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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

DRAFT LAW
ON VOTERS LISTS
OF THE REPUBLIC OF CROATIA

REPUBLIC OF CROATIA

CENTRAL STATE ADMINISTRATION OFFICE

DRAFT

BILL ON VOTERS' LISTS

ZAGREB, December 2006

PROPOSAL FOR THE ADOPTION OF THE LAW ON VOTERS' LISTS

CONSTITUTIONAL BASIS FOR THE ADOPTION OF THE LAW

The constitutional basis for the adoption of this Law is contained in the provision of Article 45 of the Constitution of the Republic of Croatia, which stipulates that all Croatian citizens have universal and equal suffrage that they acquire on the day of coming of age, when they turn 18 years, in compliance with a special law.

Pursuant to Article 82, Paragraph 2 of the Constitution of the Republic of Croatia, this Law, as a part of the electoral system, is passed by the majority vote of all MPs.

ASSESSMENT OF THE SITUATION AND BASIC ISSUES TO BE REGULATED BY THE LAW AND THE CONSEQUENCES WHICH WILL ENSUE FROM THE ADOPTION OF THE LAW

The existing Law on Voters' Lists ("Official Gazette", No. 19/1992) was passed in March 1992, immediately prior to the holding of parliamentary and presidential elections. The following years saw the adoption of laws involving a new territorial organization and a series of organizational laws which stipulated the new terminology for various legal institutions and bodies which are differently termed in the current Law on Voters' Lists.

In the course of many years of application of the current Law, a series of questions and problems was determined with regard to the preparation of voters' lists for particular elections, which [*voters' lists*] were not resolved by legal provisions. That created a need for adoption of special instructions by the State Election Commission or additional instructions on the manner of conduct of the competent bodies while performing legally stipulated actions.

Likewise, the application of heretofore legal provisions on the manner of keeping voters' lists is almost nonexistent in practice because information technology has in the meantime increased the precision of keeping records, controlling and processing of voters' lists data.

Namely, the Law has heretofore stipulated the keeping of voters' lists in a manner which was adequate to the time when it was passed, thus it stipulates that voters' lists can be kept manually in volumes or in form of files, that is, by way of automatic data processing.

Successful computerization of services in charge of keeping voters' lists, based on an integrated IT programme, created the conditions for keeping these records electronically. Thus, manual keeping of voters' lists in the form of volumes or files has already been abandoned and all data is processed automatically, i.e. electronically, which is more suitable to the present time.

Changes affecting voters' lists and the use of those data are also stipulated by the Law on Protection of Personal Data ("Official Gazette", No. 103/2003 and 118/2006). The abovementioned Law stipulates the protection of personal data of natural persons and control over the compilation, processing and use of personal data in the Republic of Croatia.

The basic issues to be regulated pertain to the definition of voters' lists records as a collection of personal data, determination of content of those records and principles on which the significance of registration into voters' lists in relation to the exercise of the right of suffrage.

As the current Law does not define voters' records as a collection of personal data, nor were other obligations arising in the area of personal data protection stipulated, this is done by the provisions of this Law.

The place of registration into voters' lists is established, whereby the registration of voters with permanent residence in the Republic of Croatia and the registration of voters with permanent residence abroad are stipulated in more detail.

Likewise, the keeping of records exclusively in an electronic form, uniformed for the entire territory of the Republic of Croatia, independently of the seat of the personal data collection keeper, is stipulated.

Citizens are provided with a possibility of insight into voters' lists throughout the year, except on days determined by law at the time of elections, and the manner of providing a statement on ethnic affiliation.

At the time of concluding and confirming voters' lists, any entry of new data into voters' lists is prohibited unless authorized by the competent body and the manner of issuing excerpts is specified.

The new legal provisions specify in their entirety the manner of registration of voters who do not have permanent residence in the Republic of Croatia so that, in addition to the records on Croatian citizenship, the records on issued travelling documents are used for that purpose as well.

The manner of temporary registration for the purpose of exercising the right of suffrage outside the place of permanent residence for particular types of elections is also stipulated. With that regard, prior registration of voters for voting abroad is stipulated in particular, in order to avoid needless acquisition of certificates on the part of voters and additional administrative activities and communication between the competent bodies and voters.

ASSESSMENT OF FUNDS NECESSARY FOR THE IMPLEMENTATION OF THE LAW

It is not necessary to ensure additional funds for the implementation of this Law. The already existing IT programmes and equipment will be used for the electronic voters' lists maintenance.

LAW ON VOTERS' LISTS

BASIC PROVISIONS

Article 1

This Law shall stipulate the content of a collection of personal data on the right of suffrage, the manner of keeping the collection, the procedure of registration, corrections, erasing, entry verifications, conclusion and confirmation, issuance of excerpts and issuance of documents, as well as the manner of processing those data for the purposes of elections.

The collection of personal data on the right of suffrage shall be kept under the title of voters' lists.

Article 2

Voters' lists shall be state records into which Croatian citizens who have turned 18 years of age shall be registered, except for those completely divested of business capacity pursuant to an effective court decision (hereinafter: the voters).

Registration into voters' lists is a precondition for exercising the right of suffrage on the Election Day.

Article 3

Voters' lists shall be based on the principle of uniformity and constancy, and shall be kept for each city or municipality *ex officio*.

Voters' lists within a city or municipality shall be kept for settlements, streets and squares.

Article 4

Voters shall be registered into voters' lists according to the place of their permanent residence in the Republic of Croatia.

Each voter may be entered into the voters' lists of only one city or municipality.

Voters without permanent residence in the Republic of Croatia shall be registered into the central register of voters' lists in the City of Zagreb, according to the countries in which their residence abroad is registered.

The voters' lists as per Paragraph 3 of this Article shall be based on data from the central Croatian citizenship records of persons without permanent residence in the Republic of Croatia and on data on issued travel documents indicating the address of foreign residence and the country of residence.

Article 5

Voters' lists shall be kept by state administration bodies competent for general administrative tasks (hereinafter: the competent body that keeps voters' lists) in the counties, that is, in the City of Zagreb.

The central records of voters who do not have permanent residence in the Republic of Croatia shall be kept by the competent body of the City of Zagreb.

The competent bodies as per Paragraphs 1 and 2 of this Article shall be determined as keepers of the personal data collection, in compliance with regulations on the protection of personal data.

THE MANNER OF KEEPING, THE CONTENTS OF AND REGISTRATION INTO THE VOTERS' LISTS

Article 6

Voters' lists shall be kept electronically, having uniform content in all cities and municipalities.

The measures of protection of personal data, established by special laws, shall apply to the keeping of data.

Article 7

The contents of voters' lists shall be comprised of the following data: the ordinal number, last name and first name, ethnicity, the personal identification number of a citizen, gender, date of birth, permanent residence (settlement, street and house number and sub-number) and a remark.

Article 8

Registration into voters' lists shall be carried out on the basis of data from the citizenship records, records of travelling documents and records on permanent residence.

Police administrations or stations which keep records on permanent residence shall immediately forward to the competent body which keeps the voters' lists the following data:

- on registered persons who have turned 18 years of age,
- on the registration and cancellation of registration of permanent residence,
- on the change of address of persons who have turned 18 years of age,
- on the acquisition or cessation of Croatian citizenship,
- on the change or annulment of the MBG [*citizen's identification number*].

The competent bodies that issued travelling documents shall immediately forward data on the address and state of residence for voters as per Article 4, Paragraph 3 of this Law.

The registry office shall immediately forward information on deceased persons who turned 18 years of age, information on concluded marriages, change of name and change of sex to the competent body which keeps voters' lists.

The municipal court shall forward an effective court decision on complete divestment of a person's business capacity to the competent body which keeps voters' lists in the territory of the person's permanent residence.

Article 9

If the records on which an entry into voters' lists is based do not contain data on ethnic affiliation, it shall be entered on the basis of voter's statement provided before the competent body, in compliance with Article 13 of this Law.

Article 10

The competent body which keeps voters' lists shall be obliged to make immediate entries and changes into, that is, erasures from the voters' lists on the basis of information and decisions of bodies as per Article 8 of this Law.

Article 11

Persons who lost suffrage (by death, cessation of Croatian citizenship or divestment of business capacity) shall be deleted from voters' lists, as well as voters who changed permanent residence in the territory of a city or municipality for which voters' lists are kept.

Erasures from voters' lists shall be made in such a manner that the number of the act and the legal basis for the erasure are stated under the "Remark" column.

CHECK-UP, CORRECTIONS AND SUPPLEMENTATION OF VOTERS' LISTS AFTER CALLING OF THE ELECTIONS

Article 12

Immediately following the calling of the elections and not later than within three days from the day of calling the elections, the competent body that keeps voters' lists shall inform citizens via public media about the possibility, time and manner of check-up, supplementation and correction of voters' lists.

The same information shall indicate legal deadlines for carrying out temporary registration outside the place of permanent residence and previous registration in the Republic of Croatia.

Article 13

Every citizen shall have the right to check up his registration in the voters' lists, request its supplementation or correction throughout the year, while at the time when elections have been called, [*check-up will be possible*] 14 days prior to the day of holding the elections at the latest.

Verbal or written requests for registration into or supplementation or correction of voters' lists shall be filed with the competent body which keeps voters' lists. If the request was filed verbally, the competent body shall make an official note thereof.

If the competent body that keeps voters' lists has established that the request is well-founded, it will make an entry into, supplement or correct voters' lists.

Article 14

For voters serving in the armed forces of the Republic of Croatia on the Election Day, members of crews at ships and rivers boats sailing under the Croatian flag and outside its borders, as well as for voters deprived of liberty, headquarters of armed forces of the Republic of Croatia, trading companies – owners of ships and penitentiary, i.e. prison administrations and administrations of educational facilities, shall be obliged to forward data to the competent body that keeps voters' lists according to the place of their permanent residence.

Data referred to in Paragraph 1 of this Article shall be forwarded immediately upon calling the elections, and up to the expiry of the deadline as per Article 13, Paragraph 1 of this Law at the latest.

The competent body that keeps voters' lists shall forward immediately after its confirmation the excerpts from voters' lists to the bodies referred to in Paragraph 1 of this Article.

The bodies referred to in Paragraph 1 of this Article shall be obliged to forward the excerpts from voters' lists to the electoral commission competent for special polling stations 24 hours prior to the time set for the opening of the polling station, at the latest.

PREVIOUS REGISTRATION OF VOTERS FOR OUT-OF-COUNTRY VOTING

Article 15

For the purpose of conducting the voting procedure at the elections for the Croatian Parliament and the President of the Republic of Croatia, diplomatic missions or consular offices of the Republic of Croatia conduct previous registration of voters who will vote abroad in a specific consular area.

Previous registration is conducted for voters without permanent residence in the Republic of Croatia and for voters with permanent residence in the Republic of Croatia who reside abroad for a longer period of time.

Previous registration also pertains to voters without permanent residence in the Republic of Croatia who reside or who happen to be in the Republic of Croatia on the Election Day.

Previous registration of a voter referred to in Paragraph 3 of this Article shall be performed by the competent body that keeps voters' lists in the place of his/her permanent residence in the Republic of Croatia.

Article 16

Previous registrations of voters may be conducted even prior to calling the elections, until the expiration of the deadline set forth in Article 13, Paragraph 1 of this Law, at the latest.

Diplomatic missions or consular offices of the Republic of Croatia shall be obliged to make public the manner, place and time of performance of previous registration throughout its duration.

For voters who previously register themselves for out-of-country voting, the competent diplomatic missions or consular offices of the Republic of Croatia and competent bodies that keep voters' lists shall *ex-officio* conduct the procedure of temporary registration outside the place of permanent residence, in compliance with the provisions of this Law, without confirmation on registration into voter' lists.

Article 17

Diplomatic missions or consular offices of the Republic of Croatia shall be obliged, immediately upon previous registration, to forward to the competent body that keeps voters' lists data on registered voters according to the place of their permanent residence, i.e. entry into voter' lists.

A note about previous registration shall be entered into voters' lists.

No certificate on registration into voters' lists shall be issued for voters who have a note entered about previous registration into voters' lists.

Abandonment or change of previous registration may be conducted within the legal deadline stipulated by Article 13, Paragraph 1 of this Law

Notification by the competent body that keeps voters' lists on recording temporary registration or the abandonment or change of previous registration shall be forwarded to diplomatic missions or consular offices of the Republic of Croatia until the expiration of deadline for the conclusion of voters' lists.

Article 18

The content of records on previous registration shall be identical to the content of voters' lists as per Article 7 of this Law, with an annotation of the polling station, i.e. constituency of the place of permanent residence.

The provisions of this Law established for heads of collections of personal data shall apply to the records on previous registration of voters for out-of-country voting, in compliance with regulations pertaining to the protection of personal data.

Diplomatic missions or consular offices shall immediately forward to the State Electoral Commission data on the number of voters previously registered abroad.

Data shall be forwarded in charts, classified according to polling stations, i.e. according to constituencies for each elections called.

TEMPORARY REGISTRATION INTO VOTERS' LISTS OUTSIDE THE PLACE OF PERMANENT RESIDENCE

Article 19

Voters who will, on the Election Day, find themselves outside the area of a city or municipality in which they have permanent residence may, upon their personal request, be temporarily registered into the voters' lists of the city or municipality in which they happen to be, providing that the elections that have been called allow for voting outside the place of permanent residence.

Temporary registration into voters' lists shall not change permanent residence or address.

Article 20

Temporary registration into voters' lists outside the place of permanent residence shall be conducted on the basis of certificate on registration into voters' lists.

The certificate on registration into voters' lists shall be issued by the competent body that keeps voters' lists.

The certificate shall contain personal data about a voter that are presented on the excerpt from voters' lists, annotation of the polling station or electoral unit if they are known at the time of issuance of the certificate, the place of temporary registration into voters' lists, as well as annotation whether it also pertains to the case of repeated elections.

An official note shall be entered into voters' lists about the certificate issued as per Paragraph 1 of this Article.

Article 21

Requests for temporary registration into voters' lists of voters outside their place of permanent residence may be submitted until the expiration of the deadline determined in Article 13, Paragraph 1 of this Law.

In the request referred to in Paragraph 1 of this Article, a voter shall also state data on temporary registration in case of repeated elections, in compliance with enclosed certificate on registration into voters' lists.

The request for temporary registration shall be filed with the competent body that keeps voters' lists in the place where voter happens to be on the Election Day.

Article 22

The competent body that performs temporary registration shall retain the certificate on registration into the voters' lists and on the basis of that certificate it shall register a voter into a special list of temporarily registered voters with all data contained in the certificate referred to in Article 20, Paragraph 3 of this Law.

A special list of temporarily registered voters shall be forwarded to the competent electoral commission according to the seat of the polling station for temporarily registered voters.

Article 23

Temporary registration shall also pertain to the case of repeated elections. For voters who failed to perform temporary registration in case of repeated elections, the competent bodies shall delete notes on performed temporary registration into the voters' lists, as well as in a special list of temporarily registered voters as per Article 22, Paragraph 1 of this Law.

Article 24

Following the conducted elections, the competent body shall *ex officio* delete the official notes as per Article 20, Paragraph 4, as well as temporary registration as per Article 22 of this Law.

CONCLUSION AND CONFIRMATION OF VOTERS' LISTS

Article 25

Immediately upon the expiration of the deadline referred to in Article 13, Paragraph 1 of this Law, the competent body that keeps voters' lists shall conclude voters' lists.

Prior to printing voters' lists, an application is activated in the IT database which locks and prohibits further input of any data.

Voters' lists shall be printed in one copy for each city or municipality, with the content determined in Article 7 of this Law. Depending on the number of voters, voters' lists may be printed in several volumes (according to city districts or other forms of local self-government).

Article 26

Voters' lists shall be concluded in such a manner that the last page of every volume of the voters' lists contains the following: number of pages of each volume, number of registered voters marked by number and letters and the date when the volume, i.e. voters' lists were closed.

If voters' lists for a city or municipality contain several volumes, the competent body shall determine the following by a special act: the number of volumes that, put together, compile voters' lists, number of pages of each volume, number of voters registered into special volumes marked by number and letters as well as the date when voters' lists were concluded.

The concluded voters' lists, together with a decision which establishes the number of special volumes that comprise those lists, shall be signed by the head of the competent body that keeps voters' lists and verified with that body's seal.

Article 27

Voters' lists shall be concluded and forwarded for confirmation 8 days prior to the day designated as the Election Day, at the latest.

Article 28

The concluded voters' lists shall be forwarded for certification to the commission for voters' lists. Along with voters' lists, the commission shall be forwarded citizens' requests for registration into voters' lists, i.e. for their supplement or correction which the competent body that keeps voters' lists failed to acknowledge, with an explanation of reasons as to why those requests were not acknowledged.

The confirmed voters' list shall be used for called elections, as well as for repeated elections.

EXCERPTS FROM VOTERS' LISTS

Article 29

Excerpts from voters' lists shall be printed out of the confirmed voters' lists, in compliance with the established polling stations. In case of simultaneous conduct of several types of elections, the excerpts shall be printed out in the necessary number of copies.

Excerpts from voters' lists shall not contain citizens' personal ID number, while data on ethnic affiliation shall be stated for the elections that are conducted on the basis of ethnic affiliation.

For members of national minorities in the Republic of Croatia who are entitled to representation in the Croatian Parliament, an excerpt from voters' lists based on ethnic affiliation shall be printed out for each polling station, in compliance with the provisions of the Electoral Law.

Article 30

As a rule, each polling station receives one copy of the excerpt from the voters' lists for voters who will vote on that polling station according to their place of permanent residence.

In case voting outside the place of permanent residence is permitted for called elections, two excerpts are printed out of the confirmed voters' list, marked with „A" and „B" marks.

The excerpt from the voters' list marked with „A" lists voters who will vote according to their place of permanent residence.

The excerpt from the voters' list marked with „B" lists voters who are temporarily deregistered. This excerpt also displays data from the „Remark" column on temporary registration, that is, on voting outside the place of permanent residence.

If no special polling stations are established for temporarily registered voters outside the place of permanent residence, a special list of temporarily registered voters marked with „C" shall be forwarded for each polling station, in compliance with Article 22, Paragraph 1. of this Law.

Article 31

The competent body that keeps voters' lists shall be obliged to forward excerpts from concluded and confirmed voters' lists to the competent electoral commission not later than 24 hours prior to the time set for the opening of polling stations on the Election Day.

Following the takeover of excerpts from voters' lists, the competent electoral commissions shall use voters' lists as a collection of personal data, in compliance with regulations on the protection of personal data.

Article 32

The competent body that keeps voters' lists may provide numerical data on the voters who participated in the electoral procedure from the concluded and confirmed voters' list, upon written request.

The competent body that keeps voters' lists shall establish special records on the requests for provision of numerical data from the voters' list annotating the date and type of data that were provided for use.

COMMISSION FOR VOTERS' LISTS

Article 33

The Commission for voters' lists shall be established by the city or municipal council, that is, the City Assembly of the City of Zagreb.

The Commission for voters' lists shall include president and two members. The president and members of the commission shall have deputies.

The president, members and their deputies shall be appointed by the bodies referred to in Paragraph 1 of this Article. The president of the Commission and his/her deputy shall be appointed from among members of the city or municipal council, that is, the City Assembly of the City of Zagreb, while members and their deputies may also be appointed from the ranks of citizens.

The Commission for voters' lists shall verify the regularity of voters' lists, decide on citizens' requests referred to in Article 28, Paragraph 1 of this Law and confirm voters' lists.

Article 34

Once the Commission for voters' lists has established that voters' lists have been properly compiled, it shall immediately confirm them by the signature of the president and members of the Commission; the confirmed voters' lists are thus returned to the competent body that keeps voters' lists along with the rest of the material.

If the Commission has established that voters' lists have not been properly compiled, it shall immediately return them to the competent body that keeps voters' lists for supplementation or correction, all within three days from the day of their receipt.

In case referred to in Paragraph 2 of this Article, the commission's minutes shall be forwarded to the competent body that is tasked with IT data processing for the purpose of opening a database and entering necessary supplements or corrections.

If the Commission for voters' lists, even after the expiration of the deadline referred to in Paragraph 2 of this Article, fails to confirm or deny the confirmed voters' lists by a decision, the competent body that keeps voters' lists shall be entitled to court protection, in compliance with Article 31 of this Law.

Article 35

The Commission for voters' lists shall pass a decision on each denied request for registration into voters' lists, supplementation or correction of those lists, within three days from the day of receipt of the request. The decision shall be forwarded to the applicant.

A complaint before the competent municipal court may be lodged against the decision of the Commission within two days from the day of delivery of the decision. The municipal court shall be obliged to pass a decision in an extra-judiciary civil proceeding within 48 hours from the receipt of the complaint.

No complaint shall be permitted against the decision of the municipal court.

Pursuant to the decision of the municipal court passed with regard to the complaint, the registration into voters' lists and into the excerpt from voters' lists shall be performed until the day determined as the Election Day.

LIST FOR VOTING IN DIPLOMATIC MISSIONS OR CONSULAR OFFICES OF THE REPUBLIC OF CROATIA

Article 36

A voting list shall be compiled in diplomatic missions or consular offices of the Republic of Croatia on the Election Day for the Croatian Parliament and the President of the Republic of Croatia.

The voting list shall be based on previous registration into voters' lists in the Republic of Croatia.

Article 37

The voting list shall include voters with permanent residence in the Republic of Croatia, who reside abroad at the time of the elections or who happen to be there and who want to exercise their right to vote abroad.

Voters with permanent residence in the Republic of Croatia who reside abroad or who happen to be there on the Election Day and wish to exercise their suffrage abroad, shall also be registered into the voting list.

Voters referred to in Paragraph 2 of this Article shall be registered into the voting list upon their personal request and on the basis of certificate on registration into the voters' lists in the Republic of Croatia or previous registration in the same diplomatic mission or consular office.

Article 38

The voting lists, pursuant to which it is possible to vote in diplomatic missions and consular offices of the Republic of Croatia on the Election Day shall be concluded and verified by the authorized representative of the mission, i.e. office.

By concluding and verifying the voting list, it is confirmed that it contains voters pursuant to excerpts from voters' lists as per Article 4, Paragraph 3 of this Law, previously registered voters and voters for whom certificates on suffrage have been enclosed.

VOTING CERTIFICATE

Article 39

Croatian citizens with suffrage, who are not registered into the excerpts from concluded and confirmed voters' lists forwarded to polling stations, may prove their suffrage on the Election Day with a certificate issued by the competent body that keeps voters' lists (hereinafter: voting certificate).

Diplomatic missions and consular offices of the Republic of Croatia, where voters referred to in Article 33, Paragraph 1 of this Law wish to exercise their suffrage, may issue them voting certificates on the basis of previous official check of the suffrage and registration into voters' lists.

The competent body that conducted new registration into voters' lists following the conclusion and confirmation of voters' lists shall record in voters' lists the provision of written consent for the issuance of voting certificate to a particular diplomatic mission or consular office or for the issuance of such certificate in the Republic of Croatia.

Data contained in the excerpt from voters' lists shall be entered into the voting certificate, as well as determination that a particular person is registered in voters' lists for the polling station in question.

Voting certificates in the electoral material shall comprise an integral part of the excerpt from voters' lists for the polling station in question.

INTERIM AND FINAL PROVISIONS

Article 40

The competent body shall keep the confirmed voters' lists at least for a period of five years from the day of confirmation.

Article 41

All written submissions, activities and acts pertaining to the registration in voters' lists, as well as supplements and corrections, shall be exempt from paying administrative fees.

Article 42

Competent bodies authorized to perform particular activities stipulated by this Law shall be responsible for timely performance of their obligations, in compliance with determined deadlines.

By failing to perform stipulated activities within legally stipulated deadlines, official persons in bodies referred to in Paragraph 1 of this Article shall seriously breach their official duty.

Article 43

Supervision over the implementation of this Law shall be performed by the central state administration body in charge of general administration affairs.

Article 44

The head of the central state administration body in charge of general administration affairs shall be authorized to stipulate the forms of documents, i.e. certificates that are issued from voters' lists, within 60 days from coming into force of this Law.

Article 45

The Law on Voters' Lists (Official Gazette 19/92) shall cease to be valid on the day of coming into force of this Law.

Article 46

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

EXPLANATION

Article 1

This Article determines the contents of the Law and the title of collection of personal data on suffrage.

With the adoption of the Law on Personal Data Protection ("Official Gazette", No. 103/03) voters' lists undoubtedly have the character of a personal data collection and adequate provisions of the Law on Personal Data Protection apply in compiling, processing and use of those data.

Article 2

This Article defines conditions for registration into voters' lists in compliance with the constitutional provisions on suffrage. The same Article stipulates registration into voters' lists as a precondition for the exercise of suffrage.

Article 3

This provision establishes basic principles on voters' lists, the obligation to maintain lists *ex officio* and areas for which they are established.

Article 4

This Article stipulates the place where registration into voters' lists is made for voters with permanent residence in the Republic of Croatia and for voters without permanent residence in the Republic of Croatia.

In the Republic of Croatia, voters are registered into voters' lists according to the place of their permanent residence in a city or municipality. Voters without permanent residence in the Republic of Croatia are registered into the central register of voters' lists in the City of Zagreb, which is based on Croatian citizenship records and records on issued travelling documents.

The said provision is also in compliance with Article 27, Paragraph 5 of the Law on Croatian Citizenship ("Official Gazette", No. 53/91, 28/92 and 113/93) which stipulates that persons who are accepted into Croatian citizenship and do not have permanent residence in the Republic of Croatia are registered in the central register. It is also in compliance with the provision of Article 26, Paragraph 3 of the Law on Travelling Documents of Croatian Citizens ("Official Gazette", No. 77/99, 133/02 and 48/05) which stipulates the contents of the form for travelling documents.

Article 5

This Article stipulates bodies competent for keeping voters' lists and determines the maintenance of personal data collection in compliance with the commitment determined by the Law on Personal Data Protection.

Article 6

Former legal provisions regulated the keeping of voters' lists as a register that could be kept manually, in volumes or in the form of files that is, by way of IT data processing.

Since the Republic of Croatia went through a successful IT upgrading in the services that keep voters' lists based on an uniform IT programme, the criteria were introduced based on which these records may be kept exclusively in an electronic form which is established through the proposed provision of the Law.

Article 7

This provision defines the contents of voters' lists in compliance with the existing records so that the former records could be functionally used. The contents of records will continue to contain personal ID number of citizens as an identity marking for Croatian citizens that serves for linking data in official records.

Data on ethnic affiliation will also remain, since the electoral legislation provides for special types of elections for members of national minorities.

Data on personal ID number is not displayed on certificates and documents issued on the basis of the presented Law, and data on ethnic affiliation is displayed for the elections conducted based on ethnic affiliation.

Article 8

Since the voter' lists are maintained *ex officio*, this Article stipulates in detail on the basis of which data a registration is performed and which bodies are obliged to forward notifications, data and decisions necessary for registration. The contents of the Article are based on the remarks and proposals of bodies that keep voters' lists.

Article 9

This provision stipulates the mode of registration of data on ethnic affiliation. Namely, for approximately fifty years, the records on permanent residence contained data on ethnic affiliation, that is, on being a member of a nation or ethnic group. Based on received data from the records of permanent residence, data on ethnic affiliation was registered in the former voters' register. However, amendments to the Rule Book on the Forms for Citizens' Permanent and Temporary Residence Registration, adopted by the Minister of the Interior at the end of 2002 ("Official Gazette", No. 140/02), ethnic affiliation data has been erased from the records. Therefore, the current notifications on permanent residence records which are forwarded to the competent body for voters' lists do not contain data on ethnic affiliation that were established as contents of voters' lists.

Therefore, this legal provision provides for registration of data on ethnic affiliation based on voters' statements.

Article 10

This Article stipulates obligation of the competent body to maintain voters' lists and immediately perform registration or de-registration from voters' lists.

Article 11

This Article stipulates the mode of de-registration and the contents of a note on de-registration from voters' lists.

Article 12

This Article stipulates the commitment of the competent body to announce within the stipulated deadline the possibility and mode of reviewing and correcting data in voter's lists at the time of called elections.

Article 13

This Article gives voters the right to review, supplement and correct registration in voters' lists throughout the year while at the time of the elections that right may be exercised not later than 14 days prior to the day determined as the Election Day. The same provision stipulates the procedure conducted by the competent body upon the receipt of voters' requests.

Article 14

This provision stipulates the commitment of bodies competent for voters who vote on special polling stations on the Election Day.

Articles 15, 16 and 17

These provisions stipulate the possibility of previous registration of voters who will vote out of country in a certain consular area with the diplomatic mission or consular office of the Republic of Croatia.

A deadline is stipulated within which previous registration of voters may be conducted as well as activities of diplomatic missions or consular offices of the Republic of Croatia and competent bodies that keep voters' lists upon previously conducted registration of voters.

Article 18

This Article stipulates possibility for temporary registration in voters' lists for voters who are registered in voters' lists but who will not be in the area of a city or municipality in which they have permanent residence under the condition that these are elections which allow for voting out of the place of permanent residence.

Articles 19 and 20

These Articles stipulate the deadline within which requests for temporary registration in the voters' list outside their permanent residence may be filed, as well as the manner of conducting such registration.

Articles 21, 22 and 23

These provisions stipulate the conduct of competent bodies when issuing certificate for temporary registration and the manner of recording temporary registration into voters' lists.

Articles 24 and 25

These Articles stipulate the completion of voters' lists and deadline for its verification.

Since voters' lists are kept in electronic form, prior to the printing of voters' lists for completion, a locking application is activated in the IT database and as of that moment no additional changes can be made into voters' lists. However, if the commission for voters' lists has remarks on the completed voters' lists, minutes of the commission are forwarded to the conductor of data processing for the purpose of opening application for inserting corrections. Apart from the requested corrections, no other changes are allowed.

If the completed voters' lists are verified by the commission for voters' lists without any remarks, the application remains locked and no other correction can be inserted therein.

Article 26

This provision stipulates the manner of forwarding voters' lists for confirmation.

Articles 27 and 28

These provisions stipulate printing of excerpts from the confirmed voters' lists. Personal ID number of a citizen is not displayed on the excerpt from voters' lists, while data on ethnic affiliation is displayed only in case of elections conducted on the basis of ethnic affiliation.

Likewise, a deadline is stipulated for forwarding excerpts from the completed and confirmed voters' lists to the competent electoral commission. Additionally, in compliance with the provisions of the Law on Personal Data Protection, it is stipulated that competent electoral commissions are users of voters' lists as a collection of personal data that is, that those personal data may be given to them for the purpose of performing regular tasks within their legally established business.

Articles 29, 30 and 31

These provisions stipulate the manner of establishing and work of the commission for voters' lists as well as the right to court protection in case of failure to perform registration in voters' lists or lack of verification of voters' lists.

Articles 32, 33 and 34

Pursuant to the constitutional provision of Article 45, Paragraph 2, the Republic of Croatia is obliged to ensure the exercise of suffrage also to those nationals who, at the time of elections for the Croatian Parliament and for the President of the Republic of Croatia, find themselves abroad, thus they can vote in the countries in which they currently are. This means that voters without permanent residence in the Republic of Croatia, voters with permanent residence in the Republic of Croatia but living abroad as well as voters with permanent residence in the Republic of Croatia who find themselves abroad at the time of elections, may vote in the aforementioned type of elections.

Since diplomatic missions and consular offices of the Republic of Croatia abroad do not keep records on Croatian nationals in host countries, nor are they aware of the number of voters wishing to exercise suffrage abroad, for the purpose of exercising constitutional provision on the right to vote for the Croatian Parliament and the President of the Republic of Croatia, a possibility to make voters' lists on the Election Day is stipulated. The list for voting is based on the records of voters' lists kept in the Republic of Croatia for voters with permanent residence in the Republic of Croatia, that is, for voters with permanent residence abroad.

Likewise, it is stipulated who is the person responsible for compiling the list for voting and the mode of its completion and verification.

Article 35

A possibility of voting on the basis of a voting certificate is stipulated for voters with suffrage but who are not registered in the excerpts from completed and confirmed voters' lists forwarded to polling stations. Likewise, the contents of that certificate are stipulated, which comprises an integral part of the excerpt from voters' lists for a particular polling station.

Article 36

This Article stipulates deadline for storing confirmed voters' lists.

Article 37

This Article stipulates exemption from administrative fees in all activities concerning all submissions, activities and acts in relation to the registration in voters' lists, as well as supplements and corrections of data in voters' lists.

Articles 38 and 39

These provisions authorize the central state administrative body competent for tasks of general administration to supervise the implementation of this law, while the head of that body is authorized to stipulate forms of certificates issued based on voters' lists within a certain deadline.

Articles 40 and 41

These provisions put out of force the existing Law and stipulate deadlines for the coming into force of this Law.