



Strasbourg, 2 December 2005

**CDL-EL(2005)053**  
Engl. only

**Opinion no. 360 / 2005**

**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**

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

**TABLE OF CONTENTS**

I. Constitutional basis for the adoption of the law .....	3
II. The assessment of situation and basic issues that need to be regulated by the law and the consequences which will ensue from the adoption of the law .....	3
III. The assessment of funds necessary for the implementation of the law.....	5
IV. The bill with explanation .....	5
<b>THE CROATIAN STATE ELECTORAL COMMISSION BILL .....</b>	<b>6</b>
1. Introductory provisions.....	6
2. Composition of the Commission and the election of the President, vice presidents and members of the Commission .....	6
3. Oath-taking of the President, vice presidents and members of the Commission.....	7
4. The scope of activities of the Commission.....	8
5. Rights and obligations of the President, vice presidents and members of the Commission ..	8
6. Cessation of the term of office of the President, vice presidents and members of the Commission before its regular expiry .....	9
7. Mode of operation and decision-making of the Commission.....	10
8. Cooperation between the Commission and other bodies and institutions.....	10
9. Standing Orders of the Commission .....	11
10. Expert service of the Commission .....	11
11. Funds for the work of the State Electoral Commission .....	12
12. Transitional and final provisions.....	12
<b>EXPLANATIONS.....</b>	<b>14</b>
<b>CROATIAN PARLIAMENT.....</b>	<b>18</b>
Report of the Committee for Constitution, Standing Orders and Political System from its discussion about the Croatian State Electoral Commission Bill, P.Z. No. 329.....	18
<b>CONCLUSION.....</b>	<b>18</b>

## **THE CROATIAN STATE ELECTORAL COMMISSION BILL**

### **I. CONSTITUTIONAL BASIS FOR THE ADOPTION OF THE LAW**

The constitutional basis for the adoption of this Law is contained in the provisions of Article 2, Paragraph 4, Item 1 and Article 80, Item 2 of the Constitution of the Republic of Croatia (“Official Gazette”, number 41/01, consolidated text and 55/01- corrected text).

### **II. THE ASSESMENT OF SITUATION AND BASIC ISSUES THAT NEED TO BE REGULATED BY THE LAW, AND THE CONSEQUENCES WHICH WILL ENSUE FROM THE ADOPTION OF THE LAW**

The conduct of the elections and steadiness of application of democratic standards in the electoral procedure call for further upgrading of certain electoral institutions as well as for a better quality and more adequate solutions in relation to particular issues which are significant for the lawfulness and accuracy in the conduct of elections.

Thus the issue of formulating the character and competencies of the State Electoral Commission is one of the significant issues that requires innovative solutions more adequate for the norms and practice of European countries.

The composition and competencies of the Commission in the Republic of Croatia are defined by several organic laws which represent the framework of the electoral legislation and constitute the basis of the electoral system.

As a result, for example, the aforementioned issues which are related to the composition and competencies of the Commission are elaborated in the provisions of the Law on Elections of Members of the Croatian Parliament (“Official Gazette”, No. 116/99, 109/00, 53/03 and 69/03 – consolidated text), the Law on the Election of the President of the Republic of Croatia (“Official Gazette”, No. 22/92, 71/97 and 69/04), the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units (“Official Gazette”, No. 33/01, 10/02, 155/02, 45/03, 43/04 and 40/05 – consolidated text).

It is important to emphasize that the provisions stipulating the aforementioned issues related to the composition and competencies of the Commission are dispersed, partially even non-harmonized and therefore need to be compiled in a single coherent legal text which would stipulate and define the majority of important circumstances related to the work and activities of the Commission.

Along with the aforementioned, which we deem to be the secondary purpose in proposing the adoption of this Law, the basic need is the establishment of the Commission as a permanent, independent and professional body with a strictly defined composition and competencies related to the conduct of elections of representatives to the Croatian Parliament, the election of the President of the Republic of Croatia, the election of members of representative bodies of local and regional self-government units, the election of members of councils and representatives of national minorities in local units, as well as the conduct of referenda, in compliance with the special law.

It is a fact that the conduct of elections no longer represent any an occasional and periodical engagement of bodies established and nominated with an aim to conduct the elections, but they are often held, primarily the extraordinary local elections, in certain local units in which legally stipulated conditions for their holding have been met.

The frequency of elections imposes the need for continuous action by the supreme body which participates in the procedure of conducting the elections itself, and is an important factor of their lawful and accurate conduct. The same can be stated in case of referenda which are conducted through the implementation of provisions of the Law on Referendum and Other Forms of Personal Participation in the Performance of State and Local and Regional Self-Government ("Official Gazette", No. 33/96 and 92/01).

Additionally, the proponent anticipates along with basic tasks of the Commission related to the conduct of elections, the assignment of the Commission with an important task of constant monitoring of electoral processes and proposing novelties for individual legal solutions and institutions. It is impossible to realize these tasks completely if the Commission is only an occasional body.

It should be noted at the end that the solutions proposed in this Bill of the future legal text are entirely compatible with the solutions that have already been adopted in stable democracies in the European countries.

**Basic issues proposed to be regulated by this Law:**

- establishment of the Commission as a permanent, professional and independent body,
- the mode of election of the President, vice presidents and members of the Commission,
- the competence, scope of activities and tasks of the Commission in the conduct of parliamentary, presidential and local elections, elections for councils and representatives of national minorities, as well as in the conduct of local, advisory or state referendum,
- internal organization, the mode of operation and decision-making of the Commission,
- relations with citizens, bodies and institutions in the Republic of Croatia,
  
- co-operation with international organizations and institutions,
- other issues of significance for the performance of tasks from its scope of activities.

**The consequences which will ensue from the adoption of this Law:**

- the establishment of the Commission as a professional, permanent and independent body, shall greatly improve the electoral practice and the procedure for the conduct of elections,
- the provision of a better quality and more adequate conduct of elections at all levels,
- enabling the proposing of novelties for individual legal institutes related to certain electoral legislation issues,
- the provision of establishment of co-operation with organizations and institutions in the Republic of Croatia and abroad,
- enabling of constant organization and realization of education of all participants in the electoral process,
- whereby citizens would be urged to participate in the electoral processes.

### **III. THE ASSESSMENT OF FUNDS NECESSARY FOR THE IMPLEMENTATION OF THE LAW**

It is the assessment that the implementation of this Law would require provision of additional funds from the State Budget of the Republic of Croatia, for salaries and material expenses of members of the Commission, of the expert services for approximately 10 employees in the main office and 21 secretaries in counties and the City of Zagreb which amounts to approximately 7 million HRK, beginning with 2006.

### **IV. THE BILL WITH EXPLANATION**

The text of the State Electoral Commission of the Republic of Croatia Bill is forwarded along with the proposal for the adoption of this Law.

At the same time it is noted that, in compliance with the provision of Article 82, Paragraph 2, of the Constitution of the Republic of Croatia all organic laws, meaning laws elaborating human rights and fundamental freedoms, electoral system, structure, scope of activities and the mode of operation of state bodies as well as the structure and scope of activities of local and regional self-government, stipulated by the Constitution, shall be adopted by the Croatian Parliament by a majority vote of all representatives.

Pursuant to the aforementioned, the subject law, the adoption of which is proposed, also needs to be adopted by a majority vote of all representatives in the Croatian Parliament since this law belongs to the domain of electoral legislation.

## THE CROATIAN STATE ELECTORAL COMMISSION BILL

### 1. Introductory provisions

#### Article 1

This Law shall regulate the establishment of the State Electoral Commission of the Republic of Croatia (hereinafter: the Commission), the composition of the Commission, the mode of election of the President, vice presidents and members of the Commission, the scope of activities, mode of operation and decision-making, relations with citizens, bodies and institutions in the Republic of Croatia, co-operation with international organizations and institutions and other issues of significance for the performance of tasks from the scope of activities of the Commission.

#### Article 2

The Commission shall be a permanent, independent and professional state body, performing tasks from its competence in compliance with this Law and laws regulating the election of representatives to the Croatian Parliament, presidential elections of the Republic of Croatia, the election of members of representative bodies of local and regional self-government units (hereinafter: local units), the election of county prefects, the mayor of the City of Zagreb, mayors and heads of municipalities, the election of members of councils and representatives of national minorities in local units, as well as the conduct of state, local and advisory referenda.

The seat of the Commission shall be in Zagreb.

#### Article 3

### 2. Composition of the Commission and the election of the President, vice presidents and members of the Commission

#### a) Composition of the Commission

The Commission shall operate permanently in the composition comprising the President of the Commission, two vice presidents and two members of the Commission.

The President of the Commission, two vice presidents and two members shall be elected for a term of eight years in the manner and according to the procedure stipulated by this Law.

#### b) President of the Commission

#### Article 4

The President of the Commission shall be elected by the Croatian Parliament, by a majority vote of all representatives, for a term of eight years, from among candidates fulfilling the election requirements, on the basis of an announcement for public competition.

The term of office of the President of the Commission shall begin on the day of assuming office. The day of assuming office shall be established by the decision on the election.

#### Article 5

A citizen of the Republic of Croatia with permanent residence in the territory of the Republic of Croatia, entitled to universal suffrage, holding professional legal qualifications, familiar with the political and electoral system and possessing practical knowledge of the conduct of elections, who is not a member of any political party or a candidate at the elections, may be elected President of the Commission.

#### Article 6

The President shall represent and act on behalf of the Commission, manage its operation, determine measures and actions in compliance with the legislative powers and undertake necessary activities for the purpose of unobstructed and regular performance of tasks from the scope of activities of the Commission.

### **c) Vice presidents and members of the Commission**

#### Article 7

Vice presidents and members of the Commission shall be elected by the Croatian Parliament, by a majority vote of all representatives, for an eight-year term, in the manner that one vice president and one member are elected upon proposal of the majority political party, that is, coalition, while the other vice president and the other member are elected upon proposal of opposition political parties or coalitions, in compliance with the party system of the Croatian Parliament at the moment of election.

The term of office of vice presidents and members shall begin on the day of assuming office. The day of assuming office shall be established by the decision on the election of a vice president, that is, of a member of the Commission.

#### Article 8

A citizen of the Republic of Croatia with permanent residence in the territory of the Republic of Croatia, entitled to universal suffrage, holding professional legal or political science qualifications, familiar with the political and electoral system and possessing practical knowledge of the conduct of elections, who is not a member of any political party or a candidate at the elections may be elected vice president and member of the Commission.

### **3. Oath-taking of the President, vice presidents and members of the Commission**

#### Article 9

Prior to assuming office, the President, vice presidents and members of the Commission shall take an oath of the following contents before the Speaker of the Croatian Parliament:

“I swear upon my honour that while performing the duty of a member of the State Electoral Commission I will honour the Constitution and laws of the Republic of Croatia and perform my duty conscientiously and impartially.”

The Commission shall be considered constituted after the oath-taking of President, vice presidents and members.

#### Article 10

The same person may be elected President, vice president and member of the Commission twice in a row at the most.

### **4. The scope of activities of the Commission**

#### Article 11

Along with the tasks relating to the organisation and supervision of the conduct of elections and referenda, the Commission shall also perform the following tasks:

1. provide opinions and guidelines for the amendment and improvement of the electoral legislation and the legislation regulating the issue of referenda,
2. appoint members of county electoral commissions and the City Electoral Commission of the City of Zagreb,
3. conduct education of members of electoral commissions and commissions for the conduct of referenda in local units,
4. inform citizens on the conduct of elections and the possibility of exercise and protection of suffrage in the electoral procedure,
5. look after the legality and regularity of keeping and updating of the voters' list, as well as the timely conclusion and confirmation of the voters' list, the preparation and compilation of excerpts from the voters' list, in compliance with the law which regulates the keeping of the voters' list,
6. stipulate forms for the conduct of particular electoral activities, in compliance with the contents and obligations established for particular types of elections,
7. determine the mode of archiving and publishing of materials on conducted elections and referenda,
8. issue periodical professional publications in relation to the electoral system, conduct of elections and practice,
9. submit reports to competent bodies on the conduct of elections and referenda,
10. determine the organisation of the professional service of the Commission, elect the Secretary of the Commission and his deputy,
11. maintain co-operation with organisations in the country and international organisations and institutions in the domain of electoral legislation and elections in general.

### **5. Rights and obligations of the President, vice presidents and members of the Commission**

#### Article 12

The President, vice presidents and members of the Commission shall be state officials.

During their tenure in office, the President, vice presidents and members of the Commission shall have the right to a salary and other substantive rights, in compliance with the law regulating the obligations and rights of state officials.



### Article 13

During their tenure in office, the President, vice presidents and members of the Commission may not perform any professional duty or a duty the performance of which would raise doubts as to their impartiality, impair their moral integrity and public reputation they enjoy, or a duty the performance of which could affect the occurrence of circumstances connected to a conflict of interests, in accordance with the law regulating situations and actions in case of a conflict of interests.

### Article 14

During their tenure in office, the President, vice presidents and members of the Commission may perform scientific and professional work and research, publish professional and scientific works, participate in the work of professional and scientific gatherings, in the preparation of draft regulations and participate on a voluntary basis in the work of humanitarian, cultural and sports associations.

## **6. Cessation of the term of office of the President, vice presidents and members of the Commission before its regular expiry**

### Article 15

The term of office of the President, vice presidents and members of the Commission may cease before its regular expiry:

1. on the day of passing a decision on the relief of duty, upon submission of a request for the relief of duty or a submitted resignation,
2. on the day of entry into force of a court decision cancelling [*a person's*] business capacity,
3. on the day of entry into force of an effective court verdict awarding a non-suspended prison sentence of more than 6 months,
4. on the day of cancellation of permanent residence in the Republic of Croatia,
5. on the day of cessation of Croatian citizenship,
6. due to death,
7. on the day of passing a decision on the relief of duty due to loss of eligibility required for their election to the Commission.

The request for relief of duty and resignation shall be submitted in writing to the Speaker of the Croatian Parliament.

### Article 16

Vice presidents or two members of the permanent Commission shall be obliged to inform the Speaker of the Croatian Parliament about the existence of circumstances for early cessation of the term of office of the President of the Commission, without delay and no later than 15 days from the day of learning about the circumstances.

The President of the Commission shall be obliged to inform the Speaker of the Croatian Parliament about the existence of circumstances for early cessation of the term of office of a vice president or a member of the Commission, without delay and no later than 15 days from the day of learning about the circumstances.

The competent body shall pass a decision about the relief of duty, that is, a decision on the election of a new President, vice president or member of the Commission within 60 days from the day of receiving information about the existence of circumstances for early cessation of the term of office.

## **7. Mode of operation and decision-making of the Commission**

### Article 17

The Commission shall pass decisions at its sessions.

As a rule, the sessions of the Commission shall be public.

The cases in which public may be excluded from the sessions of the Commission shall be stipulated by the Standing Orders.

### Article 18

Sessions of the Commission shall be convened and presided over by the President of the Commission.

In case of absence of the President of the Commission, he shall be replaced by a vice president of the Commission determined and authorized by the President.

The vice president may also convene a session of the Commission and preside over it if authorized to do so by the President of the Commission.

### Article 19

The Commission shall pass decisions by a majority vote providing the majority of members of the Commission attend the session.

## **8. Cooperation between the Commission and other bodies and institutions**

### Article 20

The Commission shall establish cooperation with professional bodies and associations established in the Republic of Croatia and with international organizations and institutions.

## **9. Standing Orders of the Commission**

### Article 21

The mode of operation and decision making of the Commission and issues related to the rights and obligations of members of the Commission that have not been regulated by this or by special laws, shall be regulated, that is, elaborated, through the Standing Orders of the Commission (hereinafter: the Standing Orders)

The Standing Orders may also regulate all other issues significant for the work of the Commission, in compliance with this Law and other laws regulating the electoral system in the Republic of Croatia.

The Standing Orders shall be adopted at the session of the Commission with a majority vote of all members of the Commission and shall be published in the "Official Gazette".

## **10. Expert service of the Commission**

### Article 22

The Commission shall have an expert service which shall be established for the performance of expert tasks from the scope of activities of the Commission and expert tasks related to the keeping of the voters' lists, as well as for the administrative and technical issues, the performance of which provides for the regular and uninterrupted work of the Commission.

The Rule Book on the Internal Organisation of the Expert Service (hereinafter: the Rule Book) shall regulate the internal organization and mode of operation of the expert service, work posts and job descriptions, the exact number of senior- and lower-grade civil servants, mode of operation and coordination of activities of dislocated civil servants in counties, as well as expert and other conditions necessary for the deployment to work posts.

The Rule Book referred to in Paragraph 2 of this Article shall be passed by the Commission by a majority vote of all members.

### Article 23

The expert service of the Commission shall employ the necessary number of civil servants in each county and the City of Zagreb who shall keep the voters' lists and one civil servant who is, by position, the secretary of a county electoral commission or the secretary of the City Electoral Commission of the City of Zagreb.

The secretary of a county electoral commission, i.e. the City Electoral Commission of the City of Zagreb shall have the powers of the head of a state administration body in relation to senior-level civil servants keeping the voters' lists and shall be responsible for the conclusion and confirmation of the voters' lists.

Persons employed in the expert service shall be senior- and lower-grade civil servants, while the laws and other regulations stipulating the rights, obligations, responsibilities and the manner of determining salaries of senior- and lower-grade civil servants in state administration bodies shall apply to their employment status.

#### Article 24

The secretary of the Commission (hereinafter: the secretary) shall be the head of the expert service.

The secretary shall manage the expert service, direct and coordinate the work of the expert service and shall be responsible for its operations to the President of the Commission.

The secretary of the Commission shall be elected by a majority vote of all members of the Commission by way of a public tender in compliance with the provisions of the law regulating the admission of civil servants into civil service.

The secretary shall have the position of the head of a state administration body in relation to the expert service.

The Commission may decide that the secretary of the Commission shall have a deputy who shall be elected in the same manner and under the same conditions as the secretary.

#### Article 25

The secretary of the Commission, deputy secretary of the Commission and secretaries of county electoral commissions, as well as the secretary of the City Electoral Commission of the City of Zagreb must not be members of any political party.

### **11. Funds for the work of the State Electoral Commission**

#### Article 26

Funds for the work of the Commission shall be provided for in the State Budget of the Republic of Croatia.

President of the Commission shall dispose of the funds for the work of the Commission.

President of the Commission shall be authorized to determine the manner of use of funds and conduct supervision over their distribution and use.

### **12. Transitional and final provisions**

#### Article 27

The provisions of Articles 45, 46 and 47 of the Law on the Election of Representatives to the Croatian Parliament ("Official Gazette" No. 116/99, 109/00, 53/03 and 69/03 – consolidated text) shall cease to be valid as of the day of coming into force of this Law.

The provision of Article 21, Paragraph 1 of the Law on the Presidential Elections of the Republic of Croatia (“Official Gazette” No. 22/92, 71/97 and 69/04) shall cease to be valid as of the day of coming into force of this Law.

The provision of Article 30 of the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units (“Official Gazette” No. 33/01, 10/02, 155/02, 45/03, 43/04 and 40/05 - consolidated text) shall cease to be valid as of the day of coming into force of this Law.

The provision of Article 13 of the Law on Referendum and Other Forms of Personal Participation in the Performance of State Government and Local Self-government (“Official Gazette” No. 33/96 and 92/01) shall cease to be valid as of the day of coming into force of this Law.

#### Article 28

On the day of coming into force of this Law, the competence of state administration bodies referred to in Articles 11 and 34 of the Law on the Voters’ Lists (“Official Gazette”, No. 19/92 and 75/93) shall be transferred to the Commission and the expert service of the Commission.

Civil servants performing the tasks of keeping the voters’ lists shall continue to work on their current posts until the passing of the Rule Book on the Internal Organisation of the Expert Service of the Commission.

By coming into force of this Rule Book, the former civil servants of the state administration office authorized to keep the voters’ lists shall become civil servants of the expert service of the Commission.

State administration offices in counties shall hand-over documents, equipment and archives pertaining to the keeping of the voters’ lists to the expert service of the Commission.

#### Article 29

The Commission shall pass Standing Orders on the Work of the Commission and the Rule Book on the Internal Organisation of the Expert Service within 60 days from the day of assuming duty.

#### Article 30

This Law shall enter into force on the eighth day from the day of its publication in the “Official Gazette”.

## EXPLANATIONS

### With Article 1

This Article determines issues stipulated by this Law, such as the mode of election of the President, vice-presidents and members of the Commission, its jurisdiction and tasks, mode of operation and decision making, relations with citizens, bodies and institutions in the Republic of Croatia, co-operation with international organizations and institutions, and other issues of significance for the work of the Commission.

### With Article 2

The provision stipulates that the Commission is a permanent, independent and professional state body, performing tasks from its competence in compliance with this Law and laws regulating the election of representatives to the Croatian Parliament, presidential elections of the Republic of Croatia, the election of members of representative bodies of local and regional self-government units, the election of members of councils and representatives of national minorities in local units, as well as the conduct of referenda.

### With Article 3

It stipulates the composition of the Commission which would have the president, two vice-presidents and two members, and determines that they would be elected by the Croatian Parliament for a term of eight years.

The proponent is of the opinion that a relatively long duration of term would make this body more permanent and more independent from the political situation and relations of political parties in the Parliament.

### With Article 4

It defines the competence in the election of the President of the Commission as well as the duration of his term.

### With Article 5

It stipulates conditions which the President of the Commission has to meet.

Namely, in compliance with the Bill, the President of the Commission may be a citizen of the Republic of Croatia with permanent residence in the territory of the Republic of Croatia, entitled to universal suffrage, holding professional legal qualifications, familiar with the political and electoral system and possessing practical knowledge of the conduct of elections, who is not a member of any political party or a candidate at the elections.

### With Article 6

The provision of this Article stipulates the competencies of the President of the Commission to represent and act on behalf of the Commission, manage its operation and undertake necessary measures and activities for the purpose of unobstructed and regular performance of tasks from the scope of activities of the Commission.

With Article 7

It defines the competence for the election of vice-presidents and members of the Commission as well as the duration of their terms.

With Article 8

It defines the conditions that have to be met by vice-presidents and members of the Commission.

With Article 9

It establishes the commitment of taking an oath and proposes its text.

With Article 10

It stipulates a restriction pursuant to which the same person may be elected President, vice president or member of the Commission twice in a row at the most.

With Article 11

It provides a description of tasks from the scope of activities falling under the competence of the Commission, thus it stipulates that along with the tasks performed pursuant to the provisions of the electoral laws, the Commission also provides opinions and guidelines for the amendment and improvement of the electoral legislation and the legislation regulating the issue of referenda, appoints members of county electoral commissions and the City Electoral Commission of the City of Zagreb, conducts education of members of electoral commissions and commissions for the conduct of referenda in local units, informs citizens on the conduct of elections and the possibility of exercise and protection of suffrage in the electoral procedure, and performs other tasks in compliance with the provisions of this Law.

With Article 12

It stipulates that the President, vice presidents and members of the Commission would be state officials and stipulates their rights during their tenure in office, meaning that during their tenure in office they would have the right to a salary and other rights based on the special law regulating the rights and obligations of state officials.

With Article 13

It stipulates a restriction, according to which a member of the Commission during his tenure in office may not perform any professional duty or a duty the performance of which could lead to the possible conflict of interests.

## With Article 14

It allows, of course, the possibility that during their tenure in office the President, vice-presidents and members of the Commission participate in scientific and professional work and research, and a possibility to publish professional and scientific works, participate in the work of professional and scientific gatherings, in the preparation of draft regulations and participate on a voluntary basis in the work of humanitarian, cultural and sports associations.

## With Article 15

It stipulates the cessation of term of office of the President, vice presidents or members of the Commission before its regular expiry.

## With Article 16

The provision represents the elaboration of the procedure in case of facing circumstances relevant for an early cessation of the term of office of the President, vice presidents or members of the Commission.

## With Article 17

It stipulates that the Commission would perform its activities and pass decisions at the sessions which are public, except in extraordinary cases.

## With Article 18

The subject provision stipulates the manner of convening and the competence to preside over the sessions of the Commission.

## With Article 19

It stipulates the manner of Commission's decision making.

## With Article 20

The Commission has the right to establish cooperation with professional bodies and associations established in the Republic of Croatia and with international organizations and institutions.

## With Article 21

It stipulates that the mode of operation of the Commission would be regulated through the Standing Orders of the Commission adopted by a majority vote of Commission's members.

## With Article 22

It anticipates the establishment of the expert service of the Commission the task of which would be the performance of managerial, professional, administrative and technical tasks.



With Article 23

It proposes that the expert service of the Commission in each county and in the City of Zagreb would have one civil servant who is by his function the secretary of the county electoral commission or secretary of the Electoral Commission of the City of Zagreb, and it stipulates that persons employed in the expert service would be senior- or lower-grade civil servants while the laws and other regulations stipulating the rights, obligations, responsibilities and the manner of determining salaries of senior- and lower-grade civil servants in state administration bodies would be applied to their employment status.

With Article 24

It stipulates that the Commission would have a secretary, in the function of head of the Commission's expert service, tasked with coordinating the work of the expert service.

With Article 25

It stipulates a restriction in the sense that the secretary of the Commission, deputy secretary of the Commission and secretaries of county electoral commissions, as well as the secretary of the City Electoral Commission of the City of Zagreb must not be members of any political party which, according to the proponent, should contribute to the unbiased manner of their performance as well as to proper functioning of the service they lead.

With Article 26

It stipulates that funds for the work of the Commission would be provided for in the State Budget of the Republic of Croatia.

With Article 27

It stipulates that certain provisions of the Law on the Election of Representatives to the Croatian Parliament ("Official Gazette" No. 116/99, 109/00, 53/03 and 69/03 – consolidated text), the Law on the Presidential Elections of the Republic of Croatia ("Official Gazette" No. 22/92, 71/97 and 69/04), the Law on the Election of Members of Representative Bodies of Local and Regional Self-government Units ("Official Gazette" No. 33/01, 10/02, 155/02, 45/03, 43/04 and 40/05 - consolidated text) as well as provisions of the Law on Referendum and Other Forms of Personal Participation in the Performance of State Government and Local Self-government ("Official Gazette" No. 33/96 and 92/01) would cease to be valid as of the day of coming into force of this Law.

With Article 28

It stipulates that on the day of coming into force of this Law, the obligations and competencies of state administration bodies determined by Articles of the Law on the Voters' Lists ("Official Gazette", No. 19/92 and 75/93) would be taken over by the Commission and its expert service, and specifies other interim provisions significant for further uninterrupted functioning of this segment of state administration affairs.

With Article 29

It stipulates that the Commission would pass Standing Orders on the Work of the Commission and the Rule Book on the Internal Organisation of the Expert Service within 60 days from the day of assuming duty.

With Article 30

It stipulates the entry into force of this Law. Pursuant to the aforementioned provision, the Law would enter into force on the eighth day from the day of its publication in the "Official Gazette".

## CROATIAN PARLIAMENT

### **Report of the Committee for Constitution, Standing Orders and Political System from its discussion about the Croatian State Electoral Commission Bill, P.Z. No. 329**

Subject: Report from the discussion about the Croatian State Electoral Commission Bill, P.Z. No. 329

The Committee for Constitution, Standing Orders and Political System of the Croatian Parliament at its 38<sup>th</sup> session, held on 12 July 2005, discussed the Croatian State Electoral Commission Bill, presented to the Speaker of the Croatian Parliament by the Croatian Government, in the act No. 5030106-05-4 of 8 July 2005.

The Committee discussed the Bill based on its competence as per Article 57 of the Standing Orders of the Croatian Parliament as a parent working body.

The Committee supported in its discussion solutions contained in the Bill.

The Committee deems necessary the establishment of the Commission as a permanent, professional and independent body, elected for a term of eight years.

The Committee also deems that the elected vice-president of the Commission and a member of the State Electoral Commission, according to the experience of European countries, may also be a person of different social orientation, except for legal and political profession.

After the discussion, the Committee proposed to the Croatian Parliament by a majority vote (7 votes "in favour" and one vote "against") to pass the following

## CONCLUSION

The Croatian State Electoral Commission Bill is adopted.

All remarks, proposals and opinions presented during the discussion on the Croatian State Electoral Commission Bill at the session of the Croatian Parliament and its working bodies will be forwarded to the proponent for the purpose of drafting the Final Bill.

The Committee appointed MP Drazen Bosnjakovic, the Chairman of the Committee, to act as a rapporteur at the session of the Croatian Parliament.

Chairman of the Committee  
Drazen Bosnjakovic