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DRAFT LAW

**ON THE ELECTIONS OF COUNTY PREFECTS,
THE MAYOR OF THE CITY OF ZAGREB,
MAYORS AND HEADS OF MUNICIPALITIES
OF THE REPUBLIC OF CROATIA**

REPUBLIC OF CROATIA
CENTRAL STATE ADMINISTRATION
OFFICE

Ref. No. _____

DRAFT

**FINAL PROPOSAL OF THE LAW ON THE ELECTION OF HEADS OF MUNICIPALITIES,
MAYORS,
COUNTY PREFECTS AND THE MAYOR OF THE CITY OF ZAGREB**

Zagreb, March 5, 2006

**FINAL PROPOSAL OF THE LAW ON THE ELECTION OF HEADS OF MUNICIPALITIES,
MAYORS, COUNTY PREFECTS AND THE MAYOR OF THE CITY OF ZAGREB**

I GENERAL PROVISIONS

Article 1

This Law shall regulate the method, conditions and the procedure of election of heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb as holders of the executive power in the units of local and regional self-government and the exercise and protection of the right of suffrage.

Article 2

Heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb shall be elected directly in elections by secret ballot for a term of four years.

Heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb shall have deputies, who shall be elected together and at the same time, in the same way and by the same procedure.

Article 3

All voters, with permanent residence in the territory of the local and regional self-government unit in which elections are held, shall have the right to elect the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb.

Article 4

All Croatian citizens who are of age, who have a minimum of 6 months residence registered in the territory of the unit in which elections are held have the right to be elected the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb.

No person shall be simultaneously a candidate and candidate's deputy.

No person shall simultaneously submit his/her candidacy in the local and regional self-government unit.

Article 5

The term of office of heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb in regular elections and in early elections shall last until the day of proclamation of official results of election of a new the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb.

Article 6

Regular elections for the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb shall be held every four years, on the same day as the elections for members of the representative bodies of local and regional self-government units.

The Croatian Government shall call the elections by a decision specifying the date on which they are to be held.

Not less than 30 and not more than 60 days may pass from the day on which elections are called until the Election Day.

Article 7

The term of office of heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb and their deputies may be terminated even before its expiry, in accordance with the provisions of the law regulating local and regional self-government, and the provisions of this Law.

Article 8

If the term of office of the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb has ceased before its expiry, early elections shall be called.

Early elections shall be called within 60 days from the day of cessation of the term of office, that is, within 60 days from the day of adoption of court decision on the complaint filed against the decision on cessation of the term of office.

If the term of office of the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb has ceased in the calendar year in which regular elections are to be held, but before they are held, no early election shall be held in that local or regional self-government unit. Rights, obligations and responsibilities of the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb shall be exercised by a deputy.

If the term of office of the deputy is terminated as well, the Croatian Government shall appoint a proxy.

The Croatian Government's proxy shall perform the duty of the head of municipality, the mayor, the county prefect and the Mayor of the City of Zagreb until the elections have been conducted.

Article 9

A head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb and their deputies may not be a member of the representative body of the same or another local or regional self-government unit while exercising the office.

A head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb, while exercising the office, may not be:

- President of the Republic of Croatia,
- Prime Minister, Deputy Prime Minister or member of the Croatian Government,
- president, vice-president and judge of the Constitutional Court of the Republic of Croatia,
- governor, deputy governor and vice-governor of the Croatian National Bank,
- auditor general and his deputy,
- ombudsman and his deputy,
- judge,
- state prosecutor or deputy state prosecutor,
- secretary and deputy secretary of the Croatian Parliament,
- secretary and deputy secretary of the Croatian Government,
- secretary general of the Constitutional Court of the Republic of Croatia,
- secretary of the Supreme Court of the Republic of Croatia,
- state secretary,
- children's ombudsman and his deputy,
- ombudsman for gender equality and his deputy,
- assistant minister,
- secretary of a ministry,
- deputy state secretary in central state offices,
- director, deputy and assistant director of state administrative organizations,
- president and deputy president of the Croatian Privatization Fund,
- director and assistant director of the Croatian Pension Insurance Fund
- director, deputy and assistant director of the Croatian Health Insurance Fund,
- rector and vice-rector of a university,
- state treasury general,
- chief-of-staff, head of the agency and directorate of the Croatian Government,
- head of an institute appointed by the Croatian Government,
- official in the Office of the President of the Republic appointed by the President of the Republic of Croatia,
- head of office, officer and employee in the administrative bodies and services of the same or a different local or regional self-government unit,
- member of the board of directors of a trade company majority-owned by the local or regional self-government unit,
- director and employee of an institution founded by the local or regional self-government unit,

Article 10

Any individual holding an incompatible function shall have the right to run as candidate and, if elected, before assuming the function of a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb must resign from the incompatible function.

If the individual referred to in paragraph 1 of this Article fails to resign from the incompatible function, he shall not be able to assume the position of a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb.

The provisions of Paragraphs 1 and 2 of this Article shall also apply to deputies of heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb.

Article 11

Active army members, senior-grade and lower-grade civil servants in the Croatian Armed Forces may not run for a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb or their deputies.

Article 12

The term of office of a head of municipality, mayor, county prefect and the Mayor of the City of Zagreb as well as their deputies may cease before the expiration of the term of office as a result of death or relief of duty.

The Croatian Government shall relieve of duty a head of municipality, mayor, county prefect and the Mayor of the City of Zagreb as well as their deputies in the following circumstances:

- if s/he submits s resignation,
- if his/her working capacity has been taken away or limited by way of legally effective court decision
- if s/he has been sentenced to prison for longer than one month without the possibility of parole by way of legally effective court decision,
- if s/he cancels his/her permanent residence from the territory of the local or regional self-government unit,
- if his/her Croatian citizenship ceases,
- upon the request of the representative body in compliance with the Law regulating local and regional self-government

Article 13

Voters' freedom of option and the secrecy of ballot shall be guaranteed.

Any voter shall be free to declare his voting option.

No one may be called to account for voting or not voting.

II NOMINATION OF CANDIDATES

Article 14

Candidates for a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb and their deputies may be nominated by political parties registered in the Republic of Croatia.

Two or more political parties may nominate a joint candidate.

Political parties shall nominate candidates in compliance with the Standing Orders or special decision.

Article 15

Voters may nominate independent candidates for a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb and their deputies.

Article 16

In order for a party and independent candidacies to be valid the following shall be collected:

- 50 voters' signatures for the head of municipality in the municipality with up to 1,000 inhabitants
- 100 voters' signatures for the head of a municipality in the municipality with more than 1,000 inhabitants,
- 500 voters' signatures for the mayor of a city with less than 35,000 inhabitants,
- 2000 voters' signatures for the mayor of a city with more than 35,000 inhabitants,
- 3000 voters' signatures for the county prefect
- 5000 voter's signatures for the Mayor of the City of Zagreb.

Article 17

Voters' signatures shall be collected on a stipulated form.

The form shall, in addition to the voter's signature, state the first and the last name, the address of the voter's permanent residence, and the number and place of issuance of a valid ID card.

The contents and the layout of the form shall be stipulated by the State Electoral commission of the Republic of Croatia (hereinafter referred to as: the State Electoral commission).

Article 18

Nominations of candidates shall be submitted to the competent electoral commission on a stipulated form within 12 days from the day of calling the elections.

Article 19

The nominations of candidates shall specify the first and last name of the candidate and the deputy, addresses of the permanent residence, and the numbers and places of issuance of valid ID cards.

Statements of the candidate's and deputy's acceptance of nomination shall be enclosed with the nomination. The statements on the acceptance of nomination shall be verified by a notary public or by the competent electoral commission.

Article 20

The name of the political party or coalition nominating the candidate shall be specified next to the first and last name of the candidate in the nomination of candidates.

"Independent candidate" shall be indicated next to the first and last name of the candidate nominated by voters.

Article 21

The competent electoral commission shall, upon the receipt of the candidacy, check whether the candidacy fully complies with the provisions of this Law and the mandatory instructions of the State Electoral commission.

If the competent electoral commission estimates that the candidacy has not been submitted in compliance with the provisions set forth in Paragraph 1 of this Article, it will request from the submitter to eliminate the observed defects within 48 hours.

The competent electoral commission may also set a shorter deadline for the elimination of defects on the part of the party submitting the candidacy if the deadline for nominations expires in less than 48 hours.

Article 22

If a candidate or his/her deputy should die before the expiration of the deadline for submission of the candidacy and prior to the announcement of the collective slate, the proponent may propose another candidate or deputy without being obliged to collect and submit to the electoral commission forms with signatures which are, based on the provisions of this Law, necessary for the candidacy to be valid.

Article 23

The competent electoral commission shall determine by a decision, which candidacies are valid in compliance with the provisions of this Law, and shall publish them in the public media.

Article 24

The competent electoral commission shall establish and announce a collective slate of valid candidacies within 48 hours from the expiry of the deadline for nominations.

Candidacies shall be entered into the collective slate in alphabetical order by the last name of the candidates.

Article 25

Electoral campaign shall start as of the day of announcement of the collective slates of candidacies, and it shall end 24 hours before the Election Day.

Candidates shall have the right to present and explain their election program during the electoral campaign.

Candidates shall have the right to electoral campaign under equal conditions.

Article 26

Local public media shall enable all candidates participating in the election to present and explain their election program, and a free conduct of the electoral campaign, under equal conditions.

Article 27

No electoral campaign or announcement of provisional results or estimates of election results shall be allowed on the day preceding the holding of elections and on Election Day until the closing of polling stations at 7 p.m.

On Election Day it shall be permitted to survey public opinion and voting options, but the results of the survey must not be published before 7 p.m.

Article 28

Candidates who win a minimum of ten per cent of votes of the total number of voters who turned out at elections shall be entitled to reimbursement of electoral campaign costs.

The reimbursement of costs of the electoral campaign shall be paid from the budget of the local or regional self-government unit.

Article 29

The amount of the reimbursement of costs for the electoral campaign shall be determined by the Croatian Government by a special decision.

The Croatian Government shall pass the decision at not later than 20 days before the day on which the election is held.

The decision shall also apply to early elections for a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb.

Article 30

Electoral campaign shall be financed by own funds and by donations of domestic natural and legal persons.

Article 31

Candidates and deputies shall be prohibited from receiving gifts in cash, other means, or services for covering their electoral campaign expenses from other states, political parties of other states, foreign citizens, legal persons of other states, public companies, legal persons with public powers and companies majority-owned by the state; legal persons in which the Republic of Croatia or the local or regional self-government unit is the majority owner of stocks or shares; public and other institutions founded by the Republic of Croatia or the local or regional self-government unit; association of employees and employers, associations, foundations on behalf of which act, or represent them, state officials or officials of the local or regional self-government unit; legal persons with public powers, religious communities, humanitarian and other non-profit associations and organizations; budgets of local or regional self-government units; companies owned or co-owned by a local or regional self-government unit and institutions founded by the state or by a local or regional self-government unit.

Article 32

It shall be forbidden to condition the launching, funding or completion of projects in a local or regional self-government unit by voting for a specific candidate.

Article 33

Candidates shall submit to the competent electoral commission a preliminary report on the sources and the amount of funds collected for financing the electoral campaign not later than 7 days before the day of the holding of elections.

Candidates shall submit to the competent electoral commission the final report on the sources and amount of funds spent on electoral campaign, within 14 days of the announcement of the official election results.

The competent electoral commission of the local or regional self-government unit shall publish a complete final report on the sources and amount of funds for the electoral campaign of all candidates in the local official journal and the local media.

III ELECTION OF A HEAD OF MUNICIPALITY, A MAYOR, A COUNTY PREFECT AND THE MAYOR OF THE CITY OF ZAGREB

Article 34

A head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb shall be elected by the majority electoral system so that the whole area of a city, municipality, county and the City of Zagreb shall constitute a single constituency.

Article 35

A head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb shall be elected by the majority of votes of all voters who have cast their ballot.

The candidate who wins more than 50% of votes from voters who have cast their ballot (the first round of elections) shall be elected a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb.

Article 36

If none of the candidates gets the majority of votes in the first round of elections, a repeated election (second round of elections) shall be held on the 14th day after the day of holding the first round of elections.

The two candidates with highest number of votes in the first round shall participate in the second round of elections.

If the second and third candidate should get a tied vote, and it is not possible to determine which one of them has the right to participate in the second round of elections, the entire election procedure will be repeated.

Article 37

If one or both candidates with the highest number of votes in the first round of elections should withdraw from the second round of elections, subsequent candidates, according to the number of obtained votes, shall have the right to participate in the second round of elections.

The candidate shall provide a written statement on withdrawal from the second round of elections to the competent electoral commission within two days from the day a decision on holding the second round of elections has been passed.

The electoral commission shall immediately notify the subsequent candidate by the number of votes about the withdrawal, who shall gain the right to participate in the second round.

The competent electoral commission shall in the course of the next 24 hours announce which candidates shall participate in the second round of elections based on the number of votes they won.

Article 38

The candidate who gets a higher number of votes from voters who have cast their ballot shall be elected in the second round.

If both candidates win equal number of votes in the second round, the elections with the same candidates shall be repeated in the third round in the manner and according to the procedure stipulated for the second round of elections.

Article 39

If one of the candidates, who have the right to participate in the second round of elections, should die in the period from the first round of elections to the second round, the entire election procedure shall be repeated.

Article 40

Candidates participating in the second round of elections, that is, in the third round of elections, shall have the right to electoral campaign in terms of the provisions of this Law.

IV BODIES FOR THE CONDUCT OF ELECTIONS

Article 41

Bodies for the conduct of elections shall include the State Electoral commission, electoral commissions in local or regional self-government unit and voting committees appointed for election of members of representative bodies of local and regional self-government units (hereinafter: electoral bodies).

Article 42

Election of the head of municipality shall be conducted by the municipal electoral commission and voting committees.

Election of the mayor shall be conducted by the city electoral commission and voting committees.

Election of the county prefect shall be conducted by the county electoral commission, municipal or city electoral commission and voting committees.

Election of the Mayor of the City of Zagreb shall be conducted by the city electoral commission of the City of Zagreb and voting committees.

Article 43

When elections are held at the same time as elections for members of representative bodies of local or regional self-government units, no separate electoral bodies shall be appointed, instead, the same electoral bodies shall conduct all election activities.

The same electoral bodies shall also conduct early elections.

Article 44

Members of electoral commissions and voting committees, and deputy members, may only be individuals with the right of suffrage.

Members of electoral commissions and voting committees, and deputy members shall be entitled to remuneration for their work

The amount of remuneration shall be determined by the State Electoral Commission

The decision shall also apply to early elections for a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb.

Article 45

The provisions of the law regulating the election of members to representative bodies shall apply to the appointment, composition and the scope of activities of electoral commissions in local or regional self-government units and voting committees, unless otherwise stipulated by this Law.

V CONDUCT OF THE ELECTIONS

Article 46

Voting shall take place at polling stations in the territory of a municipality, city and the City of Zagreb.

A polling station may not be located in a religious building, a building owned, leased or permanently used by a political party, and in the premises in which alcoholic drinks are served and consumed.

Article 47

Polling stations shall be determined by the competent electoral commissions depending on the number of voters and physical distance, so that all voters are ensured access to polling stations and the possibility to vote on Election Day.

Each polling station shall have its ordinal number assigned by the competent electoral commission.

A list of polling stations indicating which voters will vote and where, shall be published not later than eight days before the election in the public media and at places of the usual public gathering of citizens.

Article 48

A separate room for voting shall be designated for each polling station.

A polling station shall be arranged and equipped in such a way that the secrecy of ballot is ensured.

Article 49

Collective slates of candidacies with the names of candidates and deputies nominated in the unit must be displayed at each polling station.

VI VOTING AND ESTABLISHING THE RESULTS OF VOTING

Article 50

Voting shall be conducted personally by ballot at the polling station.

The ballot shall be printed by a national printing-house under the direct supervision of the State Electoral commission, and it shall carry a serial number.

Article 51

The ballot shall contain:

- ordinal number of a candidate
- The first and last name of the candidate and the deputy,
- name of the political party or coalition that has nominated the candidate and the deputy, or the indication - independent candidate,
- serial number.

Candidates shall be listed on the ballot in alphabetical order by the last name of the candidates and their deputies.

Article 52

A person may vote only for the candidates listed on the ballot.

The ballot shall be filled out by circling the ordinal number in front of the first and last name of the candidate for whom the voter votes.

Article 53

A valid ballot shall be the ballot from which it can be determined with certainty and undoubtedly who is the candidate from whom the voter voted.

Article 54

An invalid ballot shall be:

- a ballot that has not been filled out,
- a ballot from which it is impossible to establish with certainty and undoubtedly for whom the voter voted,
- a ballot on which the voter has voted for two or more candidates.

Article 55

Voting shall last from 7 a.m. until 7 p.m., when polling stations shall be closed. The voters found standing in line at a polling station at 7 p.m. shall be allowed to vote.

During the time of voting all members of the voting committee or their deputies shall be present at the polling station.

Article 56

Everyone shall respect peace and order at the polling station, and refrain from any activities that may insult others, interfere with or prevent them from voting.

No one may come armed to a polling station.

Article 57

The president of the voting committee shall be authorized and obliged to provide for keeping peace and order during voting, and take necessary measures to restore disrupted peace and order.

The president of the election committee shall be authorized to order the voter who is interfering with and breaching peace and order or hampering and preventing the voting of others to leave the polling station.

The president of the voting committee may seek police assistance. Police officials, from whom assistance has been sought, may carry guns at the polling station.

Article 58

Before a voter proceeds with voting, the president of the voting committee or a member authorized by him shall establish the identity of the voter on the grounds of a valid ID card or passport and check whether the voter is registered in the voters' list.

Having established the identity of the voter and having determined that the voter is registered in the voters' list, the president of the voting committee or a member authorized by him shall give the voter a ballot and allow him to proceed with voting.

The president of the voting committee or a member authorized by him shall indicate that the voter has received the ballot and proceeded with voting by circling the number in the voters' list.

Article 59

If the president of the voting committee or a member authorized by him should establish that a voter is not registered, he will not be allowed to vote, unless the voter proves that he has the right to vote at that polling station by a certificate of a competent body.

The certificate based on which the unregistered voter has voted shall be handed over to the voting committee before voting, and it shall be an integral part of the election material.

The voting of the voter referred to in Paragraph 1 of this Article shall be separately recorded in the minutes on the work of the voting committee.

Article 60

A voter who, due to a physical handicap or because he is illiterate, cannot vote independently, may come to the polling station accompanied by a literate person who shall vote in his name, according to his authority and instruction.

A voter, who, due to severe illness, physical disability or general incapacity, cannot come to the polling station, shall inform the voting committee about it. The president of the voting committee shall appoint two members of the election committee or deputy members who shall visit the voter and enable him to vote.

The voter must be ensured the secrecy of ballot.

The voting of the voter in terms of the provisions of Paragraph 1 and 2 of this Article shall be separately recorded in the minutes on the work of the voting committee.

Article 61

When the voting is over, the voting committee shall first count the unused ballots and put them in a special envelope that will be closed and sealed.

After that, the voting committee shall establish, according to the voters' list, or the extract from the voters' list, and based on the minutes, the total number of voters who voted, it shall proceed with the opening of the box with ballots and the counting of votes.

If during the counting of votes at the polling station it is established that the number of votes according to the voters' list exceeds the number of votes by ballot, the result of voting according to the ballots shall be valid.

If during the counting of votes at the polling station it is established that a lower number of voters voted than the number of votes in the ballot box, the voting committee shall be disbanded and a new one shall be appointed, and voting at this polling station shall be repeated after 14 days. In the event of repeating the voting, the result at this polling station shall be established within 24 hours after the repeated voting.

Article 62

When the voting committee establishes the result of voting at a polling station, the following shall be recorded in the minutes on its work:

- the number of voters according to the voters' list, that is, an extract from the voters' list,
- voter turnout according to the list, or with a certificate,
- the number of voters who voted outside the polling station,
- the number of voters who voted at the polling station with the assistance of another person,
- the total number of voters who voted,
- how many votes each candidate has won, and
- the number of invalid ballots.

Article 63

All other facts relevant for voting shall be recorded in the minutes on the work of the voting committee.

Remarks on the minutes can be made by all members of the voting committee and deputy members.

The minutes shall be signed by all members of the voting committee.

If any member of the voting committee or deputy member should refuse to sign the minutes, an official note shall be made in the minutes that shall establish the fact of refusal to sign and the reasons for refusal, if the member of the voting committee or the deputy member would specify them.

Article 65

The minutes on the work and any other election material shall immediately be submitted by the voting committee to the electoral commission of the municipality, city, or the City of Zagreb, not later than within 12 hours after the closing of the polling stations.

Article 65

The electoral commission shall establish the results of voting at polling stations in its territory not later than within 24 hours of the closing of polling stations.

In the case of elections for county prefects, the electoral commission of the municipality, that is, city shall submit the election results in its territory together with the minutes on its work, to the competent county electoral commission, in the way and within the period it specifies.

Article 66

The electoral commission shall keep minutes on its work in which it shall record:

- the number of voters registered in the voters' list, that is, an extract from the voters' list in its territory,
- the number of the valid and invalid ballots,
- the number of votes won by each candidate.

Article 67

Each member and deputy member of the electoral commission may put their remarks to the minutes.

The minutes shall be signed by all members of the electoral commission.

If a member of the voting committee or deputy member should refuse to sign the minutes an official note shall be made to the minutes that shall establish the fact of refusal to sign and the reasons for refusal, if the member of the voting committee or the deputy member would specify them.

Article 68

The results of the elections for a head of municipality, a mayor, a county prefect or the Mayor of the City of Zagreb, shall be established by the competent electoral commission of the local or regional self-government unit based on the results of voting at all polling stations in the local or regional self-government unit.

Article 69

When the electoral commission has established the voting results it shall immediately announce:

- œ the number of voters registered in the voters' list of the local or regional self-government unit,
- œ how many votes each candidate has won,
- œ how many invalid ballots there were,
- œ first and last name of the candidate who has been elected head of municipality, a mayor, a county prefect or the Mayor of the City of Zagreb
- œ first and last name of the deputy candidate who has been elected deputy head of municipality, a mayor, a county prefect or the Mayor of the City of Zagreb

Election results shall be immediately announced in the local media, on the local radio and in the newspapers, as well as on the notice board of the local or regional self-government unit.

VII OBSERVER RIGHTS AND RESPONSIBILITIES

Article 70

Political parties, the voters who have nominated their candidates, non-governmental organizations and international organizations operating in the Republic of Croatia shall have the right to monitor elections.

The right to monitor elections shall particularly include the monitoring of electoral campaign, especially the printing and use of the election material, overall election process, voting, work of the electoral bodies and insight into any election material.

Article 71

An observer nominated by a political party shall present a certificate of the political party that has nominated him to the electoral body whose work he is monitoring. The certificate shall be issued and signed by the person authorized to represent the political party, that is, a proxy authorized by that person.

An observer nominated by the voters who have nominated an independent candidate, shall present the consent of the independent candidate to the electoral body whose work he is monitoring.

Article 72

Non-governmental organizations that intend to monitor the conduct of elections shall, not later than twenty days from the day when the election is called, request a permit to monitor the work of the electoral commissions and election committees with the competent county electoral commission.

The State Electoral commission shall decide about issuing permits for the monitoring of its work.

A decision on the registration in the Register of Associations shall be enclosed with the request for the issuance of the permit, in transcript or copy.

The competent electoral commission shall without delay forward the decision on the request by a non-governmental organization to the address of the seat of the organization or to the authorized person of the organization.

Article 73

The observer nominated by a non-governmental organization allowed to monitor the election shall present a certificate of the non-governmental organization that has nominated him to the electoral body whose work he is monitoring. The certificate shall be issued and signed by the person authorized to represent the organization, i.e. the proxy authorized by that person.

The certificate shall state the number and date of the permit for monitoring the work of the electoral body, and the electoral commission that has issued the permit.

Article 74

The status of the observer nominated by an international organization operating in the Republic of Croatia (international observer) shall be determined by the approval of the State Electoral commission.

Before the start of monitoring the election procedure international observers shall present the approval referred to in Paragraph 1 of this Article to the president or a member of the electoral body whose work they are monitoring.

Article 75

Before the start of monitoring the elections observers shall present to the president or a member of the electoral body whose work they will monitor:

- a political party observer – the certificate of the political party that has nominated him,
- a non-governmental organization observer – the ID card he was issued by the competent electoral commission,
- an international observer – the ID card he was issued by the State Electoral commission.

If the competent electoral commission, based on a timely submitted request, has not issued an ID card to a non-governmental organization observer, the observer will be identified by the decision of the competent county electoral commission by which the non-governmental organization was permitted to monitor the elections and by the decision of the authorized non-governmental organization on the nomination of the observer.

Article 76

Throughout the monitoring process, the observer who has been issued an ID card by the competent electoral commission shall wear it visibly displayed.

The electoral body whose work is being monitored must not forbid monitoring, but it may limit the number of observers if the conditions of the premises or other reasons that cannot be eliminated do not allow simultaneous monitoring by all observers.

Political parties, the voters who have proposed candidates, non-governmental organizations and international organizations must be allowed to have at least one observer at the polling station or in the electoral body.

Article 77

An observer shall have the right to monitor the entire election process, voting, the work of the electoral bodies, and shall have the right of insight into all election materials.

In the course of monitoring, the observer shall comply with the provisions of this Law, as well as with any written and oral instructions of the State Electoral commission, electoral commissions in the local and regional self-government units and voting committees.

Electoral bodies shall enable all observers equally and without limitations to monitor and observe their work.

Article 78

An observer shall have the right to be present at the work of the electoral commission during the holding of meetings, warn about the observed irregularities and ask for their elimination.

An observer shall have the right to present written, justified remarks to the work of the electoral body. The remarks shall be enclosed to the minutes on the work of the electoral body.

An observer shall have the right to request a copy or a transcript of the minutes on the work of the electoral body whose work he has observed.

Article 79

No observer may interfere with the work of the electoral body.

The president of the electoral body will verbally warn an observer who interferes with the work of the electoral body.

The president of the electoral body shall be authorized to remove an observer, if, in spite of the warning, he continues with interfering.

Article 80

Any observer monitoring the work of the election committee shall have the right to be present at the work of the election committee from the moment of preparing the polling stations before the opening, during the voting, the counting of ballots and establishing voting results.

Any observer shall have the right to present written, justified remarks to the minutes on the work of the election committee.

The election committee shall receive the observer's remark, enclose it to the minutes on the work of the election committee and issue a certificate about it.

Article 81

Any observer may monitor the hand-over of the election material by the election committee to the competent electoral commission.

Any observer may arrive at and leave the polling station, without interrupting the process of voting and the work of the election committee.

Any observer may be present at the voting and the counting of votes, warn about any irregularities and request their elimination, and enter his remarks to the minutes of the electoral body.

Any observer shall have the right to receive a copy of the minutes of the electoral body whose work he has observed.

Article 82

No observer shall be allowed to:

- answer any questions by voters. The observer shall refer such a voter, who approaches him to the president or a member of the election committee,
- wear signs, badges, photographs, promotional or other material that may influence voters,
- tape-record or video-record the work of the electoral bodies,
- exert any active or passive influence on voters.

VIII EXPENSES FOR THE CONDUCT OF ELECTIONS**Article 83**

The funds for the conduct of regular and early elections for the heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb, shall be earmarked in the budget of the local or regional self-government unit.

In the financial planning and preparation of the budget for the calendar year in which regular elections are to be held, local and regional self-government units shall earmark the funds for the conduct of elections.

Article 84

The funds for the conduct elections shall be at the disposal to the electoral commission of the local or regional self-government unit.

The electoral commission shall determine how the funds will be used, monitor their distribution and spending, and allocate funds to the election committees.

IX PROTECTION OF THE ELECTORAL RIGHT

Article 85

The Constitutional Court of the Republic of Croatia shall perform the control over the constitutionality and legality of elections for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb, and shall decide on electoral disputes in compliance with the provisions of this Law.

Article 86

Any complaint due to irregularities in the nomination or election process may be filed by political parties, candidates and candidates' deputies, by at least 100 voters or at least 5% of voters of local or regional self-government unit in which the election is held.

Article 87

Complaints due to irregularities in the process of nomination and election of heads of municipalities and mayors shall be decided by the county electoral commission

Complaints due to irregularities in the process of nomination and election of county prefects and the mayor of the City of Zagreb shall be addressed by the State Electoral commission.

Article 88

Complaints due to irregularities in the process of nomination and election of heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb shall be filed with the competent electoral commission within 48 hours counting from the expiry of the day on which the activity for which the complaint is filed was performed.

The competent electoral commission shall pass a decision on the complaint within 48 hours from the day when the complaint has been submitted, i.e. the day on which the election materials, subject of the complaint, have been submitted.

Article 89

If the competent electoral commission, while deciding about the complaint, finds that irregularities have occurred which most significantly impact the election results, it will annul the activities in the procedure and order the activities to be repeated within a deadline which must ensure the holding of elections on the day for which they are called.

If the possibility to repeat the annulled activities referred to in the previous paragraph does not exist, or if the irregularities refer to the voting procedure, and they had a significant impact on the election result, the competent electoral commission shall annul the elections, and determine a deadline within which repeated elections are to be held.

Article 90

Electoral proceedings may be instituted against the decision of the competent electoral commission by lodging an appeal with the Constitutional Court of the Republic of Croatia.

The appeal may be lodged by political parties, candidates, and candidates' deputies, and by a minimum of 100 voters or at least 5% of voters of the local or regional self-government unit in which the election is held.

The appeal shall be lodged through the competent electoral commission within 48 hours from the day when the contested decision was received.

The Constitutional Court shall decide about the appeal within 48 hours from the receipt of the appeal.

Article 91

The complaint and the appeal in the procedure for the protection of the electoral right shall not delay the carrying out of electoral activities in compliance with this Law.

Article 92

Depositions and decisions in the procedure for the protection of the electoral right under the provisions of this Law shall not be subject to the payment of fees.

X PENAL PROVISIONS

Article 93

A fine in the amount of HRK 3,000.00 shall be imposed for an offence against:

– a natural person for the breach of election silence (Article 26).

A fine in the amount of HRK 10,000.00 to 30,000.00 shall be charged for an offence against:

– a candidate in elections for the breach of election silence (Article 26).

A fine in the amount of HRK 100,000.00 to 500,000.00 shall be charged for an offence against:

– a legal person for the breach of election silence (Article 26).

A fine in the amount of 10,000.00 to 30,000.00 shall be charged for an offence against:

– a responsible person in the legal person for the breach of election silence (Article 26).

XI INTERIM AND FINAL PROVISIONS

Article 94

By entering into force of this Law, the provision of Article 38 of the Law on the Election of Members of Representative Bodies of Local and Regional Self-Government Units (Official

Gazette No. 33/01, 10/02, 155/02, 45/03, 43/04, 40/05 and 44/05 – consolidated text) shall cease to be valid.

Article 95

The provisions of Articles 69 through 81 of this Law, stipulating the rights, obligations and responsibility of observers, and the method of their appointment, shall also apply to the election of members of representative bodies of local and regional self-government units.

Article 96

This Law shall come into effect on the eighth day from the day of its publication in the Official Gazette, and shall be applied in the first next regular elections for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb

E X P L A N A T I O N

I REASONS FOR WHICH THE LAW IS ADOPTED

The system of local self-government has been modified on several occasions since the introduction of local self-government in 1992. From 1993 to this day, representative bodies of local units have been elected at direct local elections, by secret ballot of voters who are of age and residing in their territory. The majority electoral system was gradually replaced by the proportional one. The territorial organization underwent reform in 1997. The capacity of local units was also built by the decentralization of functions. Further stages of the decentralization process are forthcoming, some of which have already begun by the establishment of the Commission for Decentralization.

The method of election of representative and executive bodies has not changed basically. The announcement of the official results of local elections is followed by the constitution of representative bodies, which then elect the holders of the executive authority and indirectly verify the composition of the executive bodies, the executive boards.

According to the latest amendments to the Law on Local and Regional Self-Government from 2005, heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb whose function has been re-introduced in all local units, regardless of the size of the population, are elected from among the members of representative bodies, or more precisely from among the holders of party or independent lists, whose election results have given them right to a certain number of seats in local assemblies.

In this way, holders of the executive authority, at the same time presidents of executive boards as the executive bodies, are only indirectly elected by the voters, since their election is primarily the result of political agreements between different political options represented in the council. They do not undergo verification during the election process as individuals, by name and last name, and even more importantly, by the program.

Most of them have undisputedly contributed to their political option with a certain at times even significant number of votes, but the fact is that they were not elected to their position by their name and last name.

The Law, which the Croatian Government is forwarding to the Parliament for a second reading, for the first time introduces the direct election of heads of municipality, mayors,

county prefects and the Mayor of the City of Zagreb to the political system of the Republic of Croatia.

This is definitely a big and important novelty. This also means a deep change of the system, but also of the concept of local self-government with regard to the concept adopted by the political and legislative reforms in the period between 1990 and 1992. None of the modifications of the local government system, or of the electoral legislation at local level, has been so fundamental and far-reaching to change not only the method of election, but also the rights, obligations and responsibilities of the holders of executive power.

The change in the method by which they will be elected will additionally enhance the role of heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb

Since the roles of these officials is significantly enhanced, it will be necessary to carefully and accurately develop other relation, in order for the rights, obligations and responsibilities, and particularly the inter-relations between representative and executive bodies, to be harmonized as best as possible and consistently stipulated. This said, for the purpose of respecting the will of the voters, but also the legality of work and by-laws adopted by the bodies of local units.

Direct election has received support, almost by consensus, by both the political parties and citizens – voters, and to a large extent by the professional public.

Different political systems, even within one country, and varied political traditions and affiliations, are an important source of data, ideas, experiences and solutions, however, they are not suitable for a non-selective and non-critical application, without being to the maximum possible extent adapted to the political conditions, political tradition but also the political culture in Croatia today.

The proponent of this Law believes that the proposed solution of direct election will provide for a more precise expression of the will of voters at the elections and this is the biggest benefit of the proposed law.

Respecting the will of voters, their vote and political choice is the pre-condition for the return of trust by citizens in the possibility to influence the political and economic developments, particularly at the local level. The proponent expects a significant rise in voters' turnout in the next regular local elections where both, council members and mayors/heads of municipalities will be directly elected for the first time.

A higher turnout of voters in local elections, since direct elections for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb will enhance the interest of citizens to turn out at the elections, but also to take part in public life in general, particularly at the local level, is one of the more important and likely effects of direct elections. The above statements are based on the data of a well-known and prominent international organization IDEA – Institute for Democracy and Electoral Assistance with the seat in Stockholm, published in *Voter Turnout in Western Europe since 1945* and *Regional Voter Turnout* (publications).

It is also important to emphasize that the election result, particularly the result of all four years of the duration of term of office is always more personalized in the framework of local community, and it is always more connected with the personality of the local official in office who was elected primarily due to the trust of the domiciled inhabitants of that local community whose interests he should advocate and realize.

Finally, the professional public shares a unanimous opinion that the implementation of the system of direct election of holders of executive authority will contribute to a higher level of political stability of the representative body, and along with this to the efficiency of the executive authority, provided that we take into consideration the repeating of elections in a large number of local units.

The public expects the direct election of mayors/heads of municipalities to be a big and important step in raising the political culture and credibility of the participants in political processes at the local level, but also at the national level.

II ISSUES REGULATED BY THE LAW

The main issues that are proposed to be regulated by this Law:

- ☞ direct election of heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb is introduced
- ☞ the length of the term of office for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb is determined, depending on whether they are elected in regular or extraordinary elections
- ☞ the concept of incompatibility is defined, and a simultaneous holding of certain functions with the function of a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb is banned
- ☞ the nomination procedure for candidates and deputies for county prefects, the mayor of the City of Zagreb, mayors and heads of municipalities is elaborated
- ☞ the implementation of the election process, voting, establishing the voting results is elaborated
- ☞ specific concepts are additionally harmonized with the Council of Europe's Recommendations 151 (2004) on advantages and disadvantages of directly elected holders of executive authority in the light of the principles of the European Charter of Local Self-Government (approved by the Chamber of Local Authorities on May 25, 2004, and adopted by the Standing Conference of the Congress of Local and Regional Authorities on May 27, 2004)
- ☞ rights and responsibilities of observers are stipulated, as well as the method of their appointment and accreditation
- ☞ it is established that provisions of special laws that regulate the work of the State Electoral commission, i.e. the election of members of representative bodies of local units will apply to the composition, competence and authority of the bodies directly conducting the elections or overseeing the legality of their conduct
- ☞ a more detailed obligation to finance the costs of the conduct of elections is defined.

Effects that will result from the adoption of this Law:

- ☞ **the possibility, but also a higher probability that the will of the voters expressed in the elections will be respected**
- ☞ higher level of security and continuity in the work of the executive body
- ☞ recognizable candidate, and, ultimately, the elected official
- ☞ higher cost-effectiveness of the work of the executive body
- ☞ further democratization of the electoral procedure, for the purpose of a comprehensive regulation of rights, obligations and responsibilities of observers
- ☞ the electoral system at the local level will be additionally and fully harmonized with internationally-recognized and adopted principles and currently valid rules of the electoral legislation of the European countries. For instance, since the text of the law is

harmonized with the views of the Venice Commission (European Commission for Democracy through Law) expressed in the Code of Good Practice in Electoral Matters – The Council of Europe, Strasbourg, 2002 (CDL-AD (2002) 23).

III EXPLANATION OF PROVISIONS OF THE PROPOSED LAW

With Chapter I GENERAL PROVISIONS (Articles 1-13)

The provisions of Articles 1 and 2 stipulate the content of the Law, that is, direct election of heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb as well as their deputies.

The provisions of Articles 3 and 4 stipulate the basic issues regarding the exercise of active and passive right of suffrage in elections for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb.

The provisions of Articles 5 and 6 specify the length of the term of office, i.e. the termination of the term of office of elected heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb and the time when elections are to be held.

The provisions of Articles 7 and 8 anticipate a possibility for cessation of the term of office of county prefects, the mayor of the City of Zagreb, mayors and heads of municipalities as well as their substitutes before the expiration of their term of office, in which case early elections shall be called. At the same time it is stipulated that early elections shall not be held in the local or regional self-government unit in which the term of office of a head of municipality, mayor, county prefect and the Mayor of the City of Zagreb has ceased in the calendar year in which regular elections are to be held, in which case his rights, obligations and responsibilities shall be carried out by his/her deputy. Likewise, the possibility for the Croatian Government to appoint a proxy in the case of cessation of the term of office of a deputy has also been anticipated.

The provisions of Articles 9 to 11 define the institute of incompatibility, i.e. inability to simultaneously hold certain functions and the function of a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb as well as their deputy.

The provision of Article 12 specifies in which cases the term of office of a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb may cease even before the expiration of the term of office.

The provision of Article 13 protects the active suffrage.

With Chapter II NOMINATION OF CANDIDATES (Articles 14-33)

The procedure of nomination of candidates and their deputies is defined by these provisions.

The provisions of Articles 14 and 15 stipulate who may be the proponent of a candidate for a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb and their deputies.

Provisions of Articles 16 and 17 anticipate the obligation to collect signatures for political parties and voters as proponents of candidates, whereby the number of signatures is specified, as well as the manner of collecting signatures of voters necessary for the validity of a nomination.

The provisions of Articles 18 to 20 specify the period within which nominations of candidates must be submitted to the competent electoral commission of a local or regional self-government unit, as well as the contents of the nominations of candidates (candidacy).

The provisions of Articles 21 to 24 stipulate the authority of the competent electoral commission related to the inspection and establishment of valid candidacies and specify the manner of entering candidacies to the collective list for the election of a head of municipality, a mayor, a county prefect and the Mayor of the City of Zagreb.

The provisions of Articles 25 to 29 stipulate the duration of election silence period, and propose the right to the reimbursement of costs of electoral campaign.

The provisions of Articles 30 to 33 stipulate the manner in which funds are raised to finance electoral campaigns, as well as the obligation of candidates to submit reports on the costs of the electoral campaign to the competent electoral commission. The above stated will significantly contribute to the transparency of rising and spending of funds.

With Chapter III ELECTION OF HEADS OF MUNICIPALITIES, MAYORS, COUNTY PREFECTS AND THE MAYOR OF THE CITY OF ZAGREB (Articles 34-40)

The provision of Article 34 anticipates the election model according to which heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb are to be elected by the majority election method, in the way that the entire territory of a local unit shall represent a single electoral constituency.

The provisions of Articles 35 to 38 stipulate that a candidate who wins more than 50% of votes of all voter at the elections will be elected head of municipality, mayor, county prefect and the Mayor of the City of Zagreb, that is, that elections shall be repeated in case no candidate wins the aforementioned majority of votes, meaning that the first round of elections would be followed by the second round of elections or the third one if both candidates win the same number of votes in the second round.

The provision of Article 39 anticipates a possibility for repeating elections as a whole, if one of the candidates who is entitled to participate in the second round of the elections, dies in the period between the first and the second round of elections.

The provision of Article 40 stipulates the right to electoral campaign of candidates who participate in the second or third round of elections.

With Chapter IV BODIES FOR THE CONDUCT OF ELECTIONS (Articles 41 to 45)

In these provisions of the future law, the adjustment is made with the provisions of the Law on the Election of Members to the Representative Bodies of Local and Regional Self-government Unites, which stipulate the composition of the bodies for the conduct of elections.

The provision of Article 43 stipulates that in the circumstances that the elections for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb are held at the same time as the elections for members in the representative bodies of the local and

regional self-government units, election activities shall be carried out by the same electoral bodies. The above mentioned will significantly simplify the conduct of elections, and, of course, reduce the costs of the conduct of elections.

The provision of Article 44 stipulates that members of electoral commissions and election committees, as well as their deputies shall be entitled to remuneration for their work. The amount of the remuneration would be determined by the State Electoral Commission by a special decision.

With Chapter V CONDUCTING THE ELECTIONS (Articles 46-49)

The provisions of Articles 46 and 47 stipulate and specify the method of determining polling stations in order to enable all voters to exercise their suffrage without any difficulties on the day on which elections are held.

Provisions of Articles 47 and 48 define in more detail the manner in which polling stations are arranged in order to respect and ensure maximum secrecy of ballot for each voter.

With Chapter VI VOTING AND ESTABLISHING THE VOTING RESULTS (Articles 50-69)

The provisions of Articles 50 to 55 stipulate the manner of voting, the mandatory content of a ballot, the conditions required for a ballot to be valid and the duration of voting procedure.

The provisions of Articles 56 to 60 stipulate the conditions at polling stations and the voting procedure itself.

The provisions of Articles 61 to 64 stipulate the activities of the voting committee after the voting has been completed, that is, the counting of votes and drafting minutes on the work of the voting committee.

Provisions of Articles 65 and 69 anticipate the activities of the competent electoral commission related to the establishment of voting results and stipulate that results of election for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb will be determined by the competent electoral commission of the local or regional self-government unit based on the results of voting at all polling stations.

With Chapter VII OBSERVER'S RIGHTS AND RESPONSIBILITIES (Articles 70-82)

The possibility is foreseen for political parties and voters who have nominated their candidates, as well as for non-governmental organizations and international organizations, to appoint observers who will monitor the conduct of elections, while their rights are certainly defined more precisely than it has been the case so far in electoral legislation.

In line with the usual practice in monitoring elections, and in accordance with the mandatory instructions adopted by the State Electoral commission on the appointment and accreditation of observers, and their rights and responsibilities, the monitoring of elections, the work of electoral bodies, the preparation and distribution of election material and the voting itself is addressed in a comprehensive and systematic manner.

With Chapter VIII COSTS OF CONDUCTING ELECTIONS
(Articles 83-84)

The provision of Article 83 stipulates that funds for conducting regular and early elections for heads of municipality, mayors, county prefects and the Mayor of the City of Zagreb are earmarked in the budget of a local or regional self-government unit. The local unit should make sure that the required funds are actually earmarked in its budget.

The provision of Article 84 stipulates that the funds shall be at disposal of the electoral commission of the local or regional self-government unit, which is authorized to define the manner in which they will be used, as well as to carry out control over their distribution.

With Chapter IX PROTECTION OF ELECTORAL RIGHTS
(Articles 85-92)

The provision of Article 85 stipulates that the Constitutional Court of the Republic of Croatia is competent for supervision of constitutionality and legality of elections of county prefects, the mayor of the City of Zagreb, mayors and heads of municipalities, as well as for the resolution of electoral disputes.

The provision of Article 86 stipulates who is authorized to file a complaint due to the irregularities in the nomination procedure or in the course of elections.

The provisions of Articles 87 and 88 stipulate the competent electoral commissions responsible for resolving complaints as well as the deadline for filing a complaint, that is, pass a decision upon the filed complaint.

The provision of Article 89 stipulates competencies of the relevant electoral commission when, in the process of deciding upon complaint, it established irregularities which may significantly influence, or which have influenced, the election results.

The provision of Article 90 stipulates who is authorized to lodge an appeal as well as the conduct of relevant bodies upon the appeal. The provisions have been harmonized with the Constitutional Law on the Constitutional Court of the Republic of Croatia.

Provisions of Articles 91 and 92 stipulate that complaint and appeal do not delay the performance of electoral activities and that no fees are paid for submissions and decisions in the procedure for the protection of suffrage.

With Chapter X PENAL PROVISIONS
(Articles 93)

Fines are stipulated for the breach of election silence.

**With Chapter XI TRANSITIONAL AND FINAL PROVISIONS
(Articles 94-96)**

The application of specific provisions of the future law is specified and explained, and the day on which the Law is to come into effect is stipulated, with a remark that this refers to the application of legal provisions with a significant delay.

IV FINANCIAL RESOURCES REQUIRED FOR THE IMPLEMENTATION OF THIS LAW

It is estimated that the implementation of this Law will not require the provision of additional financial resources in the State Budget of the Republic of Croatia.

The implementation of this Law will require the provision of additional resources in the budgets of the local and regional self-government units. Additional funds will be primarily required for printing the election materials, additional expenses for the work of electoral commissions and election committees if the election will have to be conducted in two, possibly even more, election rounds, and for the reimbursement of costs of the electoral campaign to which candidates who win over 10% of votes in elections will be entitled.

The above costs are estimated at ca. HRK 50 million. The final amount of costs will definitely depend on the number of local or regional self-government units in which the second round of elections will be held and on the number of candidates who will be eligible to reimbursement of the electoral campaign costs.

V DIFFERENCES BETWEEN THE PROPOSED SOLUTIONS WITH RESPECT TO THE SOLUTIONS FROM THE PROPOSAL OF THE LAW, AND THE REASONS FOR WHICH THESE DIFFERENCES HAVE OCCURRED

A significant difference in relation to the Proposed Law is also the fact that proponent elaborated and stipulated in detail cases of cessation of the term of office of heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb, prior to the regular, legally stipulated, expiration of the term. The text stipulates and specifies the competencies of a deputy, representative bodies and the Croatian Government in such cases. It is assessed that the proposed solutions are fair and logical and that they would contribute to the economical and rational use of funds.

VI PROPOSALS AND OPINIONS THAT WERE GIVEN TO THE PROPOSAL OF THE LAW, BUT WERE NOT ACCEPTED, WITH EXPLANATION

In the course of discussion on the Proposed Law, clubs of representatives, working bodies of the Parliament and MPs stated numerous remarks most of which, as indicated, were accepted and incorporated into the text of the Final Bill.

The proponent did not accept some remarks, proposals and suggestions since it assessed that they were contrary to the standpoints, that is, solutions of the proponent. For instance, it did not accept remarks by MPs Dragutin Lesar and Zlatko Kramaric who advocated that election of members of representative bodies of local units, as well as heads of municipalities, mayors, county prefects and the Mayor of the City of Zagreb and their deputies, be stipulated by one, single legal text. The proponent assessed that, even though these are the electoral legislation laws, this was still the case of a special content the stipulation of which

requires additional and specific solutions; therefore it is advisable and more adequate to have two separate legal texts.

Furthermore, the remark of MP Zlatko Tomcic to erase from the Final Bill the obligation of candidates to submit temporary reports on the use of funds was not accepted. On the contrary, it was specified that they have an obligation to also submit complete, final reports which will be published in the media in order to be accessible to citizens – voters. Likewise, the remark that candidates should not collect a certain number of votes but a certain percentage of voters' votes in the territory of a local unit was not accepted either. The proponent deems that different interpretations and actions are possible and, due to legal safety and certainty, it deems that it is more advisable to keep the solution by which the validity of a nomination, along with other conditions, is also linked to accurate, legally determined number of properly collected voters' signatures.

The remarks of MP Biserka Perman and MP Zlatko Tomcic were not accepted nor was the solution based on which the Croatian Government would no longer decide on the amount of compensation for the electoral campaign expenses, but the compensation would be determined by local and regional self-government units themselves. The proponent deems that it would be advisable to ensure equal right to compensation for all candidates and that a different solution would place candidates into an unequal position.