

(OG 23/13)

ACT

ON AMENDMENTS TO THE ACT ON THE ELECTION OF MEMBERS OF PARLIAMENT FROM THE REPUBLIC OF CROATIA TO THE EUROPEAN PARLIAMENT

Article 1

In the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) the title of the Act shall be replaced by the following: “The Act on the Election of Members of the European Parliament from the Republic of Croatia”.

Article 2

The following Article 1.a shall be inserted after Article 1:

»Article 1.a

This Act contains provisions in compliance with the following Acts of the European Union:

– Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals;

– Act concerning the election of the Members of the European Parliament by direct universal suffrage of 18 November 1999, version of 11 February 2004 (Consolidated version incorporating the Act of 20 September 1976 (OJEC L 278 of 08.10.1976, p. 5) and amendments introduced by Article 10 of the Act of Accession of Greece to the European Communities, by Article 10 of the Act of Accession of Spain and Portugal to the European Communities, by Decision 93/81/Euratom, ECSC, EEC of the Council of 1 February 1993 (OJEC L 33 of 09.02.1993, p. 15), by Article 11 of the Act of Accession of Austria, Sweden and Finland to the European Union and by Article 5 of the Treaty of Amsterdam of 2 October 1997 (OJEC C 340 of 10.11.1997, p. 1)).”.

Article 3

The words “legalised by the notary public” in Article 4 paragraph 2 shall be deleted.

Article 4

In Article 5 paragraph 2 the words “he was not deprived of legal capacity through a legally effective court decision” and “, that is, that” shall be deleted.

Article 5

In Article 7 paragraph 4 the comma following the word “Sunday” shall be replaced by a full stop and the following wording: “and by way of derogation for Croatian nationals who vote abroad, the day of holding the election may be a Saturday.” shall be deleted.

Article 6

In Article 9 paragraph 3 the words “in peace missions of the United Nations” shall be replaced by “in peace operations and missions”, whereas the words “borders of the Republic of Croatia” shall be followed by a comma and the following text “on watercrafts on inland sea waters and the territorial sea of the Republic of Croatia, voters placed under the care of a social care facility”.

Article 7

Article 14 is amended as follows: in paragraph 2 the words “(coalition list)” shall be deleted.

The following paragraph 5 shall be inserted:

“If the proponent puts forward a number of candidates which is lower than the number of members to be elected to the European Parliament, the list of candidates shall be considered invalid.”.

Article 8

The words “legalised by the notary public” in Article 16 paragraph 1 shall be deleted.

Article 9

The words “or party coalition” occurring twice in Article 17 paragraph 3 shall be deleted.

In paragraph 4 the words “independent list” shall be replaced by “the voter-group list of candidates.”.

The following paragraph 5 shall be inserted after paragraph 4:

“The leader of the voter-group list shall be the first candidate on such list.”.

The existing paragraph 5 shall be renumbered into paragraph 6.

Article 10

Article 18 paragraph 3 shall be amended as follows:

“Party lists and voter-group lists of candidates shall be included on joint lists according to an alphabetical order of the full name of the political party or the two or more political parties proposing a list of candidates, or according to the last name of the leader candidate on the voter-group list of candidates. Where several political parties proposed a common list, it shall be included in the joint list, based on the name of the first in line political party in the proposal.”

Article 11

In Article 19 paragraph 1 the words “an independent list” shall be replaced by “the voter-group list of candidates” and the words “the first candidate on the list” shall be replaced by “the leader of the voter-group list of candidates”.

Article 12

Article 20 paragraph 2 shall be amended as follows: the words “after the time limit referred to in paragraph 1 of this Article, the provision of Article 14 of this Act shall apply accordingly” shall be replaced by “in a time limit shorter than 10 days preceding the day of the election, the list of candidates shall be considered valid”.

Article 13

Article 26 paragraph 2 shall be replaced as follows:

“The number of members to be elected from each list of candidates is established as follows:

– the total number of valid votes obtained by each list (the electoral mass of the list) is divided by numbers from 1 to the total number of seats available for the European Parliament, and the decimal residue shall also count. From the resulting figures, lists having obtained as many highest figures expressed in decimal points, as there is the number of seats available shall win the seats to the European Parliament. Each list shall be entitled to a number of seats in the European Parliament in proportion to the list's individual results among as many highest results as there are the seats to be allocated.

- preference votes for certain candidates shall count if the number of preference votes of a particular candidate is at least 10% of the votes obtained by the list concerned;
- elected candidates are candidates from each list of candidates who obtained the largest number of preference votes. Where two or more candidates obtain the same number of preference votes, the outcome shall be determined by the order from the list of candidates;
- if, pursuant to subparagraphs 2 and 3 of this Article, the number of elected candidates differs from the number of mandates pertaining to that particular list, the candidates who are next in order on the list shall be designated to the remaining places on the list.”.

Article 14

In Article 28 shall be added the following paragraph 3:

“Upon the proposal of the State Electoral Commission, the same permanent composition of both municipal and town electoral commissions may be nominated for election in several municipalities and towns.”

The existing paragraphs 3 and 4 shall be renumbered into paragraphs 4 and 5.

Article 15

In Article 29 paragraph 1 item 7 the words “list of candidates” shall be replaced by “joint list”.

The following item 11 shall be inserted:

“11. monitors the funding of the election campaign in accordance with a special law.”

The existing item 11 shall be renumbered into item 12.

Article 16

In Article 30 the words “the Official Gazette” shall be followed by a full stop instead of a comma and the words: “on the Croatian Radio Television and in the daily newspapers in the Republic of Croatia” shall be removed.

Article 17

In Article 35 paragraph 1 subparagraph 4 shall be replaced by the following:

“– collect election turnouts from electoral committees in its area of responsibility and forwards them to the county electoral commission,”.

Article 18

The following sentence is added to Article 36 paragraph 2: “Two members and their deputies shall be appointed by the majority political party, or political parties, whereas the remaining two and their deputies shall be appointed by the opposition political party, or political parties, in line with the current party representation within the Croatian Parliament.”.

The following paragraphs 3 and 4 are inserted after paragraph 2:

“Political parties shall designate members of specific election committees and submit their names to the competent electoral commissions at the latest 18 days before the day of holding of the election. If they fail to designate such members, or if they fail to submit their names to the competent electoral commissions, the latter shall designate members of the election committees on their own.

Where members of a group should disagree on the distribution of its members in electoral committees, the competent electoral commission shall draw the lots regarding such distribution in the manner that each party be represented in the highest possible number of electoral committees with regard to the total number of party members.

The existing paragraph 3 shall be renumbered into paragraph 5.

The existing paragraph 4 shall become paragraph 6 and the words “paragraphs 3 and 4” shall be replaced by “paragraphs 3, 4, and 5” and the words “20 days” shall be replaced by “15 days”.

Article 19

Article 38 is amended as follows:

“At the latest 20 days before the holding of the election, voting locations shall be designated by the following:

- the minister accountable for the defence for the voting of voters serving in the Armed Forces of the Republic of Croatia,
- the minister accountable for maritime affairs for the voting of voters who, on the election day, are outside the borders of the Republic of Croatia as crew-members of sea and river ships flying the Croatian flag as well as crew-members on watercrafts on inland seas and the territorial sea of the Republic of Croatia,
- the minister accountable for welfare, for the voting of voters who are placed in a social care facility,
- the minister accountable for justice for the voting of voters deprived of their freedom,
- the minister accountable for foreign and European affairs for the voting of voters who are in peace operations and missions on the election day.”

Article 20

Item 1 of Article 41 shall be deleted.

The existing items 2, 3 and 4 are renumbered into 1, 2 and 3.

Article 21

In Article 42 paragraph 2 the words “on that list” shall be inserted after “an individual candidate” and the word “also” shall be inserted after the words “he shall”.

Article 22

In Article 44 item 3 after the last word “lists” the full stop shall be replaced by a comma.

The following item 4 shall be added:

“4. a ballot where the voter voted for candidates from a number of lists, but failing to encircle any lists.”

Article 23

Article 45 paragraph 3 is amended as follows:

“If the voter gives his preference vote to two or more candidates on the same list, the ballot is valid in terms of the vote for the list, regardless of whether the ordinal number in front of such list is encircled or not, whereas the preference vote to a candidate shall not be valid.”

The following paragraphs 4 and 5 shall be added:

“If the voter gives his preference vote to to a candidate from a specific list, but failing to encircle the ordinal number in front of that list, the ballot shall be valid both in terms of the vote for the list as well as in terms of the preference vote to a candidate from the same list.

If the voter gives his preference vote to candidates from different lists and encircles the ordinal number in front of one such list, the ballot shall be valid in terms of the vote for the

list and in terms of the preference vote to a candidate from that list, provided that he gives that list a single preference vote.”.

Article 24

In Article 50 paragraph 2 is amended as follows:

“Election committees shall then establish the total number of voters who voted based on the excerpt from the electoral roll.”.

Article 25

In Article 60 paragraph 3 the following words “in the media” shall be replaced by “on its website”.

Article 26

In Article 62 paragraph 1 the following words “of 5% of voters” shall be deleted.

In paragraph 2 the following words “or at least 5% of voters” shall be deleted.

Article 27

In Article 73 paragraph 2 the following words “nominated an independent candidate” shall be replaced by “nominated the voter-group list of candidates” and the words “the consent of such independent candidate” shall be replaced by “the consent of the leader of the voter-group list of candidates”.

Article 28

In Article 78 paragraph 2, the item following the first subparagraph shall be deleted and the following subparagraph shall be added instead:

“– a national of other Member States of the European Union who submits a false statement as referred to in Article 4 paragraph 2 and Article 16 paragraph 1 of this Act.”.

Article 29

In Article 79 paragraph 1 shall be amended as follows:

“The first *ad hoc* direct general election for members of the European Parliament from the Republic of Croatia shall be announced within a time frame which should provide that the holding of election occur before the accession date of the Republic of Croatia to the European Union, in accordance with the Accession Agreement between the Republic of Croatia and the European Union.”.

Article 30

In Article 81 paragraph 1 the comma following the words “European Union” shall be replaced by a full stop and the words “at which time observers shall temporarily become full-fledged members of the European Parliament until the holding of the first election for members of the European Parliament in the Republic of Croatia.” shall be deleted.

Paragraph 2 shall be deleted.

Article 31

In Article 82 paragraph 1 the following words “and the status of temporary member of the European Parliament” shall be deleted and the words “even before the calling of the first election for the European Parliament” shall be replaced by “even before the accession of the Republic of Croatia to the European Union”.

Paragraph 2 shall be deleted.

Article 32

Article 83 is replaced by the following:

In paragraph 1 the following words “the first election” shall be replaced by “the first *ad hoc* direct general election”.

In paragraph 2 the following words “at the opening of the first session of the European Parliament after the first election in the Republic of Croatia” shall be replaced by “on the day of accession of the Republic of Croatia to the European Union”.

Article 33

In Article 84 the following words “the first election” shall be replaced by “the first *ad hoc* direct general election”.

Article 34

In Article 85 the following words “the Act on Electoral Rolls” shall be replaced by “the act regulating the electoral register”.

Article 35

In Article 86 the following words “on the date of accession of the Republic of Croatia to the European Union” shall be replaced by “on 1 March 2013.”.

TRANSITIONAL AND FINAL PROVISIONS

Article 36

By way of derogation from the time limits set out in Article 7 paragraph 5 and Article 74 paragraphs 1 and 4 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10), at the first *ad hoc* direct general election of the Members of the European Parliament from the Republic of Croatia the following shall be valid:

- a time span of at least 30 days must pass from the day of the announcement until the day of the holding of the election;
- the permit by the non-governmental organisations referred to in Article 74 paragraph 1 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) shall be requested within 15 days of the date of calling the election, whereas the list of authorised observers referred to in Article 74 paragraph 4 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) shall be submitted to the State Electoral Commission at the latest 10 days before the holding of the election.

By way of derogation from the provisions of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) and this Act, where the first *ad hoc* direct general election of Members of the European Parliament from the Republic of Croatia should occur simultaneously with the local elections, for the first *ad hoc* direct general election of Members of the European Parliament from the Republic of Croatia the following shall be valid:

- pursuant to the Act on Local Elections, the election shall be carried out by the same electoral bodies which are designated for the implementation of local elections,
- voting locations as described in Article 19 of this Act and voting locations abroad shall be determined by the competent bodies no later than 15 days before the holding of the election, whereas the electoral committees for the implementation of the election on such voting locations shall be appointed by the competent bodies at the latest 10 days prior to the election day,

– the remuneration levels awarded to electoral bodies in the electoral process shall be fixed by the State Electoral Commission, whereas the Government of the Republic of Croatia shall determine the amount of such remuneration.

The financial resources to cover the costs of the simultaneous holding of elections as referred to in the second paragraph of this Article shall be endowed in equal parts from the State Budget and the budgets of local and regional self-government units.

The State Electoral Commission shall determine the way in which financial resources referred to in the third paragraph of this Article shall be spent and monitor such spending.

Article 37

Throughout the text of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) the following words “independent list” shall be replaced by “the voter-group list of candidates” in the appropriate gender, number and case”.

Article 38

Nationals of other European Union Member States are not entitled to either vote nor to present their candidacy at the first *ad hoc* direct general election for Members of the European Parliament from the Republic of Croatia.

Article 39

The right of blind persons to vote on the ballot in Braille referred to in Article 49 paragraph 2 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) and the duties of the competent electoral commissions in relation to the voting of blind persons in Braille as described in Article 49 paragraphs 3 and 4 of the Act on the Election of Members of Parliament from the Republic of Croatia to the European Parliament (Official Gazette n. 92/10) shall not apply at the first *ad hoc* direct general election.

Article 40

This Act shall be published in the Official Gazette and shall enter into force on 1 March 2013.

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Zagreb, 22 February 2013

THE CROATIAN PARLIAMENT

The President

of the Croatian
Parliament

Josip Leko, m. p.