAMPAIGN

Duration and Contents of the Election Campaign

Article 27

(1) The election campaign shall begin on the first day following the day of publication of the consolidated lists.

(2) The participants in the election campaign, in terms of paragraph 1 of this Article, shall be the candidates and proposers of lists of candidates and nominations under Article 9 and Article 10, paragraph 3 of this Act.

(3) The election campaign shall comprise actions undertaken by election campaign participants in the period referred to in paragraph 1 of this Article, inviting voters to vote for a

particular candidate, presenting electoral programmes to the voters, and which affect or may affect the voters.

Management of the Election Campaign

Article 28

- (1) Election campaign participants shall freely, openly and publicly manage the election campaign.
- (2) During the election campaign, it is prohibited to incite violence, spread national, religious or racial hatred, incite discrimination and inequality on any basis, insult, demean or defame other election participants.

Costs of the Election Campaign

Article 29

- (1) The national minority organisation referred to in Article 9 of this Act which gets at least one national minority council member or a national minority representative in that unit shall have the right to be reimbursed for the costs of the election campaign.
- (2) If the national minority council members or the national minority representative are nominated by the members of the national minority – voters referred to in Article 10 of this Act, the right to be reimbursed for the costs of the election campaign shall be granted to the council or the elected national minority representative.
- (3) The right to be reimbursed shall be exercised after the publication of final election results, and the funding shall be provided in the budget of the unit where the elections are being held.
- (4) The amount of reimbursement for the costs of the election campaign shall be determined by the Government of the Republic of Croatia in a decision adopted at the same time as the decisions on the call for an election.

TITLE IV ELECTORAL BODIES

Types of Electoral Bodies

Article 30

- (1) Electoral bodies for conducting the election for national minority council members and representatives are the State Electoral Commission, county electoral commissions, the Electoral Commission of the City of Zagreb, municipal and city electoral commissions and the election committees.
- (2) Municipal and city electoral commissions may be appointed as the same commission for the conduct of elections in more than one city or municipality.

CHAPTER I
ELECTORAL COMMISSIONS

State Electoral Commission

Article 31

- (1) The State Electoral Commission is a permanent and independent national body.
- (2) The composition, the modes of electing the president, the vice-president and the members of the State Electoral Commission, the scope, the mode of operation and the decision-making and other issues relevant for carrying out activities within the scope of the State Electoral Commission shall be governed by special laws.

Mandatory Instructions and Forms

Article 32

- (1) The State Electoral Commission shall issue mandatory instructions in the process of preparing and conducting the elections, which shall be published in the Official Gazette and on the State Electoral Commission website.
- (2) The prescribed forms in the process of preparing and conducting the elections shall be published on the State Electoral Commission website, and the State Electoral Commission shall issue a special decision in which it shall determine which forms shall be printed at the national printing office.

Central IT Support

Article 33

- (1) The State Electoral Commission shall ensure central IT support for conducting the elections for national minority council members and national minority representatives.
- (2) The central IT support referred to in paragraph 1 of this Article shall cover the central mode for performing the nominations and the control of the lists of candidates and nominations, the central mode of processing the decisions on electoral bodies and polling stations, central control of records of electoral bodies, the central method of processing the polling results and other IT services essential for conducting the elections.
- (3) The funding for providing the central IT support referred to in paragraph 1 of this Article shall be allocated in the National Budget of the Republic of Croatia.

Composition of the Electoral Commission

Article 34

- (1) The county electoral commissions, the Electoral Commission of the City of Zagreb, municipal and city electoral commissions are composed of the president, the vice-president and four members (hereinafter: members of the electoral commission).

(2) The electoral commission president and vice-president referred to in paragraph 1 of this Article shall be members of the legal profession.

(3) The members of the electoral commission shall not be candidates or monitors at the election of national minority council members or national minority representatives held at the same time.

Competence for Appointing Electoral Commissions

Article 35

(1) The State Electoral Commission shall appoint the county electoral commissions and the Electoral Commission of the City of Zagreb.

(2) The county electoral commission shall appoint the municipal and city electoral commissions within its jurisdiction.

Time Frame for Appointing Electoral Commissions

Article 36

Electoral commissions shall be appointed immediately after the decision on calling for an election is issued, and not later than the entry into force of the decisions on calling for an election.

Electoral Commission Decision-Making

Article 37

The electoral commission shall take decisions by a majority of votes cast by all members.

CHAPTER II RIGHTS AND OBLIGATIONS OF ELECTORAL BODIES

Rights and Obligations of the State Electoral Commission

Article 38

The State Electoral Commission shall:

- 1) take care of the lawful preparation and the conduct of the elections for national minority council members and national minority representatives;
- 2) prescribe and publish mandatory instructions referred to in Article 32, paragraph 1 of this Act;
- 3) prescribe the forms in the process of preparation and conduct of elections referred to in Article 32, paragraph 2 of this Act;

- 4) appoint members of county electoral commissions and the Electoral Commission of the City of Zagreb;
- 5) supervise the work of electoral commissions and provide them with expert assistance;
- 6) carry out training for members of electoral commissions;
- 7) publish on its website information on validly proposed lists of candidates and nominations and the consolidated list of candidates and nominations for the election of national minority council members and national minority representatives in units;
- 8) publish on its website the results of the election;
- 9) inform citizens about the conduct of the election and the possibility of exercising the protection of suffrage in the electoral process;
- 10) carry out the procedure of extracting register records, in accordance with special regulations;
- 11) perform other activities as stipulated in this Act and special regulations.

County Electoral Commission

Article 39

County Electoral Commission shall:

- 1) take care of the lawful preparation and the conduct of the elections for national minority council members and national minority representatives in the county;
- 2) carry out technical preparations for conducting the elections in its jurisdiction;
- 3) appoint municipal and city electoral commissions in its jurisdiction and supervise their work;
- 4) carry out training for the members of the municipal and city electoral commissions;
- 5) carry out training of the election committees along with municipal and city electoral commissions;
- 6) certify candidate statements of accepting the nomination for the elections for national minority council members and national minority representatives in the county;
- 7) receive the proposals for the lists of candidates and nominations, determine their validity and, on the basis of valid proposals, publish the lists of candidates and nominations, prepare and publish the consolidated list of candidates for the election of national minority council members and the consolidated list of nominations for the election of national minority representatives in the county, and issue a decision on not holding the elections in accordance with the provisions of this Act;

- 8) supervise the regularity of the election campaign for the elections for national minority council members and national minority representatives in the county, in accordance with this Act;
- 9) determine and publish the results of the elections for national minority council members and national minority representatives in the county;
- 10) publish on the county website the election results for the election of national minority council members and national minority representatives in cities and municipalities in its jurisdiction;
- 11) appoint the members of the expert team for carrying out administrative and technical activities, as well as the amount of remuneration for the members of the expert team;
- 12) carry out the procedure of extracting register records, in accordance with special regulations;
- 13) perform other activities as stipulated in this Act and special regulations.

Electoral Commission of the City of Zagreb

Article 40

The Electoral Commission of the City of Zagreb shall:

- 1) take direct care of the lawful preparation and the conduct of the elections for national minority council members and national minority representatives in the City of Zagreb;
- 2) carry out all technical preparations for holding the elections in its jurisdiction;
- 3) certify candidate statements of accepting the nomination for the elections for national minority council members and national minority representatives in the City of Zagreb;
- 4) receive the proposals for lists of candidates and nominations, determine their validity and, on the basis of valid proposals, publish lists of candidates and nominations, prepare and publish a consolidated list of candidates for the election of national minority council members and the consolidated list of nominations for the election of national minority representatives in the City of Zagreb, and issue a decision on not holding the elections in accordance with the provisions of this Act;
- 5) designate the polling stations in its jurisdiction;
- 6) appoint and dissolve election committees in its jurisdiction and supervise their work;
- 7) carry out training for the members of the election committees;
- 8) supervise the regularity of the election campaign at the elections for national minority council members and national minority representatives in the City of Zagreb, in accordance with this Act;

- 9) collect and count the ballots from polling stations in its jurisdiction;
- 10) publish the results of the elections for national minority council members and national minority representatives in the City of Zagreb;
- 11) determine and publish the election results per polling station in its jurisdiction on the City of Zagreb website.
- 12) appoint the members of the expert team for carrying out administrative and technical activities, as well as the amount of remuneration for the members of the expert team;
- 13) carry out the procedure of extracting register records, in accordance with special regulations;
- 14) perform other activities as stipulated in this Act and special regulations.

Municipal and City Electoral Commission

Article 41

The Municipal and City Electoral Commission shall:

- 1) take direct care of the lawful preparation and the conduct of the elections for national minority council members and national minority representatives in a city or a municipality;
- 2) carry out technical preparations for conducting the elections in its jurisdiction;
- 3) certify candidate statements of accepting the nomination at the elections for national minority council members and national minority representatives in a city or a municipality;
- 4) receive the proposals for lists of candidates and nominations, determine their validity and, on the basis of valid proposals, publish the lists of candidates and nominations, prepare and publish a consolidated list of candidates for the election of national minority council members and the consolidated list of nominations for the election of national minority representatives in a city or a municipality, and issue a decision on not holding the elections in accordance with the provisions of this Act;
- 5) designate the polling stations in its jurisdiction;
- 6) appoint and dissolve election committees in the jurisdiction of a city or a municipality and supervise their work;
- 7) carry out training for the members of the election committees;
- 8) supervise the regularity of the election campaign for the elections for national minority council members and national minority representatives in a city or a municipality, in accordance with this Act;
- 9) collect and count the ballots at the elections for national minority council members and national minority representatives in the county at the polling stations in its jurisdiction and

deliver them to the county electoral commission together with the recorded minutes of its work, within 24 hours following the closing of the polling stations;

10) collect and count the ballots from polling stations in its jurisdiction for the election of national minority council members and national minority representatives in a city or a municipality;

11) determine and publish the results of the elections for national minority councils and national minority representatives in a city or a municipality;

12) appoint the members of the expert team for carrying out administrative and technical activities, as well as the amount of remuneration for the members of the expert team;

13) carry out the procedure of extracting register records, in accordance with special regulations;

14) perform other activities as stipulated in this Act and special regulations.

CHAPTER III ELECTION COMMITTEES

Election Committee

Article 42

An election committee is an electoral body which directly carries out the election at a polling station and ensures the regularity and the secrecy of voting.

Composition of Election Committees

Article 43

(1) An election committee shall consist of a president, vice-president and four members (hereinafter: members of the election committee).

(2) The president and the vice-president of the election committee shall preferably be members of the legal profession.

(3) The members of the election committee shall not be candidates or monitors of the election of national minority council members or national minority representatives held at the same time.

Competence for Appointing Election Committees

Article 44

The Electoral Commission of the City of Zagreb, the municipal and the city electoral commissions shall appoint the members of election committees in their jurisdiction.

Time Frame for Appointing Election Committees

Article 45

Election committees shall be appointed not later than 20 days following the entry into force of the decision on calling for an election.

Election Committee Decision-Making

Article 46

The election committee shall take decisions by a majority of votes cast by all members.

CHAPTER IV REMUNERATION FOR MEMBERS OF ELECTORAL BODIES

Remuneration for Members of Electoral Bodies

Article 47

(1) The members of electoral bodies shall have the right to be remunerated for their work on the elections; this shall not be regarded as income in terms of the law through which income tax is determined and paid.

(2) The remuneration funding for members of electoral bodies shall be provided in the budget of the unit in accordance with Article 79 of this Act.

(3) The amount of remuneration for the members of electoral bodies shall be determined prior to each election by the Government of the Republic of Croatia, on the basis of criteria and proposals provided by the State Electoral Commission, in a special decision issued at the same time as the decisions on calling for an election.

Cooperation and Assistance from Other Authorities in the Conduct of Elections

Article 48

(1) State administration authorities, other government authorities, constituency authorities and legal persons with public authority shall cooperate with the competent electoral commissions and provide expert assistance required for conducting the elections.

(2) Facilities and technical conditions for holding the elections shall be provided free of charge by government authorities, units and public institutions.

(3) For the purpose of conducting the elections, the units shall provide on their websites areas designated for the publishing of acts, announcements, notices and other data from the electoral commission appointed for conducting the election in its jurisdiction, free of charge.

TITLE V POLLING STATIONS

Polling Station

Article 49

- (1) A polling station is an area where the voting is carried out.
- (2) Polling stations shall not be established in a religious building, a building owned, leased or permanently used by a political party, a national minority organisation or a candidate participating in the election, or in facilities unsuitable for the conduct of elections.
- (3) As a general rule, a separate room shall be designated for each polling station.

Designation of Polling Stations

Article 50

The polling stations shall be designated taking into account the distance to the polling station, the number of voters in the constituency, the accessibility of the polling station to persons with disabilities and the size of the voting room.

Competence for the Designation of Polling Stations

Article 51

The Electoral Commission of the City of Zagreb and the municipal and city electoral commissions shall designate polling stations within their jurisdiction.

Time Frame for the Designation of Polling Stations

Article 52

- (1) Polling stations shall be designated not later than 15 days following the entry into force of the decision on calling for an election.
- (2) The polling station publication shall indicate: the polling station number, its headquarters i.e. full address indicating the area where it is located, the list of streets, squares and settlements it covers, indicating the voters voting in that polling station.
- (3) The decision on designating polling stations shall be published on the unit's notice board and website.
- (4) The polling station publication shall be in the form of an advertisement (poster) in the usual advertisement area used by the units and in areas used for larger gatherings of citizens.

TITLE VI

ELECTION METHOD FOR NATIONAL MINORITY COUNCIL MEMBERS AND NATIONAL MINORITY REPRESENTATIVES

Election Method for National Minority Council Members

Article 53

(1) National minority council members shall be elected through a majority electoral system where the entire area of the unit shall constitute a single electoral constituency.

(2) Pursuant to the constitutional law governing national minority rights, the national minority councils of municipalities shall elect 10 members, the national minority councils of cities shall elect 15 members, and the national minority councils of counties and the City of Zagreb shall each elect 25 members of a national minority.

(3) The candidates for national minority council members shall be elected in the order of largest number of votes cast by voters they received.

(4) If due to an equal number of votes cast for candidates the number of elected candidates under paragraph 2 of this Article cannot be determined, the number of elected candidates shall be less than the number of national minority council members under paragraph 2 of this Article.

(5) The number of elected candidates under paragraph 4 of this Article cannot be less than 6 members in a national minority council for a municipality, 8 members in a national minority council for a city, or 13 members in a national minority council for a county or the City of Zagreb.

(6) If due to an equal number of votes cast for each candidate the number of council members should be less than the number under paragraph 5 of this Article, the second ballot shall take place on the fourteenth day after the first ballot.

(7) In the second ballot, the election shall take place between the candidates who, due to an equal number of votes cast in the first ballot, are deemed non-elected.

Election Method for National Minority Representatives

Article 54

(1) National minority representatives shall be elected through a majority electoral system where the entire area of the unit shall constitute a single electoral constituency.

(2) The candidate who received the largest number of votes cast by voters shall be elected as the national minority representative.

(3) If two or more candidates should receive an equal number of votes, the second ballot shall take place on the fourteenth day after the first ballot.

(4) In the second ballot, the election shall take place between the candidates who received an equal number of votes in the first ballot.

TITLE VII

CONDUCTING THE ELECTIONS FOR NATIONAL MINORITY COUNCIL MEMBERS AND THE ELECTIONS FOR NATIONAL MINORITY REPRESENTATIVES

CHAPTER I VOTING

Place and Voting Method

Article 55

- (1) Votes for the election of national minority council members and national minority representatives for the unit shall be cast at the polling stations in municipalities, cities, counties and the City of Zagreb.
- (2) Votes shall be cast in person, by ballots.
- (3) Votes shall be cast only for candidates listed on the ballot.
- (4) At the elections for national minority council members, the vote shall be cast by circling the number in front of the name of at least one, or as many candidates as are being elected in that unit.
- (5) At the elections for national minority representatives, the voter shall cast their vote by circling the number in front of the name of one candidate.

Contents of the Ballot

Article 56

- (1) The ballot shall contain:
 - 1) an indication of the State Electoral Commission and the electoral commission conducting the elections;
 - 2) an indication of the election it refers to and the election date;
 - 3) instructions on the voting method;
 - 4) the candidate's number, full name and the data in accordance with the provision under Article 19, paragraph 4 of this Act;
 - 5) the stamp of the competent electoral commission; and
 - 6) the serial number of the ballot.
- (2) Apart from the data under paragraph 1 of this Article, the ballot may also contain data in accordance with Article 19, paragraphs 6 and 7 of this Act.
- (3) At the elections for national minority representatives, apart from the full name of the candidate for the national minority representative, the ballot shall also indicate the full name of the candidate for their deputy.
- (4) The candidates shall be listed on the ballot in the order in which they were listed on the consolidated list of candidates or the consolidated list of nominations.

(5) The ballot shall be printed in a printing office authorised for printing the official journal of the Republic of Croatia, and the printing shall be supervised by the competent electoral commission.

Voting Time

Article 57

- (1) Voting shall be conducted without interruptions between 7.00 and 19.00.
- (2) The polling stations shall be closed at 19.00, but the voters who happen to be at the polling station at the time, shall be allowed to vote.

CHAPTER II ACTIVITIES OF THE ELECTORAL BODIES ON THE ELECTION DAY

Obligations of the Election Committee prior to Opening the Polling Station

Article 58

- (1) The election committee shall prepare the polling station rooms normally one day prior to the election and not later than one hour prior to the beginning of the voting.
- (2) The election committee shall check if all promotional material regarding the election campaign has been removed from the polling station and its immediate vicinity (in a radius of approximately 50 metres), and if not, they shall remove it.
- (3) Each polling station shall be equipped and prepared so that the secrecy of voting is preserved and that no one can see how the voter cast their vote.
- (4) The coat of arms and the flag of the Republic of Croatia, the marks of a county, city or a municipality may be displayed at the polling station in accordance with their statutes, as well as national minority signs and symbols in accordance with the provisions of the constitutional law governing national minority rights.
- (5) Prior to opening the polling station, the election committee shall display at a visible place the advertisements with all consolidated lists of candidates and nominations and the valid lists of candidates and nominations for which votes are cast at that polling station.
- (6) The election committee shall display on the front of each ballot box the ballot which is to be cast in that ballot box.

Obligations of the Election Committee after Opening the Polling Station

Article 59

- (1) During the voting, the president or the vice-president of the election committee and at least two members of the election committee shall at all times be present at the polling station.

(2) At the beginning of the procedure, the president of the election committee shall assign duties to each individual member of the election committee.

(3) The election committee shall have the authority and the obligation to ensure peace and order at the polling station during the voting, as well as after the closing of the polling station.

(4) If necessary to ensure peace and order as well as an unimpeded voting procedure, the president or the vice-president of the election committee may request assistance from the police, which shall act at the polling station in accordance with its legally vested authority.

(5) No one, with the exception of police officers who arrive at the polling station upon invitation from the president or the vice-president of the election committee, shall come to the polling station bearing arms.

Obligations of the Election Committee towards Voters at the Polling Station

Article 60

(1) The election committee shall verify the identity of each voter coming to vote and check if they have been registered in the electoral register excerpt for that polling station.

(2) The voter's identity shall be verified with a public document with a photograph on the basis of which the voter can be identified beyond any doubt.

(3) If a voter is not registered in the electoral register excerpt, the election committee shall not permit them to cast their vote, unless the voter proves their right to vote at that polling station with a certificate issued by the competent public authority.

(4) The voter shall submit the certificate under paragraph 3 of this Article to the election committee and it shall constitute an integral part of the electoral register excerpt for that polling station.

(5) After establishing the right to vote, the election committee shall hand over the ballot to the voter, explain the casting method and direct the voter to the voting area.

Facilitating the Vote for Voters Unable to Vote on Their Own

Article 61

A voter who is unable to vote on their own due to a physical disability or being unable to read may be accompanied at the polling station by another person who is able to read and who shall, upon the voter's instruction, mark the candidate for whom the voter wishes to cast their vote.

Facilitating the Vote for Voters Unable to Come to the Polling Station

Article 62

(1) A voter who is unable to come to the polling station due to a more serious illness, physical disability or infirmity, may inform the competent electoral commission thereof at least three days prior to the election or the election committee on the election day.

(2) The competent electoral commission shall submit the received requests from voters for voting away from the polling station referred to in paragraph 1 of this Article, to competent election committees along with all of the electoral material.

(3) The election committee shall allow the voter who timely notified the electoral commission, or the election committee on the election day by 12.00, about their inability to come to the polling station, to vote at the address of their residence.

(4) By way of derogation from paragraph 3 of this Article, when the election committee has been notified on the election day, but after 12.00, that the voter who is unable to come to the polling station wishes to cast their vote, or if, in case of a timely notice sent by the voter under paragraph 3 of this Article, other circumstances should occur, on account of which the proper conduct of the election at the polling station would come into question, the election committee shall allow the voter to cast their vote at the address of their residence if the election committee assesses that voting in this manner would not impede the casting of votes at the polling station and if the technical conditions allow this.

(5) After the election committee confirms that the voter who submitted the request for voting away from the polling station has been registered in the electoral register excerpt delivered to the polling station, the election committee president shall assign at least two members of the election committee to visit the voter at the address of their residence and allow them to vote.

(6) The voter shall fold the ballot on which they cast their vote at least once, place it in a special envelope and close it. After returning to the polling station, a member of the election committee shall hand over the envelope to the president or the vice-president of the election committee.

(7) The president or the vice-president of the election committee shall immediately cast the folded ballot into the ballot box at the polling station.

(8) The voter coming to the polling station who, due to their disability, is unable to access the polling station shall be allowed to vote in front of the polling station and the provisions of paragraphs 5, 6 and 7 of this Article shall apply *mutatis mutandis*.

(9) In the minutes of the work of the election committee, the election committee shall explicitly record the voting referred to in Article 61, paragraph 2 of this Act and paragraphs 1 and 8 of this Article.

Obligations of the Election Committee After the Voting

Article 63

(1) After the voting is completed, the election committee shall first count the unused ballots and place them in a separate envelope which shall then be sealed.

(2) Then, in accordance with the electoral register excerpt and the submitted voting certificates, the election committee shall determine the total number of voters who cast their vote at that polling station.

(3) After it determines the total number of voters who cast their votes, the election committee shall open the ballot box and count the ballots.

Counting the Ballots

Article 64

(1) If, after counting the ballots, it should be determined that their number is equal or less to the established number of voters who cast their votes, the election committee shall determine the number of votes cast at that polling station according to the number of ballots.

(2) If, after counting the ballots, it should be determined that their number is greater than the established number of voters who cast their votes, the election committee shall make an official entry in the minutes of the work of the election committee and determine the number of votes cast at that polling station according to the number of ballots.

Determining the Number of Votes Cast

Article 65

The number of votes received by each individual candidate shall be determined by the election committee on the basis of valid ballots.

Valid Ballot

Article 66

A ballot shall be valid if it demonstrates with certainty and beyond any doubt the candidate(s) for whom the voter cast their vote.

Invalid Ballot

Article 67

A ballot is spoiled where:

- 1) the ballot is left blank;
- 2) the ballot is filled in a manner which makes it impossible to determine the candidate(s) for whom the voter cast their vote;
- 3) the voter cast their vote for a greater number of candidates than the number of candidates elected in that unit.

CHAPTER III DETERMINING THE VOTING RESULTS

Minutes of the Work of the Election Committee

Article 68

(1) The minutes of the work of the election committee at the elections for the national minority council members or national minority representatives shall contain the voting data for a specific polling station, and especially:

- the number of voters registered in the electoral register excerpt and the number of voters who submitted the certificate issued by the respective authority (voting certificate);
- the total number of voters who cast their votes, according to the records in the electoral register excerpt and the attached voting certificates;
- the number of voters who cast their votes, according to the ballots;
- the data on voters who cast their votes away from the polling station;
- the number and data for voters who cast their votes at the polling station with the assistance of another person;
- the number of valid and invalid ballots;
- the number of votes received by each individual candidate.

(2) Each member of the election committee shall be authorised to comment on the minutes in writing.

(3) The minutes of the work of the election committee shall be signed by each member of the election committee, and it shall be signed by at least four of the members, of which one shall be the president or the vice-president of the election committee.

(4) If a member of the election committee refuses to sign the minutes or fails to sign it for any other reason, an official note thereof shall be entered in the minutes, recording the refusal to sign and the reasons if the member of the election committee declares them.

(5) Each member of the election committee shall have the right to a copy of the minutes of the work of the election committee.

(6) The minutes of the work of the election committee shall have the power of an authentic instrument and its contents may be disputed in an electoral rights protection procedure in accordance with the provisions of this Act.

Delivery of Electoral Material from the Polling Stations to the Competent Electoral Commissions

Article 69

The election committee shall deliver the minutes of its work and other electoral material from the polling station to the competent electoral commission at the latest within 12 hours after the closing of the polling station.

Repeated Voting at an Individual Polling Station

Article 70

(1) If the delivered minutes of the work of the election committee should contain an official note referred to in Article 64, paragraph 2 of this Act, the minutes shall be entered in the IT system after the competent electoral commission determines if the excess of ballots could have affected the election results.

(2) The competent electoral commission referred to in paragraph 1 of this Act shall be the electoral commission responsible for determining the results of the elections to which the minutes refer.

(3) If the minutes of the work of the election committee are not delivered by the election committee to that electoral commission, the electoral commission receiving the minutes of the work of the election committee shall immediately deliver it to the electoral commission responsible for determining the results of the elections to which the minutes refer.

(4) When determining the voting results, if the competent electoral commission referred to in paragraph 1 of this Act should determine that the excess of ballots could not have affected the result of the elections, it shall then enter the data from the minutes referred to in paragraph 1 of this Act to the IT system.

(5) When determining the voting results, if the competent electoral commission referred to in paragraph 1 of this Act should determine that the excess of ballots could have affected the result of the elections, it shall order voting be repeated at that polling station, on the seventh day from the initial voting.

(6) If several different elections have been held at that polling station, the repeated voting shall be ordered only for the elections where an excess of ballots has been determined.

Contents of the Minutes of the Work of Electoral Commissions

Article 71

(1) The minutes of the work of the electoral commission at the elections for national minority council members or national minority representatives shall contain:

- the number of voters registered in electoral register excerpts and the attached voting certificates;
- the total number of voters who cast their votes, according to the records in electoral register excerpts and the attached voting certificates;
- the number of voters who cast their votes, according to the ballots;

- the number of valid and invalid ballots;
- the number of votes received by each individual candidate.

(2) The city or the municipal electoral commission shall enter into the minutes referred to in paragraph 1 of this Article the voting data for the city or the municipality; the Electoral Commission of the City of Zagreb shall enter the voting data for the City of Zagreb, while the county electoral commission shall enter the voting data for the county.

(3) The minutes of the work of the electoral commission shall be signed by each member of the electoral commission, and it shall be signed by at least four of the members, of which one shall be the president or the vice-president of the electoral commission.

(4) If a member of the electoral commission refuses to sign the minutes or fails to sign it for any other reason, an official note thereof shall be entered in the minutes, recording the refusal to sign and the reasons if the member of the electoral commission declares them.

(5) The minutes of the work of the electoral commission shall have the power of an authentic instrument and its contents may be disputed in an electoral rights protection procedure in accordance with the provisions of this Act.

CHAPTER IV ENTRY OF DATA FROM THE MINUTES OF THE WORK OF ELECTORAL BODIES INTO THE IT SYSTEM, TIME FRAMES FOR PREPARING AND DELIVERY OF MINUTES OF THE WORK OF ELECTORAL COMMISSIONS

Entry of Data into the IT System

Article 72

(1) Municipal and city electoral commissions shall enter data from the minutes of the work of election committees under their jurisdiction into the IT system and prepare the minutes of their work within 18 hours after the closing of the polling stations, at the latest.

(2) Municipal and city commissions shall immediately deliver the minutes of their work with the rest of the electoral material to the competent county electoral commission, at the elections for national minority council members and the national minority representatives in the county.

Minutes of the Work of the Electoral Commissions

Article 73

The county electoral commissions and the Electoral Commission of the City of Zagreb shall record the minutes of their work within 24 hours after the closing of the polling stations or within 6 hours after delivering the minutes of the work of municipal and city electoral commissions and the rest of the electoral material to the county electoral commission.

CHAPTER V DETERMINING AND PUBLISHING THE ELECTION RESULTS

Competency for Determining the Election Results

Article 74

- (1) The results of the elections for national minority council members and national minority representatives in the county shall be determined by the competent county electoral commission.
- (2) The results of the elections for national minority council members and national minority representatives in the City of Zagreb shall be determined by the Electoral Commission of the City of Zagreb.
- (3) The results of the elections for national minority council members and national minority representatives in a city shall be determined by the competent city electoral commission.
- (4) The results of the elections for national minority council members and national minority representatives in a municipality shall be determined by the competent municipal electoral commission.

Publication of Preliminary Data

Article 75

- (1) During the voting, the electoral commission competent for determining the results of the elections for national minority council members and national minority representatives shall publish preliminary data on voter turnout.
- (2) After the closing of the polling stations, the electoral commission competent for determining the results of the elections for national minority council members and national minority representatives may publish preliminary and incomplete election results.

Contents of the Decision on Election Results

Article 76

- (1) The decision on determining the results of the elections for national minority council members or national minority representatives shall indicate:
 - 1) the number of voters registered in the electoral register of the unit;
 - 2) the number of voters who cast their votes, according to the records in electoral register excerpts and the attached voting certificates;
 - 3) the number of voters who cast their votes, according to the ballots;
 - 4) the number of valid and invalid ballots;
 - 5) the full names of candidates ordered according to the number of received votes;
 - 6) the number of votes received by each individual candidate;

7) the full name of the elected candidate.

(2) In the case referred to in Article 53, paragraph 6 of this Act, instead of full names of elected candidates referred to in paragraph 1, item 6 of this Article, the decision on determining the results of the elections for national minority council members shall indicate the second ballot and the day of it being held, as well as full names of candidates participating in the second ballot.

(3) In the case referred to in Article 54, paragraph 3 of this Act, instead of the full name of the elected candidate referred to in paragraph 1 item 6 of this Article, the decision on determining the results of the elections for national minority representatives shall indicate the second ballot and the day of it being held, as well as full names of candidates participating in the second ballot.

Publication of the Decision on Election Results

Article 77

(1) The decision on the results of the elections for national minority council members or the national minority representatives shall be published on the website and the notice board of the unit where the elections are being held, with the website clearly indicating the time of publication.

(2) The complete information on the election results referred to in paragraph 1 of this Article shall be published on the State Electoral Commission website.

(3) The publishing of complete election results on the State Electoral Commission website shall not constitute an electoral act in terms of protection of electoral rights.

Decision on the Final Election Results

Article 78

(1) The election results shall become final after the expiry of the deadlines for the protection of electoral rights or on the day of the Constitutional Court of the Republic of Croatia (hereinafter: the Constitutional Court) issuing a decision with regard to the appeal made in the electoral rights protection procedure.

(2) The electoral commission competent for determining the election results shall immediately issue a decision on the final election results indicating the day of finality of the election results, along with the data referred to in Article 76 of this Act.

(3) The decision on final election results shall be published on the website of the unit where the elections are being held.

(4) The complete information on the final election results shall be published on the State Electoral Commission website.

TITLE VIII COSTS OF ELECTIONS

Funding of Elections

Article 79

- (1) The funding for covering the election costs of an individual unit shall be allocated in the unit budget.
- (2) The funding required for carrying out the duties of the State Electoral Commission referred to in this Act shall be allocated in the State Budget of the Republic of Croatia.
- (3) When the elections for national minority council members for local self-government units and regional self-government units, i.e. the elections for national minority representatives are held at the same time, each unit of local or regional self-government shall bear the reimbursement costs for its electoral commission and its expert authorities and persons, while the reimbursement costs for election committees and common material costs shall be borne by the units in equal shares.
- (4) In the process of financial planning and the drafting of the budget for the calendar year in which the elections are being held the units shall provide the election funding.
- (5) The electoral commission of the unit shall manage the election funding.
- (6) The electoral commission of the unit shall be responsible for the allocation and spending of the resources and the granting of appropriate funding to electoral bodies which shall include the funding for carrying out administrative and expert activities.
- (7) The electoral commission of a unit shall publish on the unit website a complete report on the cost of the elections and the use of the funds within 30 days following the publication of the final election results.

TITLE IX MONITORING OF ELECTIONS

Types of Monitors

Article 80

- (1) The following monitors shall have the right to monitor the elections:
 - 1) national minority organisations which proposed the lists of candidates or nominations for national minority council members and/or national minority representatives (hereinafter: monitors of national minority organisations);
 - 2) members of national minorities – voters who proposed the lists of candidates or nominations for national minority council members and/or national minority representatives (hereinafter: monitors of members of national minorities – voters);
 - 3) organisations registered in the Republic of Croatia which act as independent election monitors and/or human and civil rights promoters (hereinafter: local monitors);

4) international organisations which monitor elections, diplomatic-consular representation offices in the Republic of Croatia, international associations of electoral bodies and electoral bodies from other states (hereinafter: foreign monitors).

(2) Monitors shall not be candidates or electoral body members at the elections for national minority council members or national minority representatives held at the same time.

Submitting a Request for Monitoring the Elections

Article 81

(1) The request for monitoring the elections shall be submitted as prescribed by the National Electoral Commission in its mandatory instruction.

(2) Monitors referred to in Article 80, paragraphs 1 and 2 may submit a request for monitoring the elections as of the first day following the day of publication of consolidated lists of candidates or nominations at the latest up to five days prior to the elections.

(3) Monitors referred to in Article 80, paragraphs 3 and 4 may submit a request for monitoring the elections as of the day of entry into force of the decision on calling for an election at the latest up to five days prior to the elections.

(4) The request for monitoring the elections shall be submitted to the competent county electoral commission or the Electoral Commission of the City of Zagreb where the elections are to be monitored.

(5) Foreign monitors shall submit the request for monitoring the elections to the State Electoral Commission.

(6) The request for monitoring the elections shall be accompanied by a list of proposed monitors.

Approval for Election Monitoring

Article 82

(1) The competent electoral commission referred to in Article 81, paragraph 4 of this Act shall grant its approval for the monitoring of the elections and issue an official monitor identification card to the monitor.

(2) The official monitor identification card shall be handed over to the monitor by the city or the municipal electoral commission where the monitor has been registered.

(3) The State Electoral Commission shall grant an approval to the foreign monitor and hand them over the official monitor identification card.

(4) Monitor status shall be verified with the official monitor identification card or by other appropriate means.

Rights and Obligations of Monitors

Article 83

(1) The monitor shall have the right to:

- 1) be present during the work of an electoral body and warn about any identified irregularity;
- 2) request a copy of the minutes of the work of the electoral body the work of which they monitored;
- 3) be present at the handover of the electoral material;
- 4) be present during the work of the election committee from the moment of setting up the polling station prior to its opening, during the voting, the counting of the ballots and determining the voting results and preparing the minutes of the work of the election committee;
- 5) add reasoned objections against the work of the election committee to the minutes of work of the election committee or attach them in written form to the said minutes and request a receipt for the given reasoned objection against the work of the election committee;
- 6) inspect the electoral material until the final election results have been announced, with the exception of the electoral register excerpts.

(2) Upon arrival to the polling station or at the headquarters of the electoral commission which they shall monitor, the monitor shall present the official monitor identification card and an identity document on the basis of which their identity can be established beyond any doubt.

(3) If the competent electoral body did not provide the monitor with an official monitor identification card, the monitor shall present the decision issued by the competent electoral commission or the approval issued by the State Electoral Commission allowing them to monitor the elections.

(4) For the duration of monitoring the elections, the monitor shall wear the official monitor identification card visibly displayed at all times.

(5) The monitor may monitor the work of all electoral bodies in the area where they are allowed to monitor the elections.

(6) The monitor shall not:

- 1) disturb the work of the electoral body;
- 2) make audio or video recordings of the work of the electoral body;
- 3) answer to voters' questions for the duration of monitoring the work of the election committee, and if a voter should address the monitor, they shall direct them to the president, vice-president or a member of the election committee;
- 4) take photographs of the electoral register excerpts and ballots at the polling station during the voting or determining the voting results;

5) bear any markings with regard to a political party or an organisation monitoring the elections, photographs of candidates or other promotional materials or influence voters in any other manner.

Authorities of Electoral Bodies Regarding Monitors

Article 84

- (1) Electoral bodies shall allow the monitors to monitor and observe their work.
- (2) The electoral body whose work is being monitored shall not preclude monitoring, but it may limit the number of monitors if the lack of space or other reasons do not permit all monitors to be present at the same time.
- (3) In the case referred to in paragraph 2 of this Article, national minority organisations, members of national minorities – voters and organisations referred to in Article 80, item 3 of this Act shall be allowed to have at least one monitor at the polling station and/or at the competent electoral commission.
- (4) If a monitor should disturb the work of the electoral body, the president or the vice-president of the electoral body shall issue a verbal warning to the monitor and remove them if, despite being warned, the monitor continues to disturb the work of the electoral body.

TITLE X

DATA PROTECTION DURING THE ELECTIONS

Proper Implementation of Regulations Governing Data Protection

Article 85

The provisions of regulations governing the protection of personal data shall apply *mutatis mutandis* to the processing of data belonging to persons who participate in the elections (hereinafter: personal data).

Controllers

Article 86

- (1) The controllers are electoral commissions which are responsible for undertaking a certain electoral action, in accordance with the provisions of this Act.
- (2) Regarding the collection of voter signatures and submitting the proposed list of candidates and nominations, the controllers are national minority organisations and persons submitting lists of candidates or nominations referred to in Article 10, paragraph 3 of this Act, and/or candidates for the proposed list of nominations of members of national minorities – voters.
- (3) Controllers of monitors' personal data are authorised proposers of monitors referred to in Article 80 of this Act.

(4) Contact information of the controllers referred to in paragraph 1 of this Article shall be published on the State Electoral Commission website, whereas contact information of the controllers referred to in paragraphs 2 and 3 of this Article shall be published by the controllers themselves on their own websites or by other appropriate means.

(5) Controllers may entrust data processing to the data processor, respecting the requirements of data protection regulations.

Purpose of Data Processing

Article 87

(1) Only personal data required for carrying out specific electoral actions shall be processed.

(2) The person whose personal data are being processed shall be informed about the purpose of data processing.

Persons Whose Data Are Being Processed

Article 88

During the elections, the following personal data shall be processed:

- data relating to electoral body members for the purpose of their appointment and remuneration;
- data relating to candidates and members of national minorities – voters who are the proposers of the list of candidates or nominations and the contact person indicated on the proposed list of candidates or nomination for the purpose of nomination, including further processing for the purpose of conducting the elections;
- data relating to monitors for the purpose of monitoring the elections;
- data relating to third parties – contracting parties with whom the controllers referred to in Article 86, paragraph 1 of this Act shall enter into contracts for additional activities with regard to the elections or which the controller referred to in Article 86, paragraph 1 of this Act had assigned to expert teams for the purpose of additional activities with regard to the elections.

Types of Personal Data Being Processed

Article 89

(1) Personal data of members of an electoral body that shall be processed are: full name, residential address, personal identification number (OIB) and/or number and place of issue of an identity card, contact information, date of birth, bank account data, pension insurance information and signature.

(2) Personal data of candidates that shall be processed are: full name, nationality, residential address, date of birth, personal identification number (OIB), sex and signature.

(3) Personal data of members of national minorities – voters – proposers of the list of candidates or nominations and voters that shall be processed are: full name, nationality, residential address, date of birth, identity card number and the place of issue thereof, and signature.

(4) Personal data of the contact person indicated on the proposed list of candidates or nomination that shall be processed are: full name, residential address and contact information.

(5) Personal data of monitors that shall be processed are: full name and personal identification number (OIB) or number and place of issue of the monitor's identification document and the data on the person submitting the request for monitoring the elections.

(6) Personal data of third parties referred to in Article 88, paragraph 1, subparagraph 4 of this Act which may be processed are data which are required for performing contracts between the third party and the controller referred to in Article 86, paragraph 1 of this Act, i.e. which are required for carrying out tasks and paying the remuneration to the members of expert teams assigned for carrying out additional activities with regard to the elections.

(7) The controller may request and process other data as well if it is required for carrying out the legal obligations of the controller.

(8) The forms used in the preparation and the conduct of the elections detail the requested personal data for each individual purpose.

Personal Data Verification by Competent Authorities

Article 90

For the purpose of accuracy of the personal data referred to in Article 89 of this Act, upon request of the electoral commission competent for carrying out a specific electoral activity in accordance with the provisions of this Act, the competent state administration authority shall, in accordance with the regulations governing personal data protection and special laws governing the collection, processing and use of such data, deliver and/or facilitate access to the following data:

1. data from the electoral register – ministry responsible for the electoral register;
2. data on residence and the identification documents of voters – ministry responsible for internal affairs;
3. data on the personal identification number (OIB) – ministry responsible for finances.

Duration of Data Processing

Article 91

(1) Personal data referred to in Article 89 of this Act shall be processed during a period of time required for accomplishing the purpose for which they are being processed.

(2) Personal data processing shall begin not earlier than 60 days before the elections, or, at the latest on the day of issuing the decision on calling for an election, and it shall last at the latest by the expiry of the 90-day deadline beginning with the day of publication of complete information on the final election results referred to in Article 78, paragraph 4 of this Act.

Public Disclosure of Personal Data

Article 92

(1) For the purpose of appointing electoral body members, the full names of electoral body members shall be published on the State Electoral Commission website and the unit websites.

(2) For the purpose of nomination for the elections and the publication of the election results, the unit notice board, its website and the website of the State Electoral Commission, personal data referred to in Article 89, paragraph 2 of this Act, with the exception of the candidates' personal identification number (OIB), which are contained in valid lists of candidates or nominations in accordance with the provisions of this Act, shall be publicly disclosed, as well as candidates' personal data contained in the consolidated list of candidates and the consolidated list of nominations and the election results.

(3) If the proposers of the list of candidates or nominations are members of a national minority – voters, then the full name of the person submitting the list of candidates or the nomination referred to in Article 10, paragraph 3 of this Act shall be publicly disclosed on the valid lists of candidates or nominations.

(4) Personal data which, in accordance with the provisions of this Article, have publicly been disclosed on the unit notice board, its website and the website of the State Electoral Commission, with the exception of the candidates' full names, shall be removed from the websites after the expiry of the deadline referred to in Article 91, paragraph 2 of this Act.

Duration of Data Storage

Article 93

Following the expiry of the deadline referred to in Article 91, paragraph 2 of this Act, personal data shall be handled in accordance with special regulations governing issues with regard to storing archive material and extracting the records.

TITLE XI PROTECTION OF ELECTORAL RIGHTS

Objection

Article 94

(1) An objection against irregularities in the elections may be submitted by national minority organisations which proposed the list of candidates or nominations for the elections, candidates, at least 100 voters or at least 5 % of voters in an electoral constituency where the elections are being held.

(2) If a list of candidates or a nomination has been proposed by two or more national minority organisations, an objection shall be deemed valid even if submitted by only one of the said national minority organisations.

(3) When an objection is submitted by a group of at least 100 voters or at least 5 % of voters in an electoral constituency where elections are being held, the group shall appoint a common representative authorised for submitting an objection.

Submitting Objections and Competence

Article 95

(1) The objection against irregularities in the electoral procedure for the election of national minority council members or representatives in a county or the City of Zagreb shall be submitted to the State Electoral Commission.

(2) The objection against irregularities in the electoral procedure for the election of national minority council members or representatives in a city or a municipality shall be submitted to a county electoral commission.

(3) Objection referred to in paragraphs 1 and 2 of this Article shall be sent to the competent electoral commission within 48 hours following the day on which the objected action occurred.

(4) The objection shall be submitted to the competent electoral commission electronically, directly, in writing or by post.

(5) The objection shall indicate the name of the objecting party, the objected electoral activity and the signature of the objecting party. When the objection is submitted by a national minority organisation, it shall be signed by the person authorised to represent the organisation or its authorised agent, in which case the objection shall be accompanied with the corresponding power of authority.

(6) The competent electoral commission shall issue a decision on the objection within 48 hours following the day on which the objection has been received or following the day on which the objected electoral materials have been received.

Deciding on the Objection

Article 96

(1) If the competent electoral commission in deciding on the objection should find any irregularities which had or could have had a significant impact on the election results, it shall invalidate the activities and order they be redone within a time limit which shall allow that the elections be held on the day they were called for.

(2) If there is no possibility of redoing the invalidated activities within the deadline referred to in paragraph 1 of this Article, where the activities have had or could have had a significant impact on the election results, the competent electoral commission shall defer the elections by seven days and establish a time limit in which the activities shall be redone.

(3) If the irregularities refer to the voting procedure, and they had or could have had a significant impact on the election results, the competent electoral commission shall declare the elections invalid and establish a time limit in which the elections are to be redone.

Delivery and Publication of the Decision on the Objection

Article 97

(1) At the same time as the decision on the objection is delivered to the objecting party, the competent county electoral commission shall also deliver the said decision to the State Electoral Commission for publication.

(2) The State Electoral Commission shall publish without delay the decision on the objection issued by the State Electoral Commission and the county electoral commission on its website, with a mandatory indication of the time of publication along with the published decision on the objection.

(3) The delivery of the decision on the objection shall be deemed done on the day of publication on the State Electoral Commission website.

(4) The decision on the objection referred to in paragraph 2 of this Article shall be removed from the State Electoral Commission website after the expiry of the deadline referred to in Article 91, paragraph 2 of this Act.

Appeal

Article 98

(1) The objecting party may appeal the decision of the competent electoral commission before the Constitutional Court.

(2) The appeal shall be lodged through the competent electoral commission within 48 hours following the day on which the appealed decision had been delivered.

(3) The Constitutional Court shall issue a decision on the appeal within 48 hours from its receipt.

(4) An objection or an appeal in the electoral rights protection procedure shall not stay the execution of electoral activities prescribed by this Act.

Exemption from Administrative Fees

Article 99

Petitions and decisions in proceedings pursuant to the provisions of this Act shall be exempt from administrative fees.

Protection of Constitutionality and Legality

Article 100

The Constitutional Court shall oversee the constitutionality and the legality of elections in accordance with the provisions of the Constitutional Act on the Constitutional Court of the Republic of Croatia.

TITLE XII
MANDATES OF NATIONAL MINORITY COUNCIL MEMBERS AND
REPRESENTATIVES AND CONSTITUTING THE NATIONAL MINORITY COUNCIL

Mandates of National Minority Council Members and Representatives

Article 101

(1) Mandates of national minority council members elected at the elections shall begin on the day of constituting the national minority council and end on the day of entry into force of the decision issued by the Government of the Republic of Croatia on calling for an election of national minority council members in the units.

(2) Mandates of national minority representatives shall begin on the first working day following the day of publication of the final election results and end on the day of entry into force of the decision issued by the Government of the Republic of Croatia on calling for an election of national minority representatives in the units.

(3) After the termination of their mandate and until the council is constituted in a new term of office, the president of the national minority council shall only carry out work which is necessary for regular operation or functioning of the council.

(4) After the termination of their mandate, the provision in paragraph 3 of this Article shall apply *mutatis mutandis* to the powers of the national minority representative.

Termination of Mandates of National Minority Council Members and Representatives

Article 102

(1) The mandate of a national minority council member and a representative shall be terminated in the following cases:

1) if they are elected as municipal prefect, mayor or county prefect or their deputy, elected at the same time in the same unit, on the day of assuming their elected office;

2) if they resign, on the day of delivery of the written resignation in accordance with the rules on delivery prescribed by a law governing general administrative procedure;

3) if they are completely deprived of their legal capacity by a court decision with final force and effect, on the day of entry into force of the court decision;

4) if they are sentenced by a court judgment with final force and effect to a prison sentence exceeding six months, on the day of entry into force of the court judgment;

5) if they cease to be a resident in the unit, on the day they cease to be a resident;

6) if, as a member of a national minority, they are deleted from the electoral register records in the area for which they were elected, in accordance with the provisions of a special law;

7) if they cease to be a citizen of Croatia, on the day they cease to be a citizen of Croatia in accordance with the provisions of the law governing Croatian citizenship;

8) if they die.

(2) The written resignation of a national minority council member referred to in paragraph 1, item 2 of this Article shall be notarised by a notary public and within eight days following the notarisation delivered to the president of the national minority council, and delivered, without delay, to the competent agency in the unit in which the council had been elected.

(3) The written resignation of a national minority representative referred to in paragraph 1, item 2 of this Article shall be notarised by a notary public and within eight days following the notarisation delivered to the competent agency in the unit in which the representative had been elected.

(4) Resignation submitted contrary to paragraph 1, item 2 and paragraphs 2 and 3 of this Article shall not produce a legal effect.

Substituting National Minority Council Members and Representatives

Article 103

(1) The elected national minority council member whose mandate is terminated before the end of their regular term shall be substituted by the first following non-elected candidate with the most received votes, on the day of their mandate termination.

(2) If, in the case referred to in paragraph 1 of this Article, there are more than one non-elected candidates with an equal number of votes, on account of which it is impossible to determine which of the non-elected candidates should replace the elected council member, the council shall continue its operation without substituting the elected council member, unless the number of council members after the termination of the mandate of the elected council member should be less than the number referred to in Article 53, paragraph 5 of this Act, in which case the council shall cease its operation.

(3) If, in the case referred to in paragraph 1 of this Article, there are more than one non-elected candidates with an equal number of votes, the elected candidate may be replaced by all non-elected candidates with an equal number of received votes, but only if the number of council members after the substitution does not exceed the number referred to in Article 53, paragraph 2 of this Act.

(4) An elected national minority representative whose mandate is terminated shall be replaced by a national minority deputy representative elected at the same time.

(5) If a mandate of a national minority representative should be terminated in accordance with Article 102 of this Act, their deputy shall become the national minority representative with all the rights and duties of a national minority representative, which shall begin on the day of termination of the mandate of the national minority representative.

Constituting the National Minority Council

Article 104

- (1) Constituting sessions for national minority councils shall be convened by county prefects, the mayor of the City of Zagreb, mayors and municipal prefects, within 45 days from the publication of the final election results.
- (2) If the national minority council is not constituted at a session within the deadline referred to in paragraph 1 of this Article, the authorised convener shall convene a new constituting session within 30 days from the day when the previous session was held or should have been held.
- (3) If the national minority council fails to be constituted at that session as well, the authorised convener shall convene a new constituting session within eight days from the day of delivering to the municipality, city or the county a written proposal for the election of the council president signed by the majority of council members prescribed by a constitutional law governing national minority rights.
- (4) Until the election of the president, the constituting session of the national minority council shall be presided by the first candidate who received the greatest number of votes. If two or more candidates should have an equal number of votes, the candidate who is first in the alphabetical order shall preside.
- (5) At least a majority of all council members as prescribed by a constitutional law governing national minority rights shall be required to attend the constitutional session in order to constitute the council.
- (6) The national minority council shall be deemed constituted upon the election of its president.
- (7) A majority of votes from all council members as prescribed by a constitutional law governing national minority rights shall be required to elect the president of the national minority council.
- (8) The council president shall be elected by secret ballot pursuant to the provisions of the constitutional law governing national minority rights.

TITLE XIII PENAL PROVISIONS

Misdemeanour

Article 105

- (1) A fine in the amount of HRK 2,000.00 shall apply for the candidate who commits an misdemeanour of providing incorrect data in the statement on accepting the nomination (Article 16, paragraph 3).

(2) The competent electoral commission shall notify the competent municipal state attorney's office on the infringement referred to in paragraph 1 of this Article, and deliver complete documentation relating to the case at issue.

TITLE XIV
FINAL PROVISIONS

Final Provision

Article 106

The provisions of the Act on the Election of Members of Representative Bodies of Local and Regional Self-Government Units (Official Gazette 33/01, 10/02, 155/02, 45/03, 43/04, 40/05, 44/05 – consolidated text, 109/07 and 24/11) referring to the election of national minority council members and representatives in units and the provisions on the election of representative council members in the part which applies accordingly to the elections for national minority council members and representatives, shall cease to be valid on the day of entry into force of this Act.

Entry into Force

Article 107

This Act shall enter into force on the first day after the day of its publication in the Official Gazette.

Class No: 022-03/18-01/271
Zagreb, 1 March 2019

THE CROATIAN PARLIAMENT

President
of the
Croatian Parliament
Gordan Jandroković, m. p.