

# PARLIAMENT OF THE REPUBLIC OF CROATIA

Pursuant to Article 89 of the Constitution of the Republic of Croatia, in conjunction with Articles 6 and 7 of the Constitutional Act on the Implementation of the Constitution of the Republic of Croatia, I pass the

## ORDER

### **on promulgation of the Act on elections of representatives to the Croatian Parliament**

I promulgate the Act on elections of representatives to the Croatian Parliament, passed by the Parliament of the Republic of Croatia at the common session of the Social-Political Council of 9 April 1992, the Council of municipalities on 9 April 1992 and the Council of Joint Labour of 9 April, 1992.

Number: PA4-23/ 1-92.

Zagreb, 15 April 1992

President of the Republic of Croatia

**Franjo Tudman, PhD**

## ACT

### **on elections of representatives to the Croatian Parliament**

#### General provisions

##### Article 1

This Act governs the elections of representatives to the House of Representatives and the House of Counties of the Croatian Parliament (hereinafter referred to elections of representatives-MPs).

##### Article 2

The representatives are elected by Croatian citizens who turned 18 years of age (hereinafter referred to as: voters) at direct elections by secret ballot for a term of 4 years.

##### Article 3

A Croatian citizen who turned 18 years of age can be elected for a representative.

##### Article 4

The President of the Republic of Croatia calls for the elections of representatives.

A minimum of 30 days must elapse from the day when the elections are called until the day of election of representatives.

The day of election for representatives shall be determined by the Decision on calling the elections.

##### Article 5

In the elections of representatives, the voters who at the time of the elections are outside the borders of the Republic of Croatia will be able to exercise their voting rights in diplomatic and consular diplomatic and consular representative offices and foreign offices of the Republic of Croatia.

Voters who have permanent residence in the Republic of Croatia and are outside the Republic of Croatia on the day of election shall cast their votes in the way as referred to in paragraph 1 of this Article for their representatives according to their place of residence in the territory of the Republic of Croatia.

Voters who do not have permanent residence in the Republic of Croatia shall, voting in the way as referred to in paragraph 1 of this Article elect their representatives in the House of Representatives based on the state lists on the conditions and in the manner laid down in Article 24 of this Act.

#### Article 6

No one may at the same time be a representative in the House of Representatives and in the House of Counties.

A representative may not at the same time be a judge of the Constitutional Court of The Republic of Croatia, a judge, a state attorney, a deputy state attorney, a president, a vice-president, a minister and any other member of the Government of the Republic of Croatia, a deputy minister, an assistant minister, a director of the Republic Institute and other Republic organizations, a director of the bodies within ministries, a head of the Office of the Government of the Republic of Croatia, a president of the municipality assembly and a president of the executive council of the municipality assembly. The Act may stipulate that the duty of a representative is incompatible with any other duty.

The persons who perform any of the duties referred to in paragraph 2 of this Article may be a candidate for a representative, but if they are elected, they must resign either to an office as a member of Parliament or to an office which is incompatible with the performance of a duty of a member of Parliament.

#### Article 7

The representatives do not have a binding term of office, the representatives are not revocable.

#### Article 8

A term of office shall cease to a representative before the period he/she has been elected for

1. if he/she resigns
2. if he/she is divested of business capacity according to a legally valid and non-appealable court decision,
3. if he/she is sentenced to an unconditional sentence of prison longer than 6 months according to a legally valid and non-appealable court decision;
4. if he/she accepts the election or appointment to some office which is incompatible with an office exercising as a member of Parliament.

#### Article 9

The representatives have their deputies that assume their office in case that one of the conditions referred to in Article 8 of this Act is met.

The representative deputies are elected along with representatives in a manner as stipulated by this Act.

#### Article 10

Members of ethnic and national communities or minorities that constitute more than 8% of the population of Republic of Croatia on the basis of the 1981 census, have the right to be represented in the Parliament in accordance with their share in total population in a way as stipulated by this Act. Basis for the calculation of their representation in the House of Representatives is a total of 120 representatives in this House.

Members of ethnic and national communities or minorities that constitute less than 8% of total Croatian population have the right to have at least 5 representatives in the House of Representatives of the Croatian Parliament, whereas one representative should be elected from the members of Hungarian minority, one from the Italian, one from the Czech and Slovak, one from the Russian and Ukrainian, and one from the German and Austrian minority.

#### Article 11

The freedom of voters to take sides and to secret vote shall be guaranteed.

No one can be called to account because of voting or for not having voted. No one can request the voters to proclaim their voting orientation.

#### Candidature

#### Article 12

The candidates for representatives and their deputies may in The Republic of Croatia be nominated by registered political parties and voters individually and jointly.

Two or more registered parties in the Republic of Croatia may nominate one candidate and his deputy and joint state list.

Political parties nominate candidates for representatives and their deputies in the manner provided for by their Statutes or a special decision made on the basis of the Statutes.

#### Article 13

Voters nominate candidates for representatives and their deputies on the basis of valid signatures collected.

When voters nominate candidates for a representative and his deputy in the constituency in which, according to this Act one representative and his deputy is elected, it is necessary to collect at least 400 signatures for the validity of the candidature.

In the constituencies referred to in Article 10, paragraph 2 of this Act, it is necessary to collect 100 signatures for validity of the candidature.

When voters propose a state list, it is necessary to collect at least 5,000 signatures for the validity of the candidature.

#### Article 14

Signatures of voters in a process of representatives' candidacy should be collected on a specified form that includes information on name and surname, ethnicity, address and unique social number of each nominated candidate. The same data, except ethnicity, should be entered in order to designate each supporter of that candidate.

Every voter can sign only for one candidate and his substitute and for only one state list that he is

supporting.

#### Article 15

Nominations for candidates for representatives and their deputies who are elected according to this Act individually in a constituency must be received by the Electoral Commission of the constituency no later than 12 days from the day when the elections were called.

The nominations must be received by the Electoral Commission of The Republic of Croatia no later than 12 days from the day when the election was called.

The nomination of candidates referred to in paragraph 1 of this Article shall include the name and surname, nationality, address and identification number of each nominated candidate and a certified declaration by a candidate of acceptance of his/her nomination.

The proposed state list shall obligatory in addition to the data indicated in the preceding paragraph include the name of the list and the candidates have to be listed from ordinal number 1 to the ordinal number 60 inclusive. The proponent shall freely set the order of candidates on the list.

The name of the list should be a full name and if there is a shorten name of a party or parties or party coalition that nominated the list, it should be indicated. If the list was proposed by a group of voters its name is "independent state list".

The holder of the list is the first proposed candidate on the list.

#### Article 16

The competent electoral commission of a constituency shall, within 48 hours from the time of expiry of the deadline referred to in Article 15, paragraph 1 of this Act, compile a list of candidates of the constituency from the validly nominated candidates and publish it in all the daily newspapers in The Republic of Croatia and the Croatian Radio and Television.

The Electoral Commission of The Republic of Croatian shall, within 48 hours from the time of expiry of the deadline, referred to in Article 15, paragraph 1 of this Act accept and publish all validly nominated state lists in all daily newspapers in The Republic of Croatia and the Croatian Radio and Television.

The Electoral Commission of the Republic of Croatia will publish a collective list of all legally valid proposed state lists in a way as indicated in the preceding paragraph. A collective list contains the name of every state list and name and family name of the holder of each state list.

The Electoral Commission of The Republic of Croatian shall, within the period referred to in paragraph 2 of this Article submit to the Croatian diplomatic and consular representative offices and foreign offices all accepted state lists as well as the collective list of the state lists for their public disclosure.

#### Article 17

The candidates are entered in the list of candidates of a constituency in an alphabetical order of surnames. The name of a party or parties or the party coalition that have nominated the candidates is to be indicated next to their name and surname and identification number. If a candidate is nominated by voters "independent candidate" shall be indicated next to his/her name and surname.

The full name of a party or a coalition that has nominated the list shall be entered in the collective list of the state list in an alphabetical order. If several parties have nominated a collective state

list, it will be entered in the collective list according to the name of the first proposed party.

#### Article 18

From the day of the publication of the list of candidates of the constituencies and the cumulative list of the state lists until 24 hours before the elections, all candidates for representatives and all of the political parties, which have nominated the candidates, have under equal conditions the right to present and explain their electoral platform and electoral campaign.

#### Article 19

During the period of electoral campaign, the Croatian Radio and Television Broadcast is obliged in the framework of its radio and TV programs to enable all political parties, minority communities referred to in paragraph 2 of Article 10 of this Act, that are taking part in the electoral race to have equal broadcasting time to present their electoral program.

All means of public media are obliged to provide political parties and minority communities referred to in Article 10, paragraph 2, that participate in electoral race for representatives and candidates for representatives with an equal opportunity to present their platform and perform electoral propaganda.

#### Article 20

On the date of elections and within 24 hours preceding them, any campaign and any publication of preliminary results or estimates of the election results is prohibited.

#### Article 21

A candidate for a representative elected by individual election in a constituency, who receives a minimum of 6% of the votes in elections and a political party whose state list receives a minimum of 3% of the votes at elections are entitled to equal compensation of the costs of electoral campaign.

The funds to cover the fees indicated in the preceding paragraph shall be provided from the funds for covering the election costs.

The amount referred to in paragraph 1 of this Article shall be determined by the Government of the Republic of Croatia at least 30 days prior to the Election Day.

#### Election of representatives to the House of Representatives of the Croatian Parliament

#### Article 22

There are 124 representatives elected in the House of Representatives of the Croatian Parliament (hereinafter referred to as House of Parliament).

Number of representatives of the House of Representatives could be increased according to the conditions laid down in Article 26 of this Act.

#### Article 23

A total of 64 representatives for the House of Representatives are to be elected in constituencies with a single seat.

60 representatives are to be elected in electoral constituencies where there will be approximately the same number of voters for one representative seat.

Members of Hungarian, Italian, Czech and Slovak, Russian and Ukrainian and German and Austrian minority elect one representative each for the House of Representatives in special electoral constituencies that are regulated by the Act on electoral constituencies for the House of

Representatives of the Croatian Parliament.

No matter whether there is one or there are more candidates, a candidate for a representative who receives the most of the votes from the voters that participated in the poll will be elected. If two or more candidates receive an equal number of votes, the elections will be repeated.

#### Article 24

In the House of Representatives, 60 representatives shall be elected in a way that the entire region of the Republic of Croatia constitutes a single constituency and that all voters participating in voting shall elect all representatives on the basis of the state lists.

The number of representatives elected from each state list shall be determined in the following way:

The total number of votes that each state list received (electoral body of the list) shall be divided by the numbers from 1 to 60 inclusive. Of all of the obtained results, the 60th result in order is the common divisor by which the total number of votes of each state list is divided (electoral body of the list). Each state list shall obtain as many representative seats as the common divisor contains the amount of times its total number of obtained votes (electoral body). The result is calculated to two decimal places, whereas the numbers from 1 to 4 are rounded to the lower one and from 5 to 9 to the higher number until whole numbers are obtained. If the votes are distributed in such a way that it cannot be determined which among two or more state lists would get a representative seat, it will go to the state list that has obtained more votes.

The state list which receives less than 3% of the votes in elections shall not participate in the distribution of the representative seats.

#### Article 25

From each state list, elected shall be the candidates from the ordinal number 1 to that ordinal number of how many representative seats a particular list has won.

Deputy Representatives from each state list are the candidates who have not been elected, in order from the first non-elected up to the number of representative seats obtained by the respective list.

#### Article 26

If the number of representatives from the ethnic and national communities or minorities for the House of Representatives stipulated by Article 10 of this Act is not reached, the number of representatives of the House of Representatives will be increased to the number required to meet the prescribed participation. Elected representatives will be considered to be the members of particular community or minority that were candidates on the state lists but were not elected; in order proportionate to the success of each list in elections."

If prescribed representation of the communities or minorities cannot be met even in a way described above, the President of the Republic of Croatia will call for additional elections in such a number of special electoral districts as it is necessary to meet the prescribed minority representation. Additional elections have to be held within 60 days since the first session of the newly elected Houses of Parliament.

Election of representatives to the House of Counties of the Croatian Parliament

#### Article 27

Three representatives are elected in the House of Counties of the Croatian Parliament. Their

election is performed in every county in three electoral districts in which one representative is elected in each of them.

#### Article 28

The electoral constituencies in the region of the county are governed by a special law so that approximately the same number of voters residing in the county elects one representative.

No matter whether there is one or there are more candidates, a candidate for a representative who receives the most of the votes from the voters that participated in the poll will be elected. If two or more candidates receive the same number of votes, the elections shall be repeated.

A deputy is elected together with a representative who is separately voted for.

The bodies for the carrying out of the elections

#### Article 29

The bodies for carrying out the elections for representatives are:

The Electoral Commission of The Republic of Croatia, electoral commissions of constituencies and electoral committees.

The member of electoral commission and electoral committee as well as the deputy member of these bodies may only be a person that has electoral right.

The members of electoral commissions and their deputies must be graduate lawyers and they may not be the members of any political party.

The members of the electoral committee and their deputies may not be the members of any political party.

#### Article 30

The Electoral Commission of the Republic of Croatia is composed of a chairman and four members, of whom each has a deputy, that are appointed by the Constitutional Court of the Republic of Croatia among the judges of the Supreme Court of the Republic of Croatia and other renowned lawyers.

The Electoral Commission of a constituency is composed of the Chairman and two members, each with a deputy, that are appointed by the Electoral Commission of the Republic of Croatia among judges and other lawyers.

#### Article 31

The Electoral Commission of the Republic of Croatia:

1. attends to the legal preparation and carrying out of the elections for representatives;
2. appoints members of the electoral commissions and gives mandatory instructions for the work of electoral commissions of electoral constituencies and the electoral committees;
3. determines polling stations and appoints electoral committees in Croatian diplomatic-consular representative offices and foreign offices;
4. prescribes the forms in the process for the preparation and carrying out of the elections;
5. oversees the work of the electoral commissions of electoral constituencies;
6. discloses the state lists on the basis of valid proposals and develops the collective list of the state lists;

7. oversees the regularity of the electoral campaign in accordance with this Act;
8. discloses the results of elections for representatives;
9. performs any other work stipulated by this Act.

Mandatory instructions for the work of electoral commissions of electoral constituencies and electoral committees are to be publicized by the Electoral Commission of the Republic of Croatia in all daily newspapers in the Republic of Croatia and on the Croatian Radio and Television.

#### Article 32

The electoral commission of an electoral constituency:

1. attends to the legality of carrying out of the elections at the polling stations in its territory,
2. selects polling stations;
3. appoints the electoral committees
4. according to mandatory instructions of the Electoral commission of the Republic of Croatia performs all technical preparations for conducting the elections in its territory;
5. based on a valid nomination of candidates, it prepares and discloses the list of candidates for representatives in a electoral constituency;
6. collects and counts up the results of the voting at the polling stations in its territory and delivers them to the Electoral Commission of the Republic of Croatia in the manner and within the deadline determined by it;
7. performs any other work stipulated by this Act.

#### Article 33

Electoral committees shall directly conduct the voting in elections for representatives and shall ensure the regularity and secrecy of voting.

Electoral committee is appointed for each polling station. An electoral committee shall be composed of a president and two members. The President and committee member shall have their deputies.

The competent electoral commission shall appoint the members and deputy members of the electoral committee no later than five days before the date when the electoral race is held.

The registered political parties that proposed the candidates for the election of representatives to the Croatian Parliament may appoint monitors that will monitor the work of the body in charge of carrying out the elections.

The electoral commission of the Republic of Croatia shall determine rights and obligations of the monitors by its mandatory instructions and the method of monitoring the work of the bodies for carrying out the elections.

#### Carrying out of elections

#### Article 34

Voting for the election for representatives shall be carried out at the polling stations in the territory of the Republic of Croatia in accordance with Article 5 of this Act, and at the polling stations in Croatian diplomatic missions and foreign offices.



Every polling station is assigned an ordinal number.

Not later than five days before the elections, the Electoral commission of the Republic of Croatia for the polling stations abroad, and Electoral Commissions for the electoral constituencies in the territory of the Republic of Croatia, shall announce which polling stations have been determined, with the notice which voters shall vote at which location.

#### Article 35

The Minister of Justice and Administration shall upon the proposal of the Minister of defence determine the polling stations for voters who serve in the Armed forces of the Republic of Croatia.

The Minister of maritime affairs shall determine the polling stations for voters who as the ship crews on seas and rivers of the Croatian merchant marine are outside the borders of the Republic of Croatia on the Election Day.

The Minister in charge of justice and administration shall appoint the polling stations for voting for persons divested of freedom.

#### Article 36

Polling stations are determined considering the number of voters, and spatial distance, in a way that the number of voters at one polling station shall be such that voting can be carried out with no difficulties at the time set for the voting. A special room shall be designated for each polling station.

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

#### Voting process and establishing of voting results

#### Article 37

The voting is carried out in person.

The voting is carried out by ballots.

#### Article 38

The voting slip, on which one votes in the constituency in which a representative is to be elected, shall contain:

1. full and abbreviated name of a candidate and his/her deputy; 2. full and abbreviated name of the political party, or parties or party coalition that nominated the candidate. If a candidate is proposed by a group of voters "independent candidate" shall be indicated next to his/her name and surname.

Candidates shall be listed on the voting slip in the order in which they are listed on the list of candidates. An ordinal number shall be given in front of the name and surname of each candidate.

#### Article 39

The voting slip on which one shall vote for one of the state lists shall contain:

1. name of the list;
2. first name and family name of the list holder;

The state lists are indicated in the voting slip in the order in which they are listed in the collective list of the state lists. An ordinal number shall be given in front of the name of the list.

#### Article 40

The voting is carried out only for the candidates, that is, the state lists indicated in the voting slip. The voting slip is filled in a way to circle the ordinal number before the name of a candidate or before the name of the state list for which one votes.

A valid ballot paper is one from which the will of the voter can clearly and unambiguously be determined as well as which list or the candidate the voter has voted for.

#### Article 41

An unfilled voting slip and the voting slip filled in a way that it cannot be determined with certainty for which candidate or for the state list a voter has voted for shall be considered an invalid voting slip.

A voting slip in which the voter has cast his/her vote for two or more candidates or for two or more state lists shall be considered an invalid voting slip.

#### Article 42

The voting shall be conducted permanently from seven to nineteen hours. The polling station is closed at nineteen o'clock. The voters found at the polling station shall be enabled to vote.

The polling station, at which all registered voters cast their votes, closes before the end of the deadline indicated in the foregoing paragraph.

#### Article 43

During the entire time of voting, all members of electoral committee or their deputies must be present at polling station.

The president of the electoral committee attends to the maintaining the order and peace during the time of voting. If necessary, the President shall seek the police help, which shall, when they come to the polling station, proceed according to the instructions within their legal powers.

Nobody is allowed to come armed with weapons except in the case provided in paragraph 2 of this Article.

#### Article 44

The president of the electoral committee or the member of the electoral committee authorized by him/her shall have to check whether the voter who has come to vote is entered in the electoral register.

A voter who because of some physical disability or illiteracy could not vote as provided by this Act, may come to the polling station accompanied by another person who is literate and who will following such person's authorization and instructions circle the ordinal numbers in front of the name of a candidate or the state list for whom the voter is voting.

If the voter is not registered in the electoral register, the President will not allow him to vote, unless the voter proves that he has the right to vote by means of a certificate issued by a competent authority.

If a voter who is unable to vote at a polling station, he/she shall notify the voting committee thereabout, the committee will allow him/her to vote.

The voting in the manner set out in paragraphs 2, 3 and 4 of this Article will be itemized and entered in the minutes of the work of electoral committee.

#### Article 45

After the end of the voting, the electoral committee shall first count up the unused voting slips and place them into a special envelope which will be sealed.

After that, the electoral committee shall, according to the electoral register, i.e. the excerpt from the electoral register, and based on the minutes, determine the total number of voters who voted, and start opening the ballot boxes and counting the votes.

If during the counting of the votes at the polling station it is established that the number of votes according to the electoral register exceeds the number of votes according to the voting slips, the result of the voting according to the voting slips shall be considered valid. Should it be found during the counting of votes at a polling station that a lower number of voters voted compared to the number of votes in the ballot box, the electoral committee shall be dismissed and a new one shall be appointed, and voting at this polling station shall be repeated. The voting results at this polling station shall be determined after a repeated voting within 24 hours.

#### Article 46

When an electoral committee has determined the voting results at the polling station, it shall enter the number of voters according to the electoral register in the minutes of its work, i.e. the excerpt from the electoral register, how many voters have voted according to the electoral register, i.e. the excerpt from the electoral register, and how many of them have voted according to Article 44, paragraph 3 of this Act, and how many in total, how many votes each of the candidates has received and how many votes each state list has received, and how many voting slips have been declared invalid.

All other facts important for the voting procedure shall be entered to the minutes on work of the electoral committee.

Every member of the electoral committee may give his/her complaints to the minutes.

All the members of the electoral committee shall sign the minutes.

#### Article 47

The electoral committee delivers the minutes of its work with other election materials to the electoral commission of the electoral district no later than within 12 hours from the closing of the polling station.

Electoral committee in the Croatian diplomatic-consular representative office and foreign office submits the files indicated in the foregoing paragraph directly to the Electoral Commission of the Republic of Croatia within twelve hours from the moment of closing the polling stations.

#### Article 48

The Electoral Commission of the electoral district shall add up all the results of voting at polling stations in its territory no later than within 24 hours from the closing of polling station.

The electoral commission of the electoral district shall deliver the electoral results in its territory to the Electoral Commission of the Republic of Croatia together with the minutes of its work in the manner and within the time determined by the Electoral Commission of the Republic of Croatia.

#### Article 49

The Electoral Commission of the electoral district shall take minutes on its work, where the following facts shall be registered:

1. the number of voters entered in the electoral register on the excerpt from the electoral register

in their territory;

2. the number of voters who have cast their vote and the number of voting slips that have been declared invalid;
3. the first and last name of each of the candidates with a designation how many votes a specific candidate has won in a electoral district;
4. the first and last name of a candidate that has been elected in a electoral district;
5. the number of votes that each state list has received in its territory;

Every member of the electoral commission in the electoral district can file written objections to the minutes. The minutes shall be signed by all members of the electoral commission of the electoral district.

#### Article 50

The results of the elections for the representatives shall be determined by the Electoral Commission of the Republic of Croatia on the basis of the voting results at all polling stations in all the constituencies in the Republic of Croatia.

#### Article 51

After the Electoral Commission of the Republic of Croatia has determined the voting results for the representatives, the following information shall be immediately disclosed:

1. the number of voters registered in the electoral registers, the number of voters who have voted in each constituency, how many votes each particular candidate has won in each constituency and how many votes a particular state list has won and how many invalid voting slips have been recorded;
2. the first and last name of a candidate that has been elected in each constituency in which one representative is elected;
3. the number of representative seats that each state list has won, and first names and family names of candidates from each state list elected for representatives.

#### Costs of the carrying out of the elections

#### Article 52

Funds to cover the cost of conducting elections shall be provided in the state budget of the Republic of Croatia.

The Electoral Commission of the Republic of Croatia disposes of the funds indicated in the foregoing paragraph.

The Electoral Commission of the Republic of Croatia determines the way of using the funds for carrying out the elections and conducts the supervision of their use.

The Electoral Commission of the Republic of Croatia allocates appropriate funds to the electorate commissions in the constituencies.

#### Protection of electoral right

#### Article 53

The Constitutional Court of the Republic of Croatia oversees the constitutionality and legality of elections of representatives to the Croatian Parliament and resolves the electoral disputes in accordance with the provisions of this Act.

#### Article 54

A political party, two or several political parties or voters who have nominated the candidates for representatives or the state list, as well as candidates for representatives, may submit a complaint about irregularities in the process of nomination.

A complaint about the irregularity in the election procedure may be submitted by only one political party, two or several political parties and voters whose candidates for representatives and whose state lists were voted for in elections. A complaint may also be filed by the candidates for representatives that were voted for.

If a candidate for representative and for the state list was nominated by several political parties and several voters, the complaint shall be considered valid even if it is lodged by one political party only, or any of the voters that nominated the candidate.

#### Article 55

An objection for irregularities in the nomination procedure and in the process of election of representatives is to be lodged to the Electoral Commission of the Republic of Croatia within 48 hours from the end of the day when the disputable activity was performed.

The Electoral Commission of the Republic of Croatia shall pass a decision on the objection within 48 hours from the day when the objection was lodged to it or from the day when the election materials that the objection refers to were delivered to it.

#### Article 56

If the Electoral Commission of the Republic of Croatia, while deciding upon the objection referred to in Article 55 of this Act establishes that there have been some irregularities that have materially affected the results of the elections, it will annul these activities, and determine that these activities shall be repeated in a fixed term, which must enable that the elections are conducted on the day when they are called.

If there is no possibility of repeating the annulled activities indicated in the foregoing paragraph or if the irregularities relate to the procedure of voting, and they have materially affected or could have affected the result of elections, the Electoral Commission of the Republic of Croatia shall annul the elections of representatives in a certain constituency, that is, the election on the basis of the state lists and determine a term in which the election will be repeated.

#### Article 57

The persons that lodge a complaint and the candidates for representatives that are dissatisfied with such a decision may lodge a complaint against the Decision passed by the Electoral Commission of the Republic of Croatia to the Constitutional Court of the Republic of Croatia.

The complaint referred to in the foregoing paragraph shall be submitted to the Constitutional Court of the Republic of Croatia within 48 hours from the expiry of the day when the contested decision was received.

The complaint is filed through the Electoral Commission of the Republic of Croatia.

The complaint shall be deemed to have been submitted if it is delivered to the Electoral Commission of the Republic of Croatia before the expiry of the deadline referred to in paragraph 2 of this Article.

The Constitutional Court of the Republic of Croatia must pass a decision on the complaint within 48 hours from the day of the receipt of the complaint.

Article 58

A submitted objection or a complaint in the procedure of the protection of the electoral right does not postpone the performance of election activities stipulated by this Act.

Transitional and final provisions

Article 59

Duty fees are not charged for briefs and decisions in the procedures according to the provisions of this Act.

Article 60

On the day of effectiveness of this Act, the Act on elections and dismissal of representatives shall cease to be valid ("Official Gazette", No. 7/90).

Članak 61.

This Act shall enter into force on the eighth day from the date of publication thereof in the Official Gazette "Narodne novine".

Class: 013 -01/92 -01/02

Zagreb, 9 April 1992

CROATIAN NATIONAL PARLIAMENT

President of Social-Political Council

**Vice Vukojević, LMM, /signature set by hand/**

President of Council of Municipalities

**Luka Bebić, Master of Eng., /signature set by hand/**

President of Council of Joint Labour

**Ivan Matija, M.Sc./signature set by hand/**

President of the Croatian Parliament

**Žarko Domljan, PhD, /signature set by hand/**