LAW ON LOCAL ELECTIONS

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(Official Gazette of the Republic of Slovenia, no. 72/93, 7/94, 33/94, 70/95)

I. GENERAL PROVISIONS

Article 1

This law governs elections to municipal councils, elections of mayors and elections to the councils of district, village and urban communities.

The elections of representatives of municipalities in regional councils and in the relevant bodies of other wider local communities shall be governed by the municipalities through regulations in accordance with the agreement or other act on linking with other municipalities in a regional or other wider local community.

Article 2

Members of municipal councils, mayors and members of the councils of district, village and urban communities shall be elected on the basis of universal and equal voting rights in free and direct elections by a secret ballot.

Article 3

The costs of conducting local elections shall be borne by the municipalities.

Article 4

The provisions of the law on elections to the National Assembly shall apply mutatis mutandis to questions not specially governed by this law.

II. ELECTIONS TO MUNICIPAL COUNCILS

1. The right to vote

Article 5

All citizens of the Republic of Slovenia who on the polling day have reached 18 years of age and have not been deprived of business capacity shall have the right to vote for and be elected as members of municipal councils.

Citizens shall have the right to vote in the municipality in which they have permanent residence.

Article 6

The right to vote for and be elected as members of municipal council - representatives of the Italian or Hungarian national communities - shall be held by members of these national

communities who have the right to vote.

Article 7

The right to vote for and be elected as members of municipal council - representatives of the Romani community - shall be held by members of this community who have the right to vote.

Article 8

The right of citizens to vote shall be recorded in a general municipal electoral register.

The right of citizens to vote for representatives of the Italian and Hungarian national communities shall be recorded in a special municipal electoral register of residents - members of these national communities.

The right of citizens to vote for representatives of the Romani communities shall be recorded in a special municipal electoral register of residents - members of this community.

The provisions of the law on recording voting rights shall apply mutatis mutandis to matters concerning the maintenance of records of voting rights, the composition of municipal electoral registers and other questions relating to records of voting rights which are not specially governed by this law.

2. Electoral system

a) Joint provisions

Article 9

Members of municipal councils shall be elected under the principle of majority (majority elections) or under the principle of proportionality (proportional elections).

If a municipal council has fewer than 12 members, the members of the municipal council shall be elected under the principle of majority.

If a municipal council has 12 or more members, the members of the municipal shall be elected under the principle of proportionality.

Article 10

Members of municipal councils - representatives of the Italian or Hungarian national communities - shall be elected under the principle of majority.

Members of municipal councils - representatives of the Romani community - shall be elected under the principle of majority.

b) Majority elections

Article 11

Voting in elections under the principle of majority shall be for individual candidates. Voters may vote for at most the same number of candidates as the number of members of the municipal council elected in the electoral unit.

Those candidates who receive the most votes shall be elected.

Article 12

If an electoral unit elects one member of a municipal council and two candidates shave received an equal number of votes, the election shall be decided by the drawing of lots.

If an electoral unit elects more than one member of a municipal council, and if the last two candidates under consideration for election have received an equal number of votes, the election shall be decided by drawing lots.

c) Proportional elections

Article 13

Voting in proportional elections shall be for lists of candidates in electoral units.

If voting on lists of candidates, voters may only vote for one list of candidates. Voters may, on the ballot paper for the list of candidates for which they have voted, mark a candidate to which they give preference in the election ahead of other candidates on the list (preferential vote). Voters may give a preferential vote to only one candidate on the list.

Article 14

If there is a vote on lists of candidates in a municipality as a single electoral unit, the mandates shall be awarded to the lists of candidates in order of the highest quotient received in such a way that the number of votes for each list of candidates by all the numbers from one to the number of members of the municipal council (d'Hondt system). The number of candidates elected from each list of candidates shall be equal to the number of mandates gained by that list.

Article 15

If lists of candidates are being voted on by electoral units, the number of mandates received by individual lists in the electoral unit shall be determined by the quotient, which is calculated in such a way that the total number of votes given to all lists of candidates in the electoral unit shall be divided by the number of members of the municipal council being elected in the electoral unit. The number of votes for each list shall be divided by this quotient. Each list shall receive a number of mandates equal to the number of times the quotient is included in the number of votes for the list.

Article 16

Mandates which have not been distributed in electoral units under the previous article shall be distributed at the level of the municipality on the basis of the total number of votes given to

same-name lists in two or more electoral units.

For the purposes of the distribution of mandates, it shall be determined in advance how many mandates would belong to a same-name list proportionate to the number of votes received in all electoral units. This shall be determined on the basis of the order of the highest quotients, which are calculated so that the total number of votes obtained by a same-name list in all electoral units is divided by all the numbers from one to the total number of mandates.

In the distribution of mandates on the level of the municipality, the list of the same name from the previous paragraph shall receive the same number of mandates as the difference between the number of mandates they should receive under the previous paragraph and the number of mandates which they received under the previous article in the electoral units.

Article 17

The mandates received by same-name lists in the distribution of mandates at the level of the municipality under the previous article shall be distributed to the list in the electoral units which have the largest remaining votes in proportion to the quotient in the electoral unit from article 15 of this law.

Article 18

In instances from articles 14 to 17, those candidates who received the preferential votes of the majority of voters who voted for the list shall be elected, to wit in descending order of the number of preferential votes. In so far as there are no such candidates, the candidates shall be elected in the order on the list.

3. Electoral Units

Article 19

For majority elections of members of the municipal council, electoral units shall be formed in the municipality.

If a municipal council has no more than seven members, all members of the municipal council may be elected in the municipality as one electoral unit.

Article 20

Electoral units shall be formed in such a way that approximately the same number of inhabitants elect each member of the municipal council.

If the territory of a municipality is divided into district, village or urban communities, the electoral unit shall consist of one or more such communities or part of such a community.

If the territory of the municipality is not divided into the communities from the previous paragraph, the electoral unit shall consist of the territory of one or more settlements or part of a settlement.

Article 21

In majority elections, each electoral unit shall elect one member of the municipal council. If reasonable for the formation of electoral units, electoral units may elect more than one member of the municipal council, but never more than three.

Article 22

In proportional elections of members of the municipal council, electoral units may be formed in the municipalities.

Electoral units for proportional elections shall be formed in accordance with article 20 of this law and in such a way that each electoral unit elects no fewer than five members of the municipal council.

If the municipality is not divided into electoral units, the territory of the municipality shall be treated as the electoral unit.

Article 23

The electoral unit for the election of members of the municipal council - representatives of the Italian or Hungarian national communities, and the electoral unit for the election of members of the municipal council - representatives of the Romani community, shall be the territory of the municipality.

4. General elections

Article 24

General elections to municipal councils shall be regular or early.

Regular elections to municipal councils shall be conducted every four years.

Early elections to municipal councils shall be conducted if the municipal council is dissolved before the expiry of the four-year mandate period.

If a municipality is formed after the regular elections to the municipal councils have been conducted, the first elections to the municipal council shall be conducted in accordance with the provisions of the this law regarding early elections.

Article 25

Regular elections to municipal councils shall be conducted no earlier than two months and no later than last Sunday or other non-working day before the expiry of four years from the previous regular election to the municipal council. In instances of the extension of the mandate period, this interval shall run from the date of expiry of the extended mandate period.

Early elections to the municipal council shall be conducted no later than two months

following the dissolution of the municipal council.

<center>*Article 26*</center>

Regular elections to municipal councils shall be called by the speaker of the National Assembly of the Republic of Slovenia.

Early elections to municipal councils shall be called by mayors.

The act on calling elections shall be published in the Official Gazette of the Republic of Slovenia.

<center>*Article 27*</center>

Regular elections to municipal councils shall be called no earlier than 135 days and before the expiry of four years from the previous regular elections to the municipal council.

The interval from the date of calling the elections to the polling date may not be longer than 90 and not be shorter than 60 days.

Early elections to municipal councils shall be called no later than 20 days following the dissolution of the municipal council.

Early elections may be conducted no earlier than 40 days following the date of calling of the election.

<center>*Article 28*</center>

The act on calling the elections shall determine the date of calling the elections and the polling date.

The interval for election tasks shall run from the date determined as the date of calling the elections.

A Sunday or other non-working day shall be determined as the polling day.

<center>*5. By-elections*</center>

<center>*Article 29*</center>

If the mandate of a member of the municipal council elected in a majority election ceases, a by-election shall be conducted.

<center>*Article 30*</center>

If the mandate of a member of the municipal council elected in a proportional election ceases, the candidate who, if the member of the municipal council whose mandate has expired had not been elected, would have been elected, shall become a member of the municipal council for the remainder of the mandate period, unless the member resigned within six months of the

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confirmation of the mandate.

Article 31

If the candidate who, pursuant to this law, would become a member of the municipal council for the remainder of the mandate period fails to report that he or she accepts the functions of a member of the municipal council, such right shall be transferred to the next candidate.

A by-election shall also be conducted if the mandate of the member of the municipal council in instances from the previous article ceases because he or she resigned within six months of the confirmation of the mandate.

By-elections shall not be conducted if the mandate of the member of the municipal council expires less than six months before the expiry of the mandate period of the municipal council, unless the municipal council decides otherwise.

In by-elections, members of the municipal council shall be elected for the interval until the expiry of the mandate period of the municipal council.

Article 32

By-elections shall be called by the municipal electoral commission no later than 15 days after the finding of the municipal council on the expiry of the mandate.

By-elections shall be conducted in the electoral unit in which the member of the municipal council whose mandate has expired was elected.

By-elections shall be conducted under the principle of majority. The candidate who receives the most votes shall be elected in by-elections.

By-elections shall be conducted in accordance with the provisions of this law, in so far as this article does not stipulate otherwise.

6. Electoral bodies

Article 33

Elections to municipal councils shall be run and implemented by municipal electoral commissions.

The National Electoral Commission shall also perform certain tasks in the implementation of local elections.

A special municipal electoral commission shall be appointed for the election of members of the municipal council - representatives of the Italian and Hungarian national communities, and of members of the municipal council - representatives of the Romani community.

If in proportional elections, members of the municipal council are elected according to electoral units, electoral-unit electoral commissions may be appointed.

Article 34

Voting in polling stations shall be run by election boards.

At least one election board shall be appointed for each polling station.

Article 35

Municipal electoral commissions and electoral-unit electoral commission shall consist of a president and three members, and their deputies.

The president of the electoral commission and his or her deputy shall be appointed if possible from among judges or other graduate lawyers. The other members of the electoral commission and their deputies shall be appointed on the proposal of political parties, other residents' organisations and residents.

Article 36

At least one member and one deputy member of the special municipal electoral commission for the election of members of the municipal council - representatives of the Italian and Hungarian national communities and of the Romani community must be a member of the national community or Romani community respectively.

Article 37

Election boards shall consist of a president and an even number of members, and their deputies.

The president and members of the election board and their deputies shall be appointed from among residents who have permanent residence in the municipality.

Political parties, other residents' organisations in the municipality and residents may submit their proposals for appointment as president and members of the election board and their deputies to the municipal electoral commission no later than ten days after the calling of the election.

Article 38

The municipal council shall appoint the municipal electoral commission and the electoral-unit electoral commissions, while the municipal electoral commission shall appoint election boards.

The electoral commissions shall be appointed for four years, and election boards for each election.

If the mandate of members of electoral commissions should expire in the period following the calling of the election, their mandate shall be extended until the end of the elections.

Article 39

The municipal electoral commission and the electoral-unit electoral commission shall have secretaries, who shall be appointed from among the staff of the municipal administration.

Article 40

The National Electoral Commission shall:
1. ensure uniform application of the provisions of this law governing the election process;
2. provide the municipal electoral commissions with expert instructions relating to the implementation of this law;
3. prescribe the forms for implementing this law;
4. determine uniform standards for election material and determine other material conditions for the implementation of election tasks;
5. perform other tasks determined by this law.

Article 41

The municipal electoral commission shall:
1. ensure the legality of elections to the municipal council;
2. confirm individual candidacies or lists of candidates, and compile a list of candidates and of lists of candidates;
3. determine polling stations;
4. appoint election boards;
5. determine the results of voting and declare which members of the municipal council have been elected, and issue a report on the result of the elections;
6. conduct and directly run technical work relating to the elections;
7. perform other tasks determined by this law.

Article 42

Electoral-unit electoral commissions shall:
1. conduct and directly run technical work relating to the elections;
2. determine the results of voting in electoral units.

Article 43

Election boards at polling stations shall:
1. run voting in the polling station;
2. determine the result of voting at the polling station.

Article 44

National and municipal bodies shall be responsible for assisting electoral bodies in their work and for providing on request information they need in their work.

Article 45

The provisions of the law on elections to the National Assembly shall apply to the formation

and manner of work of electoral bodies not governed by the present law.

7. Representatives and agents of candidates and lists of candidates

Article 46

Representatives of candidates and of lists of candidates may be present at the work of the municipal electoral commission.

Agents of candidates and of lists of candidates may be present at the work of the election boards and electoral-unit electoral commissions.

Representatives and agents of candidates or of lists of candidates may draw the attention of the president of the electoral body to irregularities.

Article 47

On submission of the candidacy or list of candidates to the municipal electoral commission, the proposer of the candidate or list shall determine the representative of the candidate or list of candidates.

The representative of the candidate or list shall report the names of agents of the candidate or list of candidates to the municipal electoral commission or to the electoral-unit electoral commission no later than five days before the polling date.

The representative or an agent of a candidate or list of candidates may not be a candidate.

The agent of a candidate or list of candidates may only be a person entered in the records on the right to vote in the municipality.

8. Candidacy

a) Candidacy for majority elections

Article 48

Candidates for members of the municipal council elected according to the principle of majority shall be selected by the political parties in the municipality and by voters in the electoral unit.

Article 49

Candidates for members of the municipal council, representatives of the Italian or Hungarian national communities - shall be selected by voters - members of this community - in the municipality with the signatures of at least 15 voters.

Candidates for members of the municipal council, representatives of the Romani community, shall be selected by voters - members of this community in the municipality.

Article 50

Each political party in the municipality may select candidates for members of the municipal council in each electoral unit. They may for each individual electoral unit select at most the same number of candidates as the number of members of the municipal council to be elected in the electoral unit.

Article 51

Political parties shall select their candidates in accordance with the procedures determined by their statutes. Only members of the party who have the right to vote and permanent residence in the electoral unit may participate in the selection of candidates. Candidates shall be selected by secret ballot.

Article 52

This article shall be deleted.

Article 53

Voters shall select candidates by signing or at assemblies of voters.

Article 54

Candidates for members of municipal councils in individual electoral units may be selected with the signatures of a group of at least 15 voters who have permanent residence in the electoral unit.

Article 55

Each group of voters may select at most the same number of candidates as the number of members of the municipal council to be elected in the electoral unit.

Article 56

Voters may select candidates at assemblies of voters if this is requested by at least 30 voters in the electoral unit or by at least 15 voters in electoral units which have fewer than 500 residents. The request must be submitted in writing to the electoral-unit electoral commission no later than ten days following the day of the calling of the election.

Article 57

At assemblies of voters, candidates shall be selected at the proposal of voters. Each voter may propose at most the same number of candidates as the number of candidates to be elected in the electoral unit. Those proposed candidates shall be selected as candidates for whom at least 30 voters, or at least 15 voters if the electoral unit has fewer than 500 residents, voted at all assemblies of voters in the electoral unit.

Article 58

Candidacy proposals shall be submitted in writing to the electoral-unit electoral commission no later than 45 days before the polling date.

Candidacy proposals must contain the code of the electoral unit, the personal data of the candidate (name and surname, date of birth, profession and work he or she performs, and the address of their permanent residence), the name and surname and address of the permanent residence of the proposer and his or her signature. The written consent of the candidate must be attached to the proposal.

Article 59

The electoral-unit electoral commission shall send candidacy proposals no later than 40 days before the polling day to the convenor of the assembly of voters.

Article 60

If a municipality is not divided into district, village or urban communities, the mayor shall call the assembly of voters.

If a municipality is divided into district, village or urban communities, the president of the council of the community shall call the assembly of voters on the territory of such community.

The assembly of voters shall be called no later than three days following receipt of the candidacy proposals, and must be conducted no later than 11 days after it is called.

Article 61

The assembly of voters shall consist of voters with permanent residence in the territory for which the assembly of voters is called. The assembly of voters shall be quorate if at least 20 voters are present. If there are fewer than 100 voters on the territory for which the assembly of voters is called, the assembly of voters shall be quorate if at least 10 voters are present.

Article 62

The assembly of voters shall be chaired by the presidency of the assembly, who shall be elected by the assembly. At least three voters shall be elected to the presidency of the assembly.

The assembly shall also appoint a recording clerk and two attestors of the minutes.

Article 63

The assembly of voters shall decide on candidacy proposals which it has received under article 58 of this law and on additional proposals which voters submit at the assembly itself. Voters may submit additional proposals until the start of voting on the proposals. Additional proposals shall be submitted in writing and must contain all the contents from article 58 of this law.

Voters at the assembly of voters shall decide on candidacy proposals by secret ballot, unless the assembly of voters resolves otherwise by consensus.

Article 64

Minutes shall be kept on the work of the assembly of voters which shall comprise: code of the electoral unit and of the territory of the assembly of voters, names and surnames of members of the presidency, the recording clerk and the two attestors of the minutes, number of voters present, names and surnames of proposed candidates, number of votes received by each of the individual proposed candidates and other circumstances important to the work of the assembly. The minutes shall be signed by the presiding officers, the recording clerk and the attestors of the minutes.

The presidency of the assembly shall submit the minutes to the convenor of the assembly of voters no later than the day following the assembly of voters is held. The convenor of the assembly of voters shall send the minutes of the assembly of voters no later than the day following receipt of the final minutes to the electoral-unit electoral commission.

The electoral-unit electoral commission shall determine which proposed candidates received the necessary support at the assembly of voters and are selected as candidates.

b) Candidacy for proportional elections

Article 65

Lists of candidates for members of the municipal council to be elected under the principle of proportionality shall be selected by political parties in the municipality and by voters in electoral units.

Article 66

Each list of candidates may have at most the same number of candidates as the number of members of the municipal council to be elected in the electoral unit.

Article 67

Each political party in the municipality may select one list of candidates in each electoral unit.

Political parties shall select the list or lists of candidates in accordance with the rules set out in article 51 of this law.

Article 68

A list of candidates in an electoral unit may be selected by the signature of a group of voters as set out in article 54 of this law.

Each group of voters may select only one list of candidates.

c) Joint provisions on candidacies

Article 68a

Candidates shall be obliged to have permanent residence in the electoral unit in which they are a candidate for a member of the municipal council.

Article 69

Each person may stand only in one electoral unit and only on one list of candidates.

Article 70

The written consent of the candidate is required for each candidacy. The consent of the candidate shall be irrevocable.

Article 71

Each voter may give his or her support to at most the same number of candidates as the number of members of the municipal council to be elected in the electoral unit under the principle of proportionality, and to only one list of candidates.

Article 72

Candidacies or lists of candidates must contain the code of the electoral unit, the name of the proposer, the name of the list of candidates, personal data of the candidates (name and surname, date of birth, profession and work he or she performs, address of permanent residence of the representative of the candidacy or list of candidates). The written consent of candidates and the minimum number of voters' signatures on the prescribed forms stipulated in this law must be enclosed with the candidacy or list of candidates.

The rules of the political party regarding the selection of candidates or lists of candidates and the minutes on the selection of candidates or lists of candidates must be enclosed with candidacies or lists of candidates submitted by political parties.

Article 73

If the proposer of a candidate or list of candidates is a group of voters, then the name and surname of one of the these voters and the additional phrase "and a group of voters" shall be stated as the name of the proposer. The name of the proposer shall also be treated as the name of the list if the voters have not determined another name for the list.

9. Confirmation of candidacies of lists of candidates

Article 74

Candidacies or lists of candidates shall be submitted to the municipal electoral commission

no later than twenty-five days before the polling day by 7 pm.

The provisions of the law on elections to the National Assembly shall apply mutatis mutandis regarding the procedures for confirming candidacies or lists of candidates, determining lists of confirmed candidacies or lists of candidates and their publication.

10. Voting at polling stations

Article 75

The provisions of the law on elections to the National Assembly, unless otherwise stipulated by the present law, shall apply mutatis mutandis to the organisation and work at polling stations and voting.

Article 76

Municipal electoral commissions shall determine the polling stations.

Article 77

The municipal electoral commission shall inform voters of the polling date and of the polling stations where they are inscribed in the electoral register.

Article 78

Voters who are absent on the polling day may vote before this date, but not more than five days and not less than two days before the polling date, at special polling stations at the offices of the municipal electoral commission.

Article 79

Voters who are in the care of old people's homes and who do not have permanent residence in the home, and voters undergoing treatment in hospitals, may vote by post, provided that they report this to the municipal electoral commission no later than seven days before the date of polling.

Article 80

The provisions of the law on elections to the National Assembly applying to overseas postal votes and to voting at diplomatic-consular representative office of the Republic of Slovenia shall not apply for local elections.

Article 81

Voters who, due to illness, are unable to vote in person at the polling station where they are inscribed in the electoral register may vote at home in the presence of the election board, if they report his to the municipal electoral commission no later than three days before the date of polling.

Article 82

Ballot papers for majority elections shall contain:
- code of the municipality and code of the electoral unit,
- order and names and surnames of the candidates by list
- voting instructions.

Voters shall vote by circling the number in front of the name of the candidate on the ballot paper for which they are voting. Voters may vote for at most the same number of candidates as the number of members of the municipal council to be elected in the municipality or electoral unit.

Article 83

Ballot papers for proportional elections where lists of candidates are being voted on shall contain:
- code of the municipality and code of the electoral unit,
- serial number and name of the list of candidates in the order from the list of lists of candidates, and also for each list, space to write in a preferential vote for individual candidates on the list,
- voting instructions.

Voters shall vote by circling the serial number of the list of candidates for which they are voting. If they wish to give an individual candidate from the list a preferential vote, they shall write in the space set aside for this purpose for the list the serial number of the candidate from the list which they are giving a preferential vote.

11. Determination of election results

Article 84

The provisions of the law on elections to the National Assembly, unless otherwise provided for by this law, shall apply mutatis mutandis to the determination of the results of voting at polling stations and to the determination of election results in electoral units and in municipalities.

Article 85

In determining the elections results of majority elections, the electoral-unit electoral commission shall determine how many votes individual candidates received and which candidates have been elected.

Article 86

In determining the results of proportional elections, where voting is on lists of candidates, the electoral-unit electoral commission or the municipal electoral commission shall determine the number of votes received by individual lists of candidates, how many mandates each list should receive and which candidates from individual lists have been elected.

Article 87

Whenever in proportional elections mandates are distributed in electoral units and at the municipality level, the municipal electoral commission shall determine the number of mandates to be distributed to same-name lists of candidates at the municipal level, and which candidates have been elected.

Article 88

The results of postal voting shall be determined by the municipal electoral commission, wherein those votes which arrived by post before 12 noon on the day after polling day shall be taken into consideration.

Article 89

Election boards at polling stations shall send minutes on their work and other election material to the electoral-unit electoral commission or to the municipal electoral commission no later than 12 noon on the day following polling day.

The electoral-unit electoral commission shall send minutes on their work and other election material to the municipal electoral commission no later than four days following polling day.

Article 90

Municipal electoral commissions shall compile a report on the results of elections in the municipality and shall send it to the mayor no later than six days following polling day.

The municipal electoral commission shall publish the results of the election in the municipality in the official journal of the municipality.

Article 91

The municipal electoral commission shall issue confirmation of election to the elected candidates for members of the municipal council.

12. Subsequent and repeat elections

Article 92

Subsequent elections shall be conducted if voting in an electoral unit or individual polling station was not carried out on the date determined for voting.

Subsequent elections shall be called by the municipal electoral commission. Subsequent elections must be conducted no later than 30 days following the day determined for voting in general elections or by-elections.

Article 93

Repeat elections shall be conducted if the municipal electoral commission, due to

irregularities which did or could have significantly affected the outcome of the election, annuls the voting at a polling station and orders a repeat election.

Article 94

Repeat elections shall also be conducted in instances where the municipal council fails to confirm the mandate of a member of the municipal council or if a court, on the basis of a complaint, annuls the confirmation of the mandate of a member of the municipal council and if the municipal electoral commission concludes that, due to this, a repeat election must be held.

Article 95

Repeat elections shall be called by the municipal electoral commission.

Repeat elections on the basis of existing candidacies shall be conducted no later than 15 days following the date of calling of the repeat election.

Repeat elections on the basis of new candidacies shall be conducted no later than two months following the date of calling of the repeat election.

13. Protection of voting rights

Article 96

Each candidate or representative of a candidate or list of candidates shall have the right to submit a protest to the municipal electoral commission due to irregularities in the candidacy procedures. Protests may be submitted up to the deadline determined for the submission of lists of candidates.

The municipal electoral commission shall decide on the protest within the procedure of confirming candidacies of lists of candidates. It must decide on protests no later than 48 hours after the expiry of the deadline for submission of candidacies or lists of candidates

Article 97

Each candidate or representative of a candidate or list of candidates may submit an appeal to the court responsible for administrative disputes against the decision of the municipal electoral commission rejecting the candidacy or list of candidates or the complaint from the previous paragraph no later than 48 hours following receipt of the decision.

The court must rule on the appeal no later than 48 hours following receipt of the appeal.

Article 98

Each candidate, representative of a candidate or list of candidates, and voter shall have the right to submit a protest to the municipal electoral commission due to irregularities in the work of election boards.

The protest may be submitted no later than the day following polling day. The municipal electoral commission shall be obliged to rule on the protest no later than four days following the polling day.

Article 99

If the municipal electoral commission finds in voting at polling stations or in the work of election boards such irregularities as did or could have significantly affected the outcome of the election, it shall annul the voting at the polling station and order a repeat election to the extent that the voting was annulled.

If the municipal electoral commission finds such irregularities in the work of the electoral-unit electoral commission which did or could have significantly affected the outcome of the election, it shall determine the results of voting in the electoral unit.

Article 100

Each candidate and representative of a candidate or list of candidates shall have the right to submit an appeal to the municipal council against the decision of the municipal electoral commission which could influence the confirmation of mandates, except in instances of by-elections from article 30 of this law, where only the representative of a list of candidates shall have the right to appeal. The appeal may be submitted up to the start of the first session of the municipal council. Appeals concerning by-elections, subsequent elections or repeat elections may be submitted within 15 days of the day of such election.

The municipal council shall decide on the appeal during the confirmation of mandates of members of the municipal council.

Article 101

If the municipal council does not accept the appeal, the appellant may, within eight days of receipt of notification, submit an appeal to the court responsible for administrative disputes.

The court shall rule on the appeal within 30 days from the date of submission of the appeal.

Article 102

In instances from the previous article and from article 97 of this law, the court shall decide in a senate of three judges.

The court shall decide by making suitable use of the provisions of the law on administrative disputes.

II. ELECTION OF MAYORS

Article 103

Each resident who has the right to vote in elections to the municipal council shall have the

right to vote for and be elected as mayor.

Article 104

Regular elections of mayors shall be conducted at the same time as regular elections to the municipal council.

Regular elections of mayors shall be called by the speaker of the National Assembly of the Republic of Slovenia.

If a municipality is established following the conduct of regular elections to the municipal council, the first mayoral elections shall be conducted in accordance with the provisions of this law on early elections to municipal councils.

Article 105

Subsequent mayoral elections shall be conducted if the mandate of the mayor expires before the expiry of the mandate period.

Subsequent mayoral elections shall be called by the municipal electoral commission.

Article 106

The provisions of this law on candidacies for majority elections to the municipal council shall apply mutatis mutandis to the selection of candidates for mayor, excepting the provisions of article 54 of this law which concern the number of signatures of voters for selecting candidates for members of the municipal council.

Whenever a group of voters select a candidate for mayor, no fewer than 50 voters with permanent residence in the municipality must select the candidate for mayor.

Article 107

The candidate who received the absolute majority of votes cast shall be elected mayor.

If no candidate receives an absolute majority of votes, a second round of elections shall be conducted between the two candidates receiving the most votes. If multiple candidates receive the same highest number of votes, or if two or more candidates receive the same second-highest number of votes, the candidates for the second round of elections shall be decided by drawing lots. The ballot paper shall list the candidates in the order of number of votes received in the first round of elections. If the number of votes received is equal, the order shall be determined by drawing lots.

The second round of elections shall be called by the municipal electoral commission.

Article 108

The provisions of the law on elections to municipal councils shall apply mutatis mutandis to issues not specially governed by this section.

III. ELECTIONS TO THE COUNCILS OF DISTRICT, VILLAGE AND URBAN COMMUNITIES

Article 109

The provisions of this law which apply to elections to municipal councils shall apply mutatis mutandis to the election of members of the councils of urban communities.

The provisions of this law which apply to majority elections to municipal councils shall apply mutatis mutandis to the election of members of the councils of district communities and of members of the councils of village communities as part of municipalities.

Article 54 of this law notwithstanding, candidates for members of the council of district, village or urban communities may be selected by the signatures of a group of no fewer than ten voters. They shall give their signatures on a list which contains the personal data of the signatories: name and surname, date of birth and address of permanent residence. The data on the list of signatories shall be verified by the body which keeps the records of the right to vote.

Article 56 of this law notwithstanding, no fewer than ten voters may call an assembly of voters in the electoral unit for the selection of candidates for election of members of the councils of district communities and for election of members of the councils of village communities as parts of a municipality.

The number of members of the council of a district community and the electoral units for the first elections to the councils of these communities, in the event that the territories of these communities have not changed following the entry into force of the law on establishing municipalities and on determining their territories (Official Gazette RS no. 60/94, 69/94), shall be determined by the existing council of the district community, and for all subsequent elections, by the council of this community through an act.

If the council of the district community from the previous paragraph does not operate, or if the territory of the district community following the entry into force of the law from the previous paragraph has changed, or if the district, village or urban community has been newly established, the number of members of the council of the district, village or urban community, and the electoral units for the first elections to the councils of these communities, shall be determined by the municipal council, and for all subsequent elections, by the council of this community through an act.

Electoral units shall be determined in such a way as to ensure the representation of the residents of individual settlements or parts of the district, village or urban community in the council of this community.

Voters with permanent residence in district, village or urban communities shall have the right to vote.

Article 110

Regular elections to the councils of district, village and urban communities shall be conducted at the same time as regular elections to municipal councils.

If the mandate period of the council of a district, village or urban community lasts two years, every second regular election to such council shall be conducted at the same time as regular elections to the municipal council.

Article 111

Elections to the councils of district, village or urban communities shall be called by the mayor.

If the district, village or urban community is established after the conduct of regular elections, the first elections to the council of the district, village or urban community shall be conducted in accordance with the provisions of this law on early elections to the municipal council.

Article 112

Elections to the councils of district, village and urban communities shall be run and implemented by the municipal electoral commission and the electoral commission of such communities.

Article 41 and other provisions of this law which determine the competencies of municipal electoral commissions shall apply mutatis mutandis with regard to the competencies of municipal electoral commission in elections to councils of district, village and urban communities, while article 42 and the other provisions of this law which determine the competencies of electoral-unit electoral commissions shall apply mutatis mutandis with regard to the competencies of the electoral commissions of district, village and urban communities.

The provisions of the previous paragraph notwithstanding, the municipal council may determine that the electoral commissions of district, village and urban communities shall appoint the election boards. The municipal council may also more precisely divide the competencies of municipal electoral commissions and the electoral commissions of district, village and urban communities with regard to performing and running direct technical work relating to elections

Article 113

Electoral commissions of district, village or urban communities shall consist of a president and two members, and their deputies, who shall be appointed from among voters with permanent residence in these communities.

The electoral commission of a district, village or urban community shall be appointed by the council of such community. The municipal electoral commission shall appoint an electoral commission for such communities for the first elections to the council.

Article 114

The provisions of the law on elections to municipal councils shall apply mutatis mutandis to issues not specially governed by this section.

IV. TRANSITIONAL AND FINAL PROVISIONS

Article 115

Referendums on forming new municipalities shall be conducted by the end of May 1994.

On the basis of referendums conducted, the new municipalities shall be established in law by the end of June 1994.

Elections to municipal councils and elections of mayors, and the constituting of municipal councils in the new municipalities shall be conducted no later than 31/12/1994.

Article 116

The number of members of the first municipal council shall be determined in the law on the establishment of municipalities.

The number of members of the municipal council shall be determined with regard to the number of residents in the municipality so that municipal councils have numbers of members as follows:
- *7 to 11 members in a municipality with up to 3,000 residents*
- *12 to 15 members in a municipality with up to 5,000 residents*
- *16 to 19 members in a municipality with up to 10,000 residents*
- *20 to 23 members in a municipality with up to 15,000 residents*
- *24 to 27 members in a municipality with up to 20,000 residents*
- *28 to 31 members in a municipality with up to 30,000 residents*
- *32 to 35 members in a municipality with over 30,000 residents*
- *36 to 45 members in a municipality with over 100,000 residents.*

In municipalities of mixed nationality, the national communities shall have one-tenth of the number of members of the municipal council, and at least one.

Article 117

Municipal councils shall, at teh proposal of executive council within five days of the entry into force of the law on establishing municipalities, adopt a decree on the determination of electoral units and shall appoint the municipal electoral commission. If they fail to do so, the electoral commissions of the referendum territories, which also perform the tasks of municipal electoral commissions, shall adopt a decree on the determination of electoral units. In such instances, the National Electoral Commission may as required change the composition of the electoral commissions of the referendum territories.

Article 118

The first session of the municipal council elected at the first elections shall be called by the president of the municipal electoral commission no later than 20 days after the election of the council.

Article 119

The first regular elections of mayors shall be conducted at the same time as the first regular elections to the municipal council.

Article 120

The first elections to the councils of district, village and urban communities shall be conducted within one year after the entry into force of the statutes of the municipality.

Article 121

On the day this law enters into force, the provisions of the law on elections to assemblies (Official Gazette SRS no. 42/89 and 5/90 and Official Gazette RS no. 10/90 and 45/90) which concern by-elections for delegates of the conference of municipal assemblies and special socio-political communities shall cease to apply.

Article 122

This law shall enter into force fifteen days after its publication in the Official Gazette of the Republic of Slovenia.