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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**LAW ON THE ELECTION
OF MEMBERS OF THE REPRESENTATIVE BODIES
OF LOCAL AND REGIONAL SELF-GOVERNMENT UNITS
OF CROATIA**

CROATIAN PARLIAMENT

570

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

DECISION

ON THE PROCLAMATION OF THE LAW ON THE ELECTION OF MEMBERS OF THE REPRESENTATIVE BODIES OF LOCAL AND REGIONAL SELF-GOVERNMENT UNITS

I hereby proclaim the Law on the Election of Members of the Representative Bodies of Local and Regional Self-government Units, adopted by the Croatian Parliament at its session held on 6 April 2001.

Number: 01-081-01-1101/2

Zagreb, 10 April 2001

President
of the Republic of Croatia
Stjepan Mesic, signed

LAW

ON THE ELECTION OF MEMBERS OF THE REPRESENTATIVE BODIES OF LOCAL AND REGIONAL SELF-GOVERNMENT UNITS

I GENERAL PROVISIONS

Article 1

This Law shall regulate the election of members of the municipal and town councils, as well as the county assemblies and the City Assembly of the City of Zagreb (hereinafter: representative bodies) of the local self-government units and regional self-government units (hereinafter: units).

Article 2

Members of the representative bodies shall be elected by the Croatian citizens who have turned 18 years of age, with the permanent residence in the area of the unit for the representative body of which the elections are conducted.

A person being nominated and elected as a member of a unit's representative body shall be a Croatian citizen, over 18 years of age, with permanent residence in the area of the unit, for the representative body of which the elections are conducted.

Article 3

Members of the representative bodies shall be elected in direct elections (hereinafter: elections), by secret ballot.

It shall not be possible to recall the members of representative bodies, and their rights and obligations shall commence on the day the representative body is constituted.

It shall not be possible to call the members of representative bodies to criminal and offence account for the words spoken, or for voting in the work of representative bodies.

The mandate of members of representative bodies elected at regular elections shall last until the announcement of the decision of the Government of the Republic of Croatia on calling the elections or until the announcement of the decision of the Government of the Republic of Croatia on the dissolution of a representative body, in compliance with the law which regulates local and regional self-government.

The mandate of members of representative bodies elected at early elections shall last until the expiration of the running mandate of the representative bodies elected at regular elections.

Article 4

Regular elections shall be held on the third Sunday of the month of May, every four years.

Elections for members of representative bodies of the units shall be called by the Government of the Republic of Croatia by a special decision determining the exact date of holding the elections.

In case the mandate has ceased due to the dissolution of a representative body, in accordance with a special law, the early elections shall be held within 60 days from the day of dissolution.

Not less than 30 or more than 60 days may pass from the day of calling the elections until the election day.

When a representative body was dissolved in the calendar year in which the regular elections are held, and before they are held, the early elections shall not be called and held in that unit.

Article 5

A member of the representative body of one unit may not at the same time be a member of another unit's representative body, or a member of the authorities of the same unit.

A member of a unit's representative body may not at the same time be a judge, a judge of the Constitutional Court of the Republic of Croatia, Prime Minister of the Republic of Croatia, Vice President of the Government of the Republic of Croatia, Public Prosecutor, Deputy Public Prosecutor, Public Attorney, Deputy Public Attorney,

Ombudsman, Deputy Ombudsman, minister, deputy minister, assistant minister, ministry's secretary, head of a state administration organisation, deputy head of a state administration organisation, Head of the Office of the Government of the Republic of Croatia, an officer or a non-commissioned officer of the armed forces, who is, as a military commander of the Croatian Army, appointed and relieved of duty by the President of the Republic, a head of office or an employee in the administration bodies and services of the same unit, a member of the management of a trading company in the majority ownership of the unit, or the director of an institution founded by the unit.

A person performing some of the incompatible duties may be nominated as a candidate for a member of the representative body of a unit, but in case he is elected as a member of the representative body, he shall be obliged to declare on the occasion of constituting the representative body whether he shall accept the duty of a member or continue with the performance of the incompatible duty, in which case his mandate shall be suspended, and his deputy shall replace him, in accordance with the provisions of this Law.

Article 6

The mandate of the member of a representative body, who during the mandate accepts to perform a duty deemed incompatible according to the provisions of this Law, shall be suspended while performing the incompatible duty, and during that time, he shall be replaced by his deputy, in accordance with the provisions of this Law.

The member of a representative body, who accepts to perform an incompatible duty, shall be obliged to inform the chairman of the representative body thereof within 8 days from the acceptance of the duty.

After ceasing to perform an incompatible duty, the member of a representative body shall continue performing the duty in the representative body pursuant to the termination of the mandate's suspension, on condition that he submits a written request to the chairman of the representative body within 8 days from ceasing to perform the incompatible duty. The suspension of the mandate of a representative body's member shall cease on the eighth day from the day of submission of the written request.

The request to continue performing the duty of a member of a representative body pursuant to the termination of mandate's suspension, may be filed once in the duration of the mandate.

Article 7

The mandate of a representative body's member shall cease before the expiration of the regular four-year mandate in the following cases:

- if he submits a resignation, on the day of the delivery of the letter of resignation, according to the rules on delivery stipulated by the Law on General Administrative Procedure,
- if his business capacity is taken away, or limited, by an effective court decision, on the day of coming into effect of the court decision,
- if he has been sentenced to an unconditional prison sentence in the duration of more than 6 months, by an effective court verdict, on the day of coming into effect of the court verdict,
- if the reasons due to which he could not have been elected as a member of the representative body, are learned subsequently, on the day when the Constitutional Court passes the decision,
- if he de-registers the permanent residence in the unit's area, on the day of de-registration of the permanent residence,

- if his Croatian citizenship has ceased, according to the provisions of the law which regulates Croatian citizenship, on the day of its cessation,
- by death.

Article 8

Members of representative bodies shall have their deputies, who shall perform that duty in case the mandate of a member of a representative body has been suspended or has ceased before the expiration of the term to which he was elected.

The member of a representative body elected on a party slate shall be replaced by the non-elected candidate from the same slate the member was elected from, being determined by the political party which is the proponent of the slate.

The member of a representative body elected on a coalition slate of two or more political parties shall be replaced by the non-elected candidate from the same slate the member was elected from, being determined by the political party, to which the member of the representative body whose mandate has ceased belonged at the moment of the elections.

Article 9

Statutes of local and regional self-government units shall determine the number of members of representative bodies from among the Croatian citizens, members of ethnic and national communities or minorities, in accordance with the proportional share of their members in the total population of the unit.

The provision of Paragraph 1 of this Article shall also be adequately applied to the representation of members of the Croatian people in the units in which members of ethnic and national communities or minorities comprise the majority of population.

Article 10

The freedom of choice of the voters and secrecy of voting shall be guaranteed.

No one may be held responsible due to his voting or non-voting.

No one may request a voter to announce his voting choice.

II CANDIDACY

Article 11

The slates for the election of members of representative bodies shall be proposed by the political parties registered in the Republic of Croatia and by the voters.

Political parties shall establish and propose the slates for the election of members of representative bodies in the manner stipulated by their statutes or by a special decision, passed on the basis of the statutes.

While composing the slates, the proponents shall be obliged to take care of the principle of gender equality.

Two or more political parties registered in the Republic of Croatia may propose a coalition slate for the election of members of a representative body.

Article 12

When voters propose an independent slate of candidates as authorised proponents, they shall be obliged to collect the following for the validity of the slate:

- 100 signatures for a municipal slate,
- 150 signatures for a town slate,
- 500 signatures for a county slate or the slate for the election of members of the City Assembly of the City of Zagreb.

The first three signatories of an independent slate of candidates shall be the submitters of the registration of the independent slate.

Article 13

Signatures of voters shall be collected on a stipulated form in which the name and family name, address and personal identification number of each signed proponent shall be entered.

Article 14

Proposals of slates of candidates shall be forwarded to the competent electoral commission of the unit for the representative body of which the elections are conducted, at the latest within 12 days from the day of calling the elections.

The name of a slate shall be stated with the full name of the party, or parties of the coalition, and the abbreviated name of the party or parties or the party coalition which proposed the slate shall also be stated, if such exists. Should the slate of candidates be proposed by a group of voters, its name shall be "independent municipal slate", "independent town slate", "independent county slate" or "independent slate of the City of Zagreb".

The leader of a slate shall be the first proposed candidate on the slate.

Article 15

Proposals of slates of candidates shall mandatorily contain the names and family names of candidates, ethnicity, addresses, and the unique personal identification numbers of candidates proposed on the slate. The declarations of all candidates on accepting the candidacy, verified by a notary public or the competent electoral commission, shall also be forwarded with the slates.

Besides the data as per previous Paragraph, it shall be mandatory to state the name of the slate in the proposal of the slate, and the candidates on the slate shall be listed, starting with the ordinal number 1. to, conclusively, the ordinal number corresponding to the number of members of the representative body being elected at the elections. The proponent of a slate shall freely determine the sequence of candidates on the slate.

If a slate of candidates becomes incomplete after submission, due to the death of a proposed candidate, his name shall be deleted from the slate, and the slate shall be considered complete.

Article 16

The competent electoral commission shall compile and announce in the mass media all validly proposed slates for the election of members of representative bodies, as well as the collective slate, within 48 hours from the expiration of the deadline stipulated for the procedure of candidacy and submission of slates.

Article 17

The slates of candidates shall be entered into the collective slate in the alphabetical order according to the full name of the political party or coalition which proposed the slate. In case more parties proposed a coalition slate of candidates, it shall be entered in the collective slate according to the name of the first party in order in the proposal.

Article 18

All political parties which proposed the slates and leaders or other representatives of independent slates shall have the right to present and explain their electoral programmes and the right to electoral campaign under equal conditions.

The electoral campaign shall commence on the day of announcing the collective slate of candidates and shall last until 24 hours, conclusively, before the day on which the elections are held.

Article 19

Local public information outlets shall be obliged to enable the political parties and leaders or other representatives of independent slates participating in the elections, to present and explain their electoral programmes and carry out the electoral campaign without obstacles, under equal conditions.

Article 20

During the entire day preceding the election day, as well as on the election day until 21 hours, conclusively, any kind of electoral campaigning, as well as any publishing of the previous results or evaluations of the electoral results, shall be forbidden.

Article 21

Political parties and leaders of independent slates, who gain a minimum of one member in a representative body at the elections, shall be entitled to the compensation of the electoral campaign expenses.

The amount of the compensation shall be determined by the Government of the Republic of Croatia, 20 days before the elections, at the latest. The decision of the Government on the amount of the compensation shall also be applied to early elections.

III ELECTION OF THE MEMBERS OF REPRESENTATIVE BODIES

Article 22

The number of members of the representative body of a unit shall be stipulated by the unit's statute, in compliance with the law.

In case the number of members of the representative body of a unit is not stipulated by the statute, the number of members stipulated by the law which regulates local and regional self-government shall be elected into the representative body.

Article 23

The members of representative bodies shall be elected by the proportional electoral method, in such a manner that a unit's entire area shall comprise one constituency. All voters having permanent residence in the area of that unit who come to the polls, shall elect, on the basis of the slates of candidates, all members of the unit's representative body.

The number of members of the representative body of a unit being elected from each slate of candidates shall be determined in such a manner that the total number of valid votes received by the slate of candidates of the unit (the electorate of a slate) shall be divided by numbers from 1 to, conclusively, the number corresponding to the number of members of the representative body being elected at the elections. Out of all results, the last result in order shall be the common divisor by which the total number of votes of each slate of candidates (the electorate of a slate) shall be divided. Each slate of candidates shall receive the number of seats in the representative body corresponding to how many times the common divisor is contained in the total number of its received votes (the electorate).

If the valid votes are divided in such a manner that it is not possible to determine which one of two or more slates would receive one seat or one more seat in a representative body, it shall belong to the slate which received more votes.

The slates which gained a minimum of 5% of valid votes shall have the right to participate in the division of seats in the representative body of a unit.

Article 24

The elected candidates from each slate of candidates shall be the ones from ordinal number 1. to the ordinal number corresponding to the number of seats in the representative body of a unit that a certain slate has received.

IV BODIES FOR THE CONDUCT OF THE ELECTIONS

Article 25

The bodies for conduct of the elections shall be the State Electoral Commission, electoral commissions in the units and the voting committees.

Municipal electoral commissions and voting committees shall conduct the elections for members of the municipal councils.

Town electoral commissions and voting committees shall conduct the elections for members of the town councils.

County electoral commissions, municipal or town electoral commissions and voting committees shall conduct the elections for members of the county assemblies.

The City Electoral Commission of the City of Zagreb and voting committees shall conduct the elections for members of the City Assembly of the City of Zagreb.

Only the persons with the right to vote may be the members of electoral commissions and voting committees, as well as their deputies.

The members of electoral commissions and voting committees, as well as their deputies, shall have the right to compensation for their work.

Article 26

The State Electoral Commission of the Republic of Croatia shall stipulate the forms in the procedure of candidacy and conduct of the elections, pass the mandatory instructions for the work of electoral commissions and directly supervise the work of county electoral commissions and the City Electoral Commission of the City of Zagreb.

The State Electoral Commission shall have the permanent and extended composition.

The permanent composition of the State Electoral Commission shall comprise the chairman and four members, as well as their deputies. The duty of the chairman of the State Electoral Commission shall be performed according to the position, by the president of the Supreme Court of the Republic of Croatia, and the other members of the permanent composition of the State Electoral Commission shall be appointed by the Constitutional Court of the Republic of Croatia, from among the judges of the Supreme Court of the Republic of Croatia and other distinguished lawyers, who may not be political party members.

The extended composition of the State Electoral Commission shall be determined upon accepting, determining and announcing electoral slates, and it shall comprise three representatives each of the political party or coalition with the majority, and three representatives of opposition parties or coalitions, proposed in agreement, according to the party composition of the Croatian Parliament, as well as their deputies. Should the agreement on the three political parties' representatives and their deputies not be reached, they shall be elected by dice from among the proposed candidates, before the Constitutional Court of the Republic of Croatia.

All members of the State Electoral Commission shall have equal rights and obligations.

Article 27

The municipal, town and county electoral commissions, as well as the City Electoral Commission of the City of Zagreb shall have permanent and extended compositions.

The permanent composition of the electoral commission of a unit shall comprise the chairman and two members, as well as their deputies. The chairmen of electoral commissions shall be graduate lawyers.

The extended compositions of electoral commissions shall be determined upon accepting, determining and announcing the slates for the election of members of the representative body of a unit for the representative body of which the elections are conducted, and it shall consist of two representatives each of the political party or coalition with the majority, and two representatives of opposition parties or coalitions, proposed in agreement, according to the party composition of the representative body of a unit. Should the agreement on two representatives of political parties and their deputies not be reached, they shall be elected by dice from among the proposed candidates.

The election of the extended compositions of the municipal and town electoral commissions shall be performed before the county electoral commission, and the election of the extended compositions of county electoral commissions, before the State Electoral Commission.

All members of an electoral commission shall have equal rights and obligations.

Article 28

The State Electoral Commission shall appoint the permanent compositions of county electoral commissions and of the City Electoral Commission of the City of Zagreb.

The county electoral commissions shall appoint the permanent compositions of municipal or town electoral commissions in their areas.

Article 29

Municipal and town electoral commissions shall:

- provide for the lawful preparation and conduct of elections for the members of the municipal or town councils,
- appoint the members of voting committees for the municipal, town or county elections,
- determine the polling stations for the municipal, town or county elections,
- supervise the work of voting committees,
- perform all technical preparations for holding the elections in their areas,
- on the basis of a valid proposal, announce municipal or town slates and compile a collective municipal or town slate,
- supervise the regularity of electoral campaigns for the municipal or town elections, in compliance with this Law,
- compile and add up the voting results at the polling stations in their areas and, in the case of county elections, forward them to the county electoral commission,
- announce the results of municipal or town elections, and
- perform other tasks determined by this Law.

Article 30

The City Electoral Commission of the City of Zagreb shall:

- provide for the lawful preparation and conduct of the elections for the members of the City Assembly of the City of Zagreb,
- appoint the members of voting committees for the election of members of the City Assembly of the City of Zagreb and the county elections,

- determine the polling stations,
- supervise the work of voting committees,
- perform all technical preparations for holding the elections in its area,
- on the basis of a valid proposal, announce the city slates for the election of members of the City Assembly of the City of Zagreb and compile the collective slate for the election of members of the City Assembly of the City of Zagreb,
- supervise the regularity of the electoral campaign for the election of members of the City Assembly of the City of Zagreb, in compliance with this Law,
- compile and add up the voting results at the polling stations in its area,
- announce the election results for the members of the City Assembly of the City of Zagreb,
- perform other tasks determined by this Law.

Article 31

The County Electoral Commission shall:

- provide for the lawful preparation and conduct of the elections for the members of a county assembly,
- supervise the work of the municipal and town electoral commissions,
- on the basis of a valid proposal, announce the county slates and compile the collective slate of the county slates,
- supervise the regularity of the electoral campaign, in compliance with this Law,
- announce the election results for the members of a county assembly,
- perform other tasks determined by this Law.

Article 32

Voting committees shall be appointed for each polling station with the aim of direct conduct of voting and ensuring the regularity and secrecy of voting.

A voting committee shall consist of a chairman and his deputy, and two members and their deputies.

The competent electoral commission of a unit shall appoint the chairman, members and their deputies, not later than five days prior to the day on which the elections are held.

The chairman of a voting committee and his deputy should be, as a rule, from the ranks of the legal profession.

V CONDUCT OF THE ELECTIONS

Article 33

Voting for the election of members of the representative body of a unit shall be performed in the polling stations in the area of a municipality, town and the City of Zagreb.

The competent electoral commissions shall announce the polling stations which have been determined, with an indication which voters shall have the right to vote at certain polling stations, not later than eight days before the elections.

The competent electoral commissions shall determine the polling stations depending on the number of voters, or spatial distance, in such a manner that the number of voters at one polling station enables voting of all voters within the timeframe determined for voting. Each polling station shall have its ordinal number determined.

For each polling station, a special room shall be determined for voting, arranged and equipped in the manner securing the secrecy of voting.

In each polling station, all slates of candidates shall be visibly exposed, with the clearly stated names of all the candidates for the representative body of the unit for which the elections are held.

Article 34

The political parties and voters who proposed the slates for the election of members of the representative body of a unit, as well as the non-governmental associations and international organisations, shall have the right to appoint monitors to monitor the conduct of elections during the entire electoral procedure.

A monitor shall have the right to be present during the voting and counting of votes, warn about the observed irregularities and request for the elimination thereof, as well as to include his remarks into the electoral body's record. A monitor shall have the right to obtain a copy of the electoral body's record, the work of which he monitored.

The State Electoral Commission shall determine in more detail the rights and obligations of monitors and the manner of observing the conduct of elections by mandatory instructions.

VI VOTING AND DETERMINATION OF ELECTION RESULTS

Article 35

Voting shall be performed personally at a polling station, with a ballot.

A ballot shall be printed in a state printing-house, under the direct supervision of the State Electoral Commission, and marked with a serial number.

Article 36

A ballot for voting for the slate of candidates of a unit shall contain:

- name of the slate,
- name and family name of the slate's leader,
- serial number.

Slates of candidates of a unit shall be stated on the ballot in the order in which they were stated on the collective slate of the slates of candidates of a unit.

An ordinal number shall be placed before the name of the slate.

Article 37

One shall vote only for the slates of candidates stated on the ballot.

A ballot shall be filled out in such a manner that the ordinal number is encircled before the name of the slate of candidates, which is the subject of voting.

Article 38

A valid ballot shall be the ballot filled out in such a manner that it can be safely and undoubtedly determined for which slate of candidates the voter voted.

The following shall be considered invalid ballots:

- an unfilled ballot,
- a ballot filled out in such a manner that it cannot be safely determined for which slate the voter voted,
- a ballot on which the voter voted for two or more slates of candidates.

Article 39

Voting shall last without interruption from seven until nineteen hours, when the polling stations shall be closed. The voters who happen to be at the polling stations at nineteen hours shall be allowed to vote.

All members of the voting committee or their deputies shall be present at a polling station during the voting.

Article 40

No one may come to a polling station armed.

The chairman of a voting committee shall be obliged to provide for the maintenance of peace and order during the voting, and shall be authorised, in case of a need, to order the voter who obstructs peace and order, or is rendering impossible or hindering the voting of others, to leave the polling station.

The chairman of a voting committee shall be authorised to request assistance of the police. The official persons of the police, from whom the assistance was requested, may, exceptionally to Paragraph 1 of this Article, carry weapons.

Article 41

Before a voter approaches voting, the chairman of a voting committee, or a member authorised by him, shall check in the voters' register whether the voter who has approached voting is registered.

In case it is established that a voter is not registered in the voters' register, he shall not be allowed to vote, unless he proves with a certificate of the body in charge of keeping the voters' register that he is entitled to approach voting in that unit.

A voter shall be obliged to submit the certificate as per Paragraph 2 of this Article to the voting committee and it shall comprise an integral part of the electoral material.

Article 42

A voter, who could not vote independently due to a physical handicap or illiteracy, may come to the polling station with another person, who is literate, and who shall, upon his authority and instruction, encircle the ordinal number before the slate's name.

A voter, who is not able to approach the polling station due to a serious illness, bodily injury or incapacity, shall inform the voting committee thereof. The chairman of the voting committee shall determine at least two members of the voting committee or deputies, who shall visit the voter at his location and enable him to vote, taking care of the secrecy of voting in the process.

The chairman of a voting committee shall be obliged to enter, name by name, the voting of voters with physical handicaps, illiterate voters, as well as the voting outside the polling station upon prior notification of voters, into the record on the work of the voting committee.

Article 43

After the voting has been completed, the voting committee shall first count the unused ballots and put them into a special envelope, which shall be closed.

After that, the voting committee shall establish, according to the voters' register or an excerpt from the voters' register, and on the basis of the record, the total number of the voters who voted and approach the opening of the ballot box and counting the votes.

If, during the counting of votes at a polling station, it is determined that the number of votes according to the voters' register is higher than the number of votes according to the ballots, the voting result according to the ballots shall be valid.

If, during the counting of votes at a polling station, it is established that a smaller number of voters voted than the number of votes in the ballot box, the voting committee shall be dissolved and a new one appointed, and the voting in that polling station shall be repeated after 15 days. In case of the repeated voting, its result at that polling station shall be established within 24 hours after the repeated voting has taken place.

Article 44

After a voting committee has established the voting result in a polling station, it shall note the following in the record on its work:

- the number of voters according to the voters' register or the excerpt from the voters' register,
- how many voters approached voting according to the register, and how many with the certificate,
- how many voters voted in total,
- how many votes each of the candidates' slates received, and
- how many ballots were declared invalid.

All other facts relevant for voting shall also be entered into the record on the work of a voting committee.

Each member of a voting committee, as well as deputies may give their remarks for the record.

The record shall be signed by all members of a voting committee.

Article 45

Voting committees shall forward the records on their work and other electoral material to the electoral commissions of municipalities or towns, within 12 hours from the closing of polling stations, at the latest.

Article 46

The electoral commission of a municipality, town, or the City of Zagreb shall determine the voting results at the polling stations in its area within 24 hours from the hour of closing the polling stations, at the latest.

In case of the elections for a county assembly, the electoral commission of a municipality or town shall forward the election results from its area, together with the record on its work, to the competent county electoral commission, which shall determine the manner and the period of time within which this shall be done.

Article 47

The electoral commission of a municipality, town or the City of Zagreb shall make the record on its work, in which it shall note:

- the number of voters entered into the voters' register, or the excerpt from the voters' register in its area,
- the number of voters who voted and number of ballots proclaimed invalid,
- the number of votes that each candidates' slate of a unit received in its area.

Each member of the electoral commission of a municipality, town or the City of Zagreb, as well as their deputies, may place remarks to the record. The record shall be signed by all members of the electoral commission of a unit.

Article 48

The election results for the members of the representative body of a unit shall be determined by the competent electoral commission of the unit on the basis of the voting results at all polling stations in the unit.

Article 49

When the electoral commission of a unit, or of the City of Zagreb has determined the voting results for the members of a representative body, it shall immediately announce:

- the number of voters entered into the voters' register of the unit,
- how many votes each individual candidates' slate received,
- how many invalid ballots were there,

- the number of seats in the representative body of the unit received by each candidates' slate and
- the names and family names of the candidates from each candidates' slate who were elected members of the representative body of the unit.

VII EXPENSES FOR THE CONDUCT OF THE ELECTIONS

Article 50

The funds for the conduct of regular and early elections of the members of representative bodies shall be provided from the unit's budget.

The funds for the conduct of the elections in a unit shall be disposed of by the electoral commission of that unit. The electoral commission shall be authorised to determine the manner of spending the funds, conduct supervision over their distribution and use, and allocate necessary funds to the voting committees.

VIII PROTECTION OF THE ELECTORAL RIGHT

Article 51

The Constitutional Court of the Republic of Croatia shall conduct the general supervision of constitutionality and legality of the election for members of representative bodies of units and resolve disputes in accordance with the provisions of this Law.

Article 52

Objections due to irregularities in the candidacy procedure may be submitted by a political party which proposed a slate, two or more political parties which proposed a coalition slate, as well as by the leaders of independent slates.

Objections due to irregularities in the electoral procedure may only be submitted by those political parties whose slates were the subject of voting at the elections, as well as leaders of independent slates which were the subject of voting.

If a slate was proposed by several political parties, an objection shall be considered valid also in case if it is submitted by only one political party.

Political parties shall determine who shall be considered an authorised submitter of objections on the basis of their statutes.

Leaders of independent slates shall submit objections personally.

Article 53

Objections due to irregularities in the procedure of candidacy and election of members of municipal and town councils shall be resolved by the County Electoral Commissions.

Objections due to irregularities in the procedure of candidacy and election of the members of county assemblies and the City Assembly of the City of Zagreb shall be resolved by the State Electoral Commission.

Article 54

Objections due to irregularities in the procedure of candidacy and election of members of the representative body of a unit shall be submitted to the competent electoral commission within 48 hours, counting from the expiration of the day when the activity to which the objection was posed was performed.

The competent electoral commission shall be obliged to adopt the decision on an objection within 48 hours from the day of receiving the objection, or from the day of receiving the electoral materials to which the objection refers.

Article 55

Should the competent electoral commission, while deciding on an objection, establish the occurrence of irregularities which fundamentally affected the election results, it shall annul the activities in that procedure and determine that those activities be repeated

within the term which shall ensure the holding of the elections on the day for which they were called.

If there is no possibility of repeating the annulled activities referred to in the previous Paragraph or if the irregularities pertain to the voting procedure, and they fundamentally affected the election results, the competent electoral commission shall annul the elections and determine the deadline in which the repeated elections shall be held.

Article 56

The submitter of an objection who is dissatisfied with a decision of the competent electoral commission, shall be entitled to appeal against such a decision to the Constitutional Court of the Republic of Croatia.

The appeal from the previous Paragraph shall be submitted to the Constitutional Court of the Republic of Croatia within 48 hours, counting from the day of receipt of the disputed decision.

The appeal shall be submitted through the competent electoral commission.

The Constitutional Court of the Republic of Croatia shall be obliged to adopt a decision on the appeal within 48 hours from the day of the receipt of the appeal.

Article 57

A submitted objection, or appeal, in the procedure of protection of the voting right, shall not postpone the performance of the electoral activities stipulated by this Law.

Article 58

If it is established during the representative body's mandate that its individual member was not fulfilling a condition for the candidacy or election stipulated by this Law in the procedure of candidacy or election, the Constitutional Court of the Republic of Croatia shall pass a decision by which it shall determine the cessation of his mandate, within 30 days from the receipt of the proposal.

The proposal for passing the decision of the Constitutional Court as per Paragraph 1 of this Article may be given by a political party or leader of an independent slate, which participated in the elections for the representative body.

Article 59

The submissions and decisions in the procedure pursuant to the provisions of this Law shall be exempt from fees.

IX INTERIM AND FINAL PROVISIONS

Article 60

The first, constitutive session of the representative bodies of the units shall be convened within 30 days from the day of the announcement of the electoral results.

The constitutive sessions of municipal and town councils shall be convened by the head of the central state administration body, competent for the tasks of local and regional self-government, or by a person authorised by him.

The constitutive sessions of county assemblies and the Assembly of the City of Zagreb shall be convened by the Government of the Republic of Croatia.

If the constitutive session is not held within the scheduled deadline, the authorised convener shall immediately convene a new constitutive session, which should be held within 15 days.

The constitutive session of a representative body shall, until the election of a chairman, be chaired by its eldest member.

Article 61

At the regular elections 2001, the proponents of slates shall, while compiling the slates, acknowledge the principle of the adequate representation of the minority population, taking into account the local circumstances.

In case the proportional representation of the national minorities' representatives in the local self-government units, proportional to their share in the total population, is not achieved at the elections, the additional elections shall be conducted within 90 days after the results of the 2001 census are published.

If the participation of national minority members in the representative body is stipulated by the statute of a local and regional self-government unit, those provisions of the statute shall be applied, regardless of whether the statute is conformed with the provisions of this Law.

Article 62

By the announcement of the Decision of the Government of the Republic of Croatia, on calling the elections for the members of representative bodies of local and regional self-government units in 2001, passed pursuant to this Law, the mandates of members of representative bodies of local self-government units and regional self-government units, elected at the elections held on 13 April 1997 and later on, shall cease.

Article 63

The funds for the conduct of the first elections for members of representative bodies of the newly formed local self-government units and regional self-government units, which do not have their own budgets, shall be provided from the State Budget of the Republic of Croatia.

Article 64

By coming into effect of this Law, the Law on the Election of Members of Representative Bodies of the Local Self-government Units and Local Administration and Self-government Units ("Official Gazette", 90/92, 69/95, 59/96, 63/96 and 64/00) and the Law on the Constituencies for the Election of Members of Representative Bodies of the Local Self-government Units and Local Administration and Self-government Units ("Official Gazette", 14/97, 20/97, 22/97, 24/97, 32/97, 37/97, 75/99, 91/99, 35/00 and 44/00) shall cease to be valid.

Article 65

This Law shall come into effect on the day of its publication in the "Official Gazette."

Class: 015-01/01-01/01

Zagreb, 6 April 2001

CROATIAN PARLIAMENT
Speaker
of the Croatian Parliament
Zlatko Tomcic, signed