



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Strasbourg, 4 March 2008

Opinion no. 460 / 2007

CDL-EL(2008)003
Engl. only

EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

**ARTICLES OF THE ELECTION LAW
OF BOSNIA AND HERZEGOVINA**

**AS PROPOSED FOR AMENDMENT
ON 21 DECEMBER 2007**

Election Law Amendments

Article 1.1a

„Certain expressions used in this Law shall have the following meaning:

- (1) “Political entity” shall mean a political party, an independent candidate, a coalition, or a list of independent candidates certified for participation in elections in accordance with this Law.
- (2) “Electoral unit” shall mean:
 - a) A “basic electoral unit” which means a municipality, the City of Banja Luka, the District of Brcko, the city electoral unit of the City of Mostar and electoral units of the city area of the City of Mostar where a total number of representatives is elected and constituted for a certain level of authority and which does not contain the multimember electoral units.
 - b) A cantonal electoral unit where a total number of representatives is elected and constituted for a certain level of authority and which does not contain multimember electoral units.
 - c) An entity electoral unit where the Entity level of authority is elected and constituted, containing a multimember electoral unit.
 - d) An entity electoral unit where the State level of authority is elected.
- (3) “Multi-member electoral unit” shall mean an electoral unit where more than one but less than the total number of representatives for a certain level of authority is elected.
- (4) “Electoral race” shall mean the mandate period relating to a certain level of authority.
- (5) “Election threshold” shall mean a certain percentage of votes received (valid ballots) that must be won by a political entity in order for it to be eligible to participate in the allocation of mandates.
- (6) “Election campaign” shall mean the period established by this Law within which a political entity informs the voters and the public, as prescribed by the Law, about their programs and candidates for the forthcoming elections.
- (7) “Compensatory mandates” shall mean the mandates that are allocated to the lists of political parties or coalitions according to the number of valid votes received, and serve to compensate for inadequate proportional representation at the entity level arrived at by summing up the results for the particular multimember electoral units in the entity.
- (8) “National Minority Member” shall mean a portion of population – BiH citizens who do not belong to one of the three constituent peoples. National minority is consisted of people of the same or similar ethnic background, same or similar tradition, customs, faith, language, culture and spirituality and close or related history and other features
- 9) “Displaced person” shall mean a national of Bosnia and Herzegovina whose status of a displaced person has been established by a competent administration authority responsible for the displaced persons affairs as provided by law.
- 10) “Refugee” shall mean a national of Bosnia and Herzegovina who has the voting rights and has taken up his/her residence abroad, enjoying the status as refugee from Bosnia and Herzegovina.
- 11) “Parliamentary party” shall mean a political party represented in representative or legislative government authorities.

Article 1.2a

The Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina (hereinafter: the BiH budget) shall provide for the cost and expense for the conduct of elections by the Central Election Commission of BiH referred to in Article 2.19 and Article 2.19, Paragraph 12¹ of this Law.

The budgets of entities and cantons shall provide for the cost and expense for the conduct of elections of the election bodies referred to in Article 2.21 of this Law, pursuant to the Decision of the Central Election Commission of BiH that regulates their scope of competence as well as the provision of missing funds for obligations referred to in Paragraph 3 of this Article.

The budgets of municipalities and cities shall provide for the cost and expense for the conduct of elections by municipal election commissions referred to in Article 2.13 as well as reimbursement costs referred to in Article 2.12, Paragraph 7 and Article 2.19, Paragraph 11² of this Law.”

The Budget of the Brcko District of BiH shall provide for the cost and expense for exercise of the competencies of the Election Commission of the Brcko District and reimbursement costs for the Election Commission and polling stations committees of the Brcko District of BiH pursuant to the Election Law of the Brcko District of BiH.

The costs and expense for the conduct of the elections shall be administered by the Election Commission referred to in Paragraphs 1, 2, 3 and 4 of this Article, which is authorized to determine the method of their use and supervise their allocation and use.

Funds for the conduct of elections, institutions outlined under paragraphs 1, 2, 3 and 4 of this Article must be provided within 15 days from the day of issuance of the decision on announcement of elections by the Central Election Commission of BiH

Article 1.3

The election of members of all bodies of authority shall be made on the basis ***of free elections*** of general and equal voting rights by ***directly by the voters*** secret ballots, unless otherwise stipulated by this law.

Article 1.3a

Except in the cases defined by Article 1.10 of this Law, the members of the representative bodies elected in accordance with this Law may not be recalled, and all their rights and obligations shall commence on the day when the representative body has been constituted.

Mandate of the members of a representative body elected in the regular elections shall be 4 years and shall commence on the day when ***the election results have been published in the Official Gazette of Bosnia and Herzegovina***.

¹ Bold, Italic, Broken Lines – According to the Law on Amendments to the Election Law of Bosnia and Herzegovina, published in the “Official Gazette of Bosnia and Herzegovina”, 24/06 (4/3/2006), in Article 1.2a, Paragraph 1, after the number “2.19” the following words shall be added: “and Article 2.19, Paragraph 12”.

² Bold, Italic, Broken Lines – According to the Law on Amendments to the Election Law of Bosnia and Herzegovina, published in the “Official Gazette of Bosnia and Herzegovina”, 24/06 (4/3/2006), in Article 1.2a, Paragraph 3, the words: “and Article 2.19, Paragraph 3” shall be replaced with the words: “and Article 2.19, Paragraph 11”.

(3) The elected holder of the mandate that has been elected in the direct and indirect elections shall have the obligation to sign a declaration by which he/she shall refuse or accept the mandate in the form as prescribed by the Central Election Commission of BiH

Article 1.5

All citizens of Bosnia and Herzegovina who have the right to vote, pursuant to this law, shall have the right to vote in person in the municipality of their permanent residence.

In addition to the rights referred to in paragraph (1) of this Article, a citizen of Bosnia and Herzegovina who is temporarily residing abroad and has the right to vote, shall have the right to register and to vote by mail or in person in the diplomatic and consular representation offices of Bosnia and Herzegovina, for the municipality where the person had a permanent place of residence prior to his or her departure abroad, provided that he or she is registered as a permanent resident in that municipality at the moment of submitting his or her application for out-of-country vote.

The Central Election Commission of Bosnia and Herzegovina shall issue a separate regulation in order to regulate the procedure of voting in the diplomatic and consular representation offices of Bosnia and Herzegovina. Membership of the Polling Station Committees for voting in the diplomatic and consular representation offices of Bosnia and Herzegovina must be multiethnic.

A citizen of Bosnia and Herzegovina who has dual citizenship pursuant to Article I(7)(d) of the Constitution of Bosnia and Herzegovina, shall have the right to vote, only if Bosnia and Herzegovina is the country of his or her permanent residence.

Article 1.8

Judges of regular and Constitutional courts, prosecutors and their deputies, attorneys and their deputies holding public office, Ombudsmen and their deputies, members of the Human Rights Courts/Chambers/Councils, **notaries**, members of police forces, civil servants, members of the Armed Forces of BiH, members of the Intelligence and Security Agency, and diplomatic and consular representatives of Bosnia and Herzegovina abroad who have a diplomatic status in accordance with the 1961 Vienna Convention on Diplomatic Relations, may stand as a candidate for public elected office only if they resign from their position or abide by the laws regulating their status.

If a delegate in the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina holds, at the same time, a mandate of a member of the House of Representatives of Parliamentary Assembly of Bosnia and Herzegovina, Parliament of the Federation of Bosnia and Herzegovina, National Assembly of Republika Srpska or cantonal assembly he/she shall be bound to inform in writing, within 3 days, the Central Election Commission of Bosnia and Herzegovina which of the mandates he/she selected thus terminating other mandates that he/she holds.

If a delegate in the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina acquires the right to a mandate in the House of Representatives of Parliamentary Assembly of Bosnia and Herzegovina, House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, National Assembly of Republika Srpska or cantonal assembly pursuant to Article 9.11 of this Law and if he/she does not inform, within 3 days, the Central Election Commission of Bosnia and Herzegovina on waiving of that right, the mandate shall not be allocated to him/her and it shall be distributed to the next qualified candidate on the list of the constituency according to paragraph 2 of Article 9.9 of this Law. If after a question of the Central Election Commission of Bosnia and Herzegovina the delegate decides to use that

right his/her mandate of a delegate in the House of Peoples of the Parliamentary Assembly shall cease.

One person can hold maximum one (1) directly elected public office, or maximum one (1) directly elected office and one (1) indirectly elected office, unless otherwise specified by the Law, It is also incompatible to hold at the same time one directly or indirectly elected office and one position in an executive body of authority. It is also incompatible to hold more than one position in an executive body of authority.

A person may not hold public elected office in Bosnia and Herzegovina and at the same time hold any public elected or politically appointed office in another country. A person holding any elective or politically appointed office in another country shall be obliged to relinquish, within forty-eight (48) hours after the verification of his or her mandate in Bosnia and Herzegovina, one of the two (2) offices he or she holds. A person who holds any public elected office in Bosnia and Herzegovina and is elected to or appointed to a politically appointed office in another country, shall be obliged to relinquish his or her mandate in Bosnia and Herzegovina, within forty-eight (48) hours after the election or appointment in another country.

For the purpose of this article, an executive office notably includes the Presidency of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the President and Vice Presidents of the Federation of Bosnia and Herzegovina, the President and Vice Presidents of the Republika Srpska, the government of the Federation of Bosnia and Herzegovina including the Prime Minister, the government of the Republika Srpska including the Prime Minister, the government of the District of Brcko, the Cantonal government, the Mayor of a city, the Deputy Mayor of a city, the city government, the Mayor of a municipality, the Deputy Mayor of a municipality, the Mayor's cabinet, and other executive functions as defined by law.

Article 1.10

The term of office of an elected member of a body of authority at all levels shall terminate before the expiration of the mandate for which he or she was elected if:

1. ***on the day when he/she resigns;***
2. ***if he/she has been recalled in accordance with law;***
3. ***on the day when he/she dies;***
4. ***on the day when a court judgment becomes final and binding by which he/she has been sentenced to a sentence of six (6) months or longer;***
5. ***on the day when a court decision becomes final and binding by which he or she has been deprived of the ability to engage in business activities (declared mentally incompetent);***
6. on the day he/she is elected or appointed to an office which is incompatible with the office of an elected member of a certain body as stipulated by law;
7. if he/she has cancelled his/her permanent residence in the territory of the electoral unit in which he/she was recorded as a voter in the Central Voters Register and from which he/she was elected, after the end of a six-month-period following the date of cancellation; or
8. for a reason stipulated by law that he or she loses the right to be elected.

The mandate of an elected member of a body of authority at any level shall terminate on the day when one of the reasons for termination established by law occurs. ***The Central Election Commission of Bosnia and Herzegovina shall, within maximum fifteen (15) days after the reason for termination has occurred or become known, take the decision to terminate the mandate of an elected member of a government authority and shall notify thereof the government authority in which the elected member had the mandate.***

If the member resigns, the resignation shall be completed on a form produced by the Central Election Commission of Bosnia and Herzegovina.

Article 2.2

Member of election commission and Polling Station Committee shall be person eligible to vote.

Member of election commission and Polling Station Committee shall be person with appropriate expertise and experience in the administration of elections.

The Central Election Commission of Bosnia and Herzegovina shall determine what the required qualifications are for member of election commissions and Polling Station Committee established in the paragraph 2 of this Article.

Member of the competent authority responsible for the conduct of elections shall have to undergo the continued training during their mandate, in accordance to the educational curricula (plan and programme) issued by the Central Election Commission of Bosnia and Herzegovina.

If a member of the competent authority responsible for the conduct of elections fails to undergo the continued training during the mandate as required under the educational curriculum issued by the Central Election Commission, he/she shall be released from his/her duty.

Article 2.3

No person can be appointed as a member of an election commission or Polling Station Committee who:

1. is not eligible to stand as a candidate in accordance with Articles 1.6 and 1.7 of this law;
2. is a member of the highest executive political body of a political party or coalition: a president, deputy president, the general secretary, secretary or members of the executive board or the central committee;
3. holds an elected mandate or is a member of an executive body of authority except as provided for in Article 2.12 Paragraph 4 of this law;
4. stands as a candidate of a political subject that has won the mandate for the elections at any level of authority; or
5. has been sanctioned for a serious violation of the electoral laws or regulations where the person was found to be personally responsible for the violation, in the previous four (4) years, starting from the day the decision became final.

The Central Election Commission of Bosnia and Herzegovina shall decide if the severity of the violation and the personal responsibility of the individual as stated in paragraph 5 of this article prohibits the person from being a member of an election commission or a Polling Station Committee.

Article 2.4

The election commission member shall be appointed for a period of seven (7) years and member may only be appointed to the same election commission for two (2) consecutive terms of office.

Polling Station Committee member shall be appointed for each election.

Article 2.5

The Central Election Commission of Bosnia and Herzegovina shall consist of seven (7) members: two (2) Croats, two (2) Bosniacs, two (2) Serbs, and one (1) other member.

The nominees for the Central Election Commission of Bosnia and Herzegovina shall be jointly nominated by the members of the Commission for Selection and Nomination. The Central Election Commission of Bosnia and Herzegovina nominees shall be legal experts with experience in the administration of elections and/or electoral experts and may not hold any office in the bodies of a political party, association or foundations organizationally or financially related to the political party, and may not be involved in any political party activity.

Commission for Selection and Nomination shall have seven members out of whom two shall be appointed by the President of the High Judicial and Prosecutorial Council from amongst members of the Council, three members shall be appointed by the Administrative Commission of Parliamentary Assembly of Bosnia and Herzegovina from amongst members of the Commission **from the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina** and two shall be appointed by the President of the Central Election Commission of Bosnia and Herzegovina from amongst members of the Central Election Commission of Bosnia and Herzegovina.

The constituent peoples, two Bosniaks, two Serbs, two Croats and one from amongst the Others must be represented in the Commission for Selection and Nomination.

The Commissions for Selection and Nomination shall meet for the purpose of decision making on issues of appointments regulated by this Law. **The procedure of announcement and determination of proposed candidates** shall follow the Rules of Procedures adopted by the Commission for Selection and Nomination. A decision on the list of nominees for the election Commission of Bosnia and Herzegovina shall be made by two third (2/3) majority vote.

In accordance with its procedures, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall elect members of the Central Election Commission of Bosnia and Herzegovina from the list of nominees. If this list is not submitted to the House of Representatives thirty (30) days prior to the expiration of the mandates of the members of the Central Election Commission of Bosnia and Herzegovina, then the House of Representatives of Bosnia and Herzegovina shall nominate and elect the members of the Central Election Commission of Bosnia and Herzegovina.

The Commission for Selection and Nomination shall have the obligation to provide the House of Representatives of the Parliamentary Assembly of BIH with the candidate list not later than thirty (30) days prior to the expiration of the mandates of the members of the Central Election Commission of Bosnia and Herzegovina.

In the event a member of the Central Election Commission of Bosnia and Herzegovina cannot perform his/her duties as established in Article 2.15 of this law the Central Election Commission of Bosnia and Herzegovina shall notify the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina. The House of Representatives of Bosnia and Herzegovina shall in this case appoint a new member who is of the same Constituent Peoples including others as the previous member. A new member shall be appointed from the list of nominees submitted by the Commission for Selection and Nomination.

In the event that the House of Representatives of the Parliamentary Assembly of BIH fails to conduct the procedure referred to in Paragraph 6 of this Article, the members of the Central Election Commission of BIH shall continue to perform their duties until such time as the new members of the Central Election Commission of BIH have been appointed.

The cost and expense for the public announcement of an open competition shall be provided from the Budget of the Central Election Commission of Bosnia and Herzegovina.

Article 2.9

The Central Election Commission of Bosnia and Herzegovina is an independent body, which derives its authority from and reports directly to, the Parliamentary Assembly of Bosnia and Herzegovina. The Central Election Commission of Bosnia and Herzegovina shall:

1. co-ordinate, oversee and regulate the lawful operation of all election commissions and Polling Station Committees in accordance with this law;
2. issue administrative Regulations for the implementation of this law;
- 2.a issue a decision to hold the direct elections in Bosnia and Herzegovina, as provided by this Law;
3. propose a budget for the Central Election Commission of Bosnia and Herzegovina and report on its spending;
4. be responsible for accuracy, update and overall integrity of the Central Voters Register for the territory of Bosnia and Herzegovina;
- 4.a ensure the statistical records classified by gender, **age, classified by polling stations** for each part of the election process;
5. certify the participation of political parties, coalitions, lists of independent candidates and independent candidates for all levels of direct elections in Bosnia and Herzegovina;
6. verify and certify the lists of candidates for all levels of direct and indirect elections in Bosnia and Herzegovina covered by this law;
7. be responsible for the timely printing, distribution and security of ballots and forms for all levels of direct elections in Bosnia and Herzegovina;
8. define the contents and the form of the ballot for all levels of direct elections in Bosnia and Herzegovina;
9. verify and **certify** election results for all direct and indirect elections covered by this Law, certify that elections were conducted in accordance with this Law and publish results of all direct and indirect elections covered by this Law;
10. issue certificates to persons who receive mandates at all levels of direct and indirect elections in BiH covered by this Law;
11. notify an election commission or Polling Station Committee or any other competent authority responsible for the conduct of elections that it does not comply with or violates a provision of this law and order the remedial action required to be taken by the competent body;
12. publicize all Rules of Procedure, Regulations and election results of the direct and indirect elections in BiH covered by this Law, voter information and all other information necessary for the implementation of this law and all electoral laws, in the Official Gazettes and the media, both inside and outside Bosnia and Herzegovina as appropriate;
13. conduct all election activities for the elections for the members of the Presidency of Bosnia and Herzegovina and the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
14. **take the decision to terminate the mandate of an elected official at all levels of direct and indirect elections in Bosnia and Herzegovina covered by this Law, but also where necessary conduct the preliminary fact-finding procedure (in the case where a member resigns that it is of his or her own volition);**
15. **review the decision taken by the competent authority to terminate the mandate of an elected official by recall, in order to ensure that the elected official's mandate was terminated in accordance with this Law;**
16. report annually to the Parliamentary Assembly of Bosnia and Herzegovina **on the** electoral administration in Bosnia and Herzegovina, the implementation of this law and initiates amendments to this law; and
17. perform all other duties as authorised by law.

Article 2.12

A Municipal Election Commission shall consist of three (3), five (5) or seven (7) members. ***A municipal election commission may appoint the municipal election commission Secretary, who shall perform administrative and technical duties.***

The Central Election Commission of Bosnia and Herzegovina shall determine the number of the Municipal Election Commission members in accordance with the number of the registered voters and the size of a municipality.

Other criteria may be used by the Central Election Commission of Bosnia & Herzegovina to determine the number of Municipal Election Commission members.

The member of the Municipal Election Commission can be: the president or a judge of a regular Court, the Secretary of the Municipal Council/Municipal Assembly and City Council, persons professionally employed in Municipal administration and other persons if they meet the conditions established in the Article 2.2 of this Law, and they do not have the obstacles from the Article 2.3 of this Law.

The members of the Municipal Election Commission shall be appointed by the Municipal Council/Municipal Assembly, subject to the approval of the Central Election Commission of Bosnia and Herzegovina ***based on a public advertisement according to the procedure established by the Central Election Commission of BiH under a separate regulation.***

Members of the Municipal Election Commissions shall be dismissed by the Municipal Council, or the Municipal Assembly, with the consent of the Central Election Commission of Bosnia and Herzegovina.

A member of the Municipal Election Commission may no be a representative or attorney of the political subject participating in the elections and if under a final and binding court decision he/she has been sentenced to a non-suspended sentence of six (6) months or longer.

Amongst the members of the Municipal Election Commission from the previous paragraph the Municipal Council/Assembly shall appoint the President, subject to the approval of the Central Election Commission of Bosnia and Herzegovina.

Members of municipal election commissions shall be entitled to a permanent monthly remuneration. The decision on the amount shall be reached by the municipal council/assembly on yearly basis given that this amount may not be lower than the amount provided for the members of the municipal council/assembly.

Article 2.13

The Municipal Election Commission shall:

1. monitor and supervise (control) the work of the Voters Register Center referred to in Article 3.8 of the Law;
2. designate Polling Stations in the territory of the municipality for voting on all levels of authority in Bosnia and Herzegovina;
3. conduct the appointment procedure, appoint and train the members of the Polling Station Committee;
4. ensure the security of, and deliver to the Polling Station Committees the polling material for voting at all levels of the elections in Bosnia and Herzegovina;

5. as directed by the Central Election Commission of Bosnia and Herzegovina notify voters of information necessary for the administration of elections;
6. be responsible for the technical arrangements at the Polling Station and any other technical preparations for the elections;
7. be responsible for the proper conduct of the counting of ballots at Polling Stations and municipal counting centres;
8. compile the results of elections from all Polling Stations in the municipality, separately for each body for which elections were administered and forward the results to the Central Election Commission of Bosnia and Herzegovina; and
9. perform all other tasks as authorised by law and by the Regulations of the Central Election Commission of Bosnia and Herzegovina.

Article 2.14

The composition of an election commission should be multiethnic, reflecting the population of the constituent peoples including others bearing in mind the most recent national Census at the electoral unit for which it is formed.

If the election commission is not composed in accordance with the previous paragraph, the Central Election Commission of Bosnia and Herzegovina shall annul the appointment of the members and inform the appointing body. The appointing body shall within fifteen (15) days of the decision of the Central Election Commission of Bosnia and Herzegovina reappoint the body in compliance with the criteria established ***in paragraph 1 of this Article.***

If the election commission or Polling Station Committee is not properly constituted again, the Central Election Commission of Bosnia and Herzegovina shall appoint the members of the election commission or Polling Station Committee in accordance with paragraph 1 of this article.

Article 2.19

The Polling Station Committee shall consist of three (3) or five (5) members of whom one shall be appointed as President.

The President and members of the Polling Station Committee shall have deputies.

The appointment of the President and members of the Polling Station Committee and their deputies shall be made by the Municipal Election Commission ***based on a public invitation*** no later than forty-five (45) days prior to the date of the election.

If the Municipal Election Commission does not appoint the members of the Polling Station Committee and their deputies in accordance with Paragraph 3 of this Article, then the Central Election Commission of Bosnia and Herzegovina shall appoint the members of the Polling Station Committee and their deputies.

Further regulations required for implementation of this Article shall be issued by the Central Election Commission of BiH.

Members of a Polling Station Committee are entitled to a salary. The decision on the amount of the salary shall be made by the Municipal Election Commission.

The decision on the amount of payment for the members of the Polling Station Committees for the conduct of the General Elections shall be made by Central Election Commission of BiH.

Article 3.1

The Central Voters Register constitutes the records of citizens of Bosnia and Herzegovina who have the right to vote in accordance with this Law and shall be established, maintained and used for the following purposes: to organize and conduct elections in accordance with law, to conduct referendums, to conduct recalls of elected officials and to elect bodies of the Local Self-governance in accordance with law.

The Central Voters Register and excerpts from the Central Voters Register are public documents.

The right of access to the Central Voter Register shall be exercised in accordance with this Law.

Political entities certified for participation in elections **and whose candidate lists are certified for participation in elections**, in accordance with this Law, shall be provided upon their request with an electronic or printed excerpt from the Central Voter Register for the level of government or for the electoral unit in which they participate in elections.

Article 3.5

(NOTE: Complete article is to be amended)

The Central Voters Register shall be maintained ex-officio.

The Central Election Commission of Bosnia and Herzegovina shall maintain the Central Voters Register for the territory of Bosnia and Herzegovina on the basis of records of a competent State authority that maintains the records of citizens of Bosnia and Herzegovina in accordance with the Law on Central Registers and Data Exchange, unless otherwise prescribed by this Law.

The competent State authority referred to in Paragraph 2 of this Article shall maintain and shall be responsible for the overall technical processing of all data of relevance for the records of the Central Voters Register (hereinafter: the authority in charge of technical maintenance of the Central Voters Register records).

The competent authority for keeping the records on citizens of Bosnia and Herzegovina pursuant to Law on Citizens' Single Identification Number, Law on Permanent and Temporary Residence of the Citizens of Bosnia and Herzegovina and the Law on Identification Card of BiH Citizens, shall receive the data from:

- a) Competent Registry Office on death of all citizens over eighteen (18) years of age; and
- b) Competent Ministry of Bosnia and Herzegovina: on deregistration of BiH citizenship

The competent authority in charge of technical maintenance of the Central Voter Register shall receive the data pursuant to the Law on Central Registers and Data Exchange as well as the provisions of the Law on Personal Identification Number (JMB Number), the Law on Permanent and Temporary Residence of BiH Citizens, and the Law on ID Cards from a competent authority in charge of maintaining the records on any change of permanent and temporary residence.

The authority competent for technical maintenance of the Central Voter Register records shall receive data from the following parties:

- a. Municipal Election Commissions on Polling Stations; and
- b. Central Election Commission of BiH and Municipal Election Commissions on changes of voting options.

The competent authority in charge of maintaining the official records concerning such data shall be responsible for accuracy and update of data necessary to produce the Central Voters Register.

The competent Registry Offices shall provide to the authority competent for maintaining the official records concerning the Citizens' Single Identification Number, Permanent and Temporary Residence of the Citizens of Bosnia and Herzegovina with the data on all changes that affect the accuracy of the Central Voters Register, in writing, not later than within seven (7) days from the date the change has occurred.

The authority competent for maintaining the official records concerning the Citizens' Single Identification Number, Permanent and Temporary Residence of the Citizens of Bosnia and Herzegovina is responsible for keeping the data updated and accurate and is obliged to keep the files with documents, public identification documents and requests of citizens, on the basis of which the Central Voters Register is maintained and updated, and make the access to these files possible and the files available at the request of the Central Election Commission.

Article 3.10

Records of the Central Voters Register shall contain the following information on citizens_of Bosnia and Herzegovina who have the right to vote:

- a) Last and first name and name of one of parents,
- b) Date of birth,
- c) National Identification number,
- d) Gender,
- e) Name of the Municipality where this person has a permanent or temporary residence,
- f) Address of the permanent/temporary residence (street, street number and town),
- g) Name of the Municipality and/or electoral unit for which this person is eligible to vote,
- h) Voting option
- i) *Polling Station***
- j) *date of registration of the permanent or temporary residence;*** and
- k) Field with the heading: "Notes".

Excerpts from the Central Voters Register shall be made on the basis of the electronic records of the Central Voters Register.

The format and **contents** of an excerpt from the Central Voters Register, used for the conduct of the elections, shall be determined by the Central Election Commission of BiH.

Article 3.12a

A voter who has changed his/her permanent residence 45 days before the election day, shall be found in the excerpt from the Central Voters Register at a regular Poling Station in the municipality in which he/she had his/her permanent residence until the day when the permanent residence was changed.

The authority in charge of maintaining the records on any change of permanent or temporary residence shall check the accuracy of the data on such changes of permanent or temporary residence. An official report shall be compiled about this check.

Article 3.13

Entry of a voter in the Central Voters Register shall be made by the competent authorities in accordance with the provisions of Article 3.5 of this Law.

Any citizen of Bosnia and Herzegovina shall have access to an excerpt from the Central Voters Register and shall be entitled to request its correction if it is the correction of his personal data. Such request shall be submitted in writing to the authority referred to in Paragraph 4 of this Article.

Personal data referred to in Paragraph 2 of this Article are data described in Article 3.10, Paragraph 1, Items a), b), c), e) and j) of this Law.

Corrections of personal data in the Central Voters Register shall be made by the competent authority responsible for keeping records of such data.

Article 3.15

A citizen of Bosnia and Herzegovina who has the right to vote under this Law and is temporarily residing abroad and is recorded in the Central Voters Register, in order to be included in the excerpt from the Central Voters Register for out-of-country voting, is obliged to submit an application to the Central Election Commission of Bosnia and Herzegovina for every elections. The application must be received before the deadline set by the Central Election Commission of Bosnia and Herzegovina in the period after the elections are announced. Proof of identity of the applicant as prescribed by this law and accurate details of the address abroad shall be attached to the application, signed by the applicant.

A citizen of Bosnia and Herzegovina who has the status of a refugee from BiH and has the right to vote under this Law, and is recorded in the Central Voter Register, in order to be included in the excerpt from the Central Voters Register for out-of-country voting, is obliged to submit an application to the Central Election Commission of BiH for every elections. The application must be received before the deadline set by the Central Election Commission of BiH in the period after the elections are announced. The applicant should attach to the signed application, the following proofs:

- a) proof of identity of the applicant as prescribed by this Law;
- b) accurate details of the address abroad and
- c) proof of the permanent residence in Bosnia and Herzegovina in accordance with Article 20.8 of this Law, if he wants a change of the data recorded in the Central Voters Register for the basic electoral unit that he has the right to vote for.

A refugee from BiH who is not recorded in the Central Voters Register, in order to be recorded in the Central Voters Register and to exercise thereby his right to vote under this Law, must submit an application to the Central Election Commission of Bosnia and Herzegovina. The application must be received before the deadline set by the Central Election Commission of Bosnia and Herzegovina in the period after the elections are announced. The applicant should attach to the signed application, the following proofs:

- a) proof of identity of the applicant,
- b) proof of the citizenship of Bosnia and Herzegovina,
- c) proof of the permanent residence in Bosnia and Herzegovina, in accordance with Article 20.8 of this Law and
- d) accurate details of the address abroad.

The following documents shall be admissible as valid proof on identity of the applicant, pursuant to Item a) of Paragraph 3 of this Article:

- a) Passport
- b) Driving license
- c) Valid personal identity card issued by the host country and
- d) Refugee card issued by the Government of the host country or another international organization.

If the requirements of Paragraphs 1, 2 and 3 of this Article are met, the applicant shall be recorded in the excerpt from the Central Voters Register for out-of-country voting.

The applicant may send the completed and signed application and the required documents by fax and electronically. The procedure and method of sending, receiving, processing, filing (archiving) and protection of electronic applications and documents shall be established by the Central Election Commission of Bosnia and Herzegovina under a separate regulation.

The applicant referred to in Paragraphs 1, 2 and 3 of this Article shall be held responsible for authenticity of data attached to the application.

The Central Election Commission of BiH shall prescribe the layout of the application form referred to in Paragraphs 1, 2 and 3 of this Article, the manner and procedure to verify the accuracy of data in the documents submitted by refugees from BiH who request to be recorded in the Central Voters Register, to verify the proofs of identity and permanent residence of the refugees and shall issue relevant instructions regarding the procedure for recording voters in the excerpts of the Central Voters Register for out-of –country voting.

Registration into the Central Voters Register of the citizens of Bosnia and Herzegovina who have the status of refugees from Bosnia and Herzegovina, and who have their voting rights as provided by this Law, shall be a continuing process conducted during the entire year, with the documentation attached as provided by paragraph (3) of this Article.

Article 4.3

In order to participate in the elections, a political party must be registered with the competent authority in accordance with the law. The application for certification must be accompanied by evidence that the political party is registered with the competent authority, ***that is not older than 60 days***. The political party must apply for certification under the same name that it registered with the competent authority.

Article 4.4

The application for certification of a political party or independent candidate must include a list setting out the name, original signature, , ***number of a valid ID Card*** and National Identity number of each voter recorded in the Central Voters Register who supports the application of the political party or independent candidate.

The signature form shall be prescribed by the Central Election Commission of Bosnia and Herzegovina. These forms shall be pre-printed forms and shall contain, a space for the name of the political party or independent candidate, and sequential serial numbers. Political parties and independent candidates shall only collect signatures on the forms assigned to them by the election commission of Bosnia and Herzegovina. Other forms submitted by a political party or independent candidate shall not be accepted.

The signature form shall also include the name, original signature, **number of a valid ID Card** and National Identity number of the person(s) who are responsible for collecting the supporter's signatures.

In order to be certified for participation in the elections, a political party must present to the Central Election Commission of Bosnia and Herzegovina its application for participation in the elections, which contains at least:

1. three thousand (3,000) signatures of voters recorded in the Central Voters Register for the elections for the members of the Presidency of Bosnia and Herzegovina;
2. three thousand (3,000) signatures of voters recorded in the Central Voters Register for the elections for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
3. two thousand (2,000) signatures of voters recorded in the Central Voters Register for the elections for the members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or for the members of the National Assembly of the Republika Srpska **or for the elections for the President of Vice Presidents of Republika Srpska**;
4. five hundred (500) signatures of voters recorded in the Central Voters Register for elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia-Herzegovina;
5. one hundred (100) signatures of voters recorded in the Central Voters Register for the elections for the Municipal Council/Municipal Assembly and for the Head of Municipality in a municipality where the number of voters recorded in the Central Voters Register **on the day when the elections are announced** in the last elections held for that level of authority did not exceed ten thousand (10,000) voters, or two hundred (200) signatures for the election in the municipality in which this number exceeded ten thousand (10,000) voters recorded in the Central Voters Register.
6. (5)% of signatures of voters recorded in the Central Voters Register for the election of Municipal Council or Municipal Assembly and for the Head of Municipality, in a municipality where the number of voters recorded in the Central Voters Register **on the day when the elections are announced** in the last elections held for that level of authority did not exceed a thousand (1000) voters recorded in the Central Voters Register;
7. supporting signatures submitted for the higher level of authority shall also be applicable to the lower levels of authority included in the higher level of authority.

Article 4.5

Except for the elections for the members of the Presidency of Bosnia and Herzegovina, a political party shall be exempt from the signature requirement established in Article 4.4 of this law if a member of this political party holds a mandate in the same body that the political party applies to certify to stand for office.

A political party shall be exempt from the signature requirement established in Article 4.4 of this Law also in the event that a request for verification of candidacy is filed for the body at the same or lower level of authority in comparison with the body in which the political party member already holds a mandate.

For the purposes of this article the political party shall submit a signed statement from the elected official that he or she was a member of that political party at the time that he or she received the mandate and that he or she is still a member of that party together with the confirmation form.

Article 4.7

If two (2) political parties have identical names or names that are so similar that it could cause confusion or mislead a voter, the Central Election Commission of Bosnia and Herzegovina shall determine which party has the right to use the name for the purposes of the elections, taking into account the date each party registered with the competent **authority**.

Article 4.8

In order to be certified for the elections, an independent candidate must present his or her application for participation in the elections to the Central Election Commission of Bosnia and Herzegovina containing at least:

1. one thousand five hundred (1,500) signatures of voters recorded in the Central Voter Register for the elections for the members of the Presidency of Bosnia and Herzegovina;
2. one thousand and five hundred (1,500) signatures of voters recorded in the Central Voter Register for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
3. one thousand (1,000) signatures of voters recorded in the Central Voter Register for the elections for the members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or members of the National Assembly of the Republika Srpska **or for the elections for the President of Vice Presidents of Republika Srpska**;
4. two hundred and fifty (250) signatures of voters recorded in the Central Voter Register for the elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia and Herzegovina; or
5. one hundred (100) signatures of voters recorded in the Central Voter Register for the elections for the Municipal Council/Assembly and for the Mayor of Municipality.
6. five (5) % of signatures of voters recorded in the Central Voters Register for the election of Municipal Council/Assembly and for the election of the Head of Municipality, in the municipality in which the number of voters recorded in the Central Voters Register **on the day when the elections are announced** has not exceeded a thousand (1000) voters recorded in the Central Voters Register”.

Article 4.9

(NOTE: complete article is to be amended)

An independent candidate, who has a mandate in his/her capacity as independent candidate, shall, in the event that he/she stands as a candidate for election of an authority at the same or lower level than the authority where he/she holds his/her mandate, shall be exempt from the obligation of collecting the signatures referred to in Article 4.8 of this Law, except the obligation of collecting the signatures for election of the members of the BiH Presidency.

Article 4.10

An independent candidate shall submit his or her application for candidacy no later than one-hundred and thirty-five (135) days prior to the election and it shall contain: the name and surname, **ethnicity and valid ID Card number**, address, national identification number, date and signature of the independent candidate.

The Central Election Commission of Bosnia and Herzegovina shall certify the application of an independent candidate for participation in the elections if the application meets the requirements as established by this law not later than within 15 days following the date the application is received.

The Central Election Commission of Bosnia and Herzegovina shall examine within two (2) days whether the application was submitted in accordance with this law and certify, reject or request the candidate to correct his or her application.

If the Central Election Commission of Bosnia and Herzegovina identifies incorrect or incomplete information, or if it identifies any other deficiency or irregularity in the application in the sense of this law or of an act issued by the Central Election Commission of BiH, it shall notify the applicant thereof, who shall be bound to correct the information within two (2) days, after the date of receipt of such notification. Upon the expiration of this deadline, in the event that the independent candidate fails to remove the deficiency or irregularity from the application, the Central Election Commission of Bosnia and Herzegovina shall not certify the application of that independent candidate for participation in the elections, the Election Commission of Bosnia and Herzegovina shall decide whether or not to certify or reject the application for participation in the elections.

If the Central Election Commission of Bosnia and Herzegovina rejects the application, the applicant shall have the right to request the Central Election Commission of Bosnia and Herzegovina to reconsider the decision within two (2) days from the date of receipt of the decision. The Central Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days from the date of receipt of the request.

An independent candidate may not at the same time stand for office as an independent candidate in more than one electoral unit or run for office on a political party, list of independent candidates or coalition's candidates list.

After certification an independent candidate may not withdraw his or her candidacy.

Article 4.12

Two (2) or more certified political parties that choose to form a coalition must submit an application for certification under one name to the Central Election Commission of Bosnia and Herzegovina and a decision on the selection of the authorized representative of coalition signed by all presidents of political parties-coalition members and shall also provide the data about the coalition seat and/or address where all correspondence shall be sent to. If the name of a coalition is identical to or so similar to a political party or coalition's name that it could cause confusion or mislead a voter, the Central Election Commission of Bosnia and Herzegovina shall determine who has the right to use the name for the purposes of the elections.

A coalition shall submit its application for certification no later than one hundred and ten (110) days before the date of the elections, no later than within seven (7) days following the day application is received.

The Central Election Commission of Bosnia and Herzegovina shall certify the application of a coalition for participation in the elections if it meets the requirements as established by this law.

If the Central Election Commission of Bosnia and Herzegovina identifies incorrect or incomplete information, or if it identifies any other deficiency or irregularity in the application in the sense of this law or of an act issued by the Central Election Commission of BiH it shall notify the applicant thereof, who shall correct the information within two (2) days, after the date of receipt of such notification. Upon the expiration of this deadline, in the event that the coalition fails to remove the deficiency or irregularity from the application, the Central Election Commission of Bosnia and Herzegovina shall not certify the application of that coalition for participation in the elections the Election Commission of Bosnia and Herzegovina shall decide whether or not to certify or reject the application for participation in the elections.

If the Central Election Commission of Bosnia and Herzegovina rejects the application, the applicant shall have the right to request the Central Election Commission of Bosnia and Herzegovina to reconsider the decision within two (2) days from the date of receipt of the decision. The Central Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days from the date of receipt of the request.

Article 4.13

A political party that is a member of a coalition cannot participate as a member of another coalition or as a separate political party in the same electoral unit ***for the same authority***.

A coalition shall have the status of a political party in the electoral process from the day the coalition certification for participation in the elections is submitted to until the election results are certified. A political party that is a member of a coalition, may not withdraw from the certified coalition until the election results are certified.

Article 4.14

A coalition may keep its coalition name certified ***for previous elections*** only if it consists of the same political parties that comprised the certified coalition in the previous election.

Article 4.19

The certified political party or coalition shall submit a separate candidates list for each electoral unit.

For the municipal and cantonal elections the number of candidates on the candidates list of the political party, coalition or list of independent candidates may be ten percent (10%) higher than the number of mandates that are to be allocated.

For the multi-member constituencies established in Chapters 9, 10 and 11 of this law and Mostar City Council, the number of candidates on the candidates list of a political party or coalition may be no more than five (5) higher than the number of mandates that are to be allocated in that multi-member constituency.

Every candidates list shall include candidates of male and female gender. The minority gender candidates shall be distributed on the candidates list in the following manner. At least one (1) minority gender candidate amongst the first two (2) candidates, two (2) minority gender candidates amongst the first five (5) candidates, and three (3) minority gender candidates amongst the first eight (8) candidates et seq. The number of minority gender candidates shall be at least equal to the total number of candidates on the list, divided by three (3) rounded up to the closest higher integer.

The candidates list shall contain: the name, surname of every candidate on the list, their personal identification number (JMBG number), permanent residence address, declared affiliation with a particular constituent people or group of "Others", valid ID card number and place of issue, signature of the president of the political party or presidents of the political parties in the coalition. The statement of each of the candidates on the list validating the acceptance of candidacy, **a statement indicating that there are no impediments referred to in Article 1.10 paragraph (1), item 4 of this Law and a statement indicating the property situation of the candidates referred to in Article 15.7 of this Law**, shall be along with the proposed lists. This statement **and the statements must be certified** in the way described by law ***or with the competent Municipal Election Commission***."

The declaration of affiliation with the particular constituent people or the group of "Others" referred to in the Paragraph 5 of this Article shall be used as the grounds for the exercise of rights to hold an elected or appointed office for which the statement of ethnic affiliation with the particular constituent people or the group of "Others" is a condition in the election cycle for which the candidates list has been submitted.

A candidate shall be entitled not to declare his or her ethnic affiliation with a particular constituent people of the group of "Others" on the candidacy list. However, any such failure to declare the personal affiliation shall be considered as a waiver of the right to an elected or appointed office for which the declaration of affiliation with the particular constituent people of the group of "Others" is a condition.

If the number of candidates on the candidates list exceeds the number required by Paragraphs 2 and 3 of this Article or if the candidates list fails to meet the requirements established in Paragraph 4, the Central Election Commission of BiH shall certify the candidate list up to the number fulfilling the requirements established by this Law.

Article 4.23

After the certification of the submitted candidates lists the Central Election Commission of Bosnia and Herzegovina shall publish a list of candidates with the names of the certified political parties, coalitions, independent candidates and lists of independent candidates for each election in the sequence of the lottery number resulting from the lottery established in Article 5.15 of this law. The lists of candidates shall be published no later than forty-five (45) days before the election day in the official gazettes. The candidates lists shall also be posted at the Polling Stations and published in the media.

Following the certification of the candidates lists and until such time as the printing of ballots has commenced, a political party, coalition and independent candidate list shall be entitled to replace a candidate on the list only in case of death of the candidate or if in the meanwhile the candidate has become incompetent for candidacy as provided by this Law".

The Central Election Commission of BiH shall remove from the candidate list the candidates referred to in paragraph (2) of this Article and order the political party, coalition or list of independent candidates to replace the candidates on the candidate list and such candidates shall be subject to verifications in accordance with the provision of this Law.

If the political party, coalition or list of independent candidates fails to replace the candidates within the deadline under paragraph 3 herein, the candidates list without the names of candidates under paragraph 2 shall be considered complete and certified

Article 4.24

Each political party and coalition certified to submit candidates for the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, or the National Assembly of the Republika Srpska shall submit a list of candidates for compensatory mandates to the Central Election Commission of Bosnia and Herzegovina. Such list shall be submitted for each of the bodies listed above for which the political party or coalition is certified, within five (5) days of the date of certification of the candidates' lists, as per Article 4.21 of this Law.

The list of candidates for compensatory mandates shall include only the names of candidates already included on the regular candidates lists submitted by the political party or coalition for one or more multi-member constituencies. Candidates on a list of candidates for

compensatory mandates may be from the list of any multi-member constituency within the same entity and at the same electoral level. Lists of candidates for compensatory mandates shall comply with paragraph 4 of Article 4.19.

Maximum number of names contained on the list of candidates for the compensatory mandates may not exceed the number already certified to the political party or coalition on all the regular lists of candidates for all the multi-member election units of one Entity and for the same election level.

Lists of candidates for compensatory mandates shall not be published on the ballot, but shall only be used for purposes of awarding compensatory mandates pursuant to Articles 9.7, 10.6, and 11.6 of the Law. The lists shall be published by the Central Election Commission of Bosnia and Herzegovina in the Official Gazette of Bosnia and Herzegovina and mass media.

Article 5.2

A Polling Station shall be designated in accordance with the number of voters, up to 800, and not exceeding one thousand (1000), taking into consideration the distance of voters from the Polling Station.

The room designated for polling shall have special space which ensures the secrecy of ballot.

The Municipal Election Commission shall ensure, in a timely manner, that the premises designated to be a Polling Station are prepared and open during the time specified for the voting.

For the purposes of this law, "Polling Station and surrounding area" shall include the area within fifty (50) metres of the entrance of a building in which a Polling Station is located.

Article 5.18

If a voter cannot be found on the excerpt from the Central Voters Register because the voter registered to vote out of country and has returned to vote in person in Bosnia and Herzegovina, the voter's name will be added to a special form that consists of all the categories of data as the excerpt of the Central Voters Register. The voter will sign the excerpt of the Central Voters Register, and the voter will have the right to vote by tendered - **enveloped** ballot in accordance with the other provisions of this law.

The voter's identification documentation shall be retained until the voter returns the tendered - **enveloped** ballot in the sealed envelope. The voter's ballot will be placed in a special envelope by the voter, on which is written information from which the voter's right to vote can be verified, and which shall be sealed before being placed by the voter in the ballot box. After the close of the polling and after opening the ballot boxes in accordance with this law, the Polling Station Committee shall count the number of tendered - **enveloped** ballots found in the ballot box and record the number in the Poll Book and shall package and forward all sealed envelopes to the Municipal Election Commission. The Municipal Election Commission shall forward the packages of sealed envelopes from each Polling Station in the municipality to the Central Election Commission of Bosnia and Herzegovina. The Central Election Commission of Bosnia and Herzegovina shall confirm that the voter is registered to vote out of country and the voter's right to vote before the envelope is opened and the ballot is counted. If it cannot be confirmed that the voter is registered to vote out of country and has the right to vote, then the envelope shall not be opened or counted.

Article 5.22

The Central Election Commission of Bosnia and Herzegovina shall establish Regulations for counting ballots and establishing the voting results for ballots cast by voters who have voted by tendered ballots, absentee ballots, ballots cast by prisoners or voters confined to institutions, and homebound voters unable to come to the Polling Station due to age, illness or disability, and ballots cast by mail.

All ballots shall be counted at the Polling Stations, except where the Central Election Commission of Bosnia and Herzegovina determines that ballots should be counted at one or more centralised counting centres. The Central Election Commission of Bosnia and Herzegovina shall establish Regulations for counting ballots and establishing the results at a centralised counting centre. The voting results at a centralised counting centre shall be posted at the counting centre so that the results can be publicly viewed, and the copies of voting results shall be delivered to accredited observers at the centralized counting upon their request.

The Central Election Commission of Bosnia and Herzegovina shall appoint a director of the Centralised Counting Centre and three deputies. The director and deputies shall be from different constituent peoples of Bosnia and Herzegovina and one shall be a representative of Others. The director and deputies shall be persons with a minimum of three years of experience in conducting the elections and may not be active members of any political party.

Ballots shall be counted in a manner that would not violate the secrecy of the vote.

Article 5.26

After the establishment of the voting results, a Polling Station Committee shall forward immediately to the competent Municipal Election Commission, and no later than twelve (12) hours after the close of the Polling Station, the Polling Station Poll Book, the excerpt from the Central Voters Register, all the special forms described in Article 5.18 of this law, all tendered ballots, valid ballots, invalid ballots, separately unused and spoiled ballots, and all other forms required by the Central Election Commission of Bosnia and Herzegovina. The President of the Polling Station Committee shall retain a copy of the report of results.

The President of the Polling Station Committee shall post **the table containing the detailed overview of the voting results at the Polling Station categorized by political stakeholders and candidates** so that the results can be publicly viewed.

The Polling Station Committee shall deliver all remaining election materials to the Municipal Election Commission.

Article 5.27

On the receipt of all the election related documents and materials from the Polling Station Committees, the Municipal Election Commission shall establish a consolidated summary of the results of voting within the area of the municipality for the bodies at all levels of authority at which the elections were conducted and shall make a report accordingly, which shall be submitted to the Central Election Commission of Bosnia and Herzegovina within twenty-four (24) hours after closing of the polls. The consolidated summary of results for the municipality shall contain the same information as required under Article 5.25 of this law. A copy of the consolidated summary of results shall be retained by the Municipal Election Commission, and shall be distributed to the other electoral bodies as defined in Regulations of the Central Election Commission of Bosnia and Herzegovina.

The Municipal Election Commission shall post the table containing the detailed overview of the consolidated summary of the results categorized by political stakeholders and candidates so that the consolidated summary can be publicly viewed, and copies of comprehensive voting results shall be delivered to accredited observers of activities of the Municipal Election Commission, upon their request.

Article 5.28

While establishing the election results for the bodies at each level of authority, the Central Election Commission of Bosnia and Herzegovina shall take into account a ballot cast by mail by a voter abroad, provided the ballot is delivered to the Central Election Commission of Bosnia and Herzegovina by postal authorities by a time and date to be determined by the Central Election Commission of Bosnia and Herzegovina in its regulations. ***In order to be acceptable, each individual envelope containing a ballot must be received in a post office box by election day and postmarked by the postal office of the country from which the ballot is cast.***

By mail ballots that are not delivered in compliance with the *paragraph (1) of this Article* shall not be counted.

In order for a timely delivered by mail ballot to be counted, it must be returned by a voter who has been determined to be properly registered to vote by mail, sealed in the ballot envelope to ensure secrecy of the person's vote, and accompanied by a copy of an identification document described in Article 5.12 of this law.

Article 5.29

The Central Election Commission of BIH shall **certify** the results of all direct and indirect elections covered by this Law, after the expiry of the deadline for filing the appeals/complaints, or after the decisions have become final and binding.

The Central Election Commission of Bosnia and Herzegovina shall provide in its Regulations the order of establishing the election results for the bodies of authority at every level, the manner of making the detailed tabulation of results of the voting available to the public and announcing the election results. The detailed tabulation of election results, without violating the secrecy of the vote required by Article 5.10, shall include results at the polling station level by political entities and candidates.

Article 5.29a

Central Election Commission shall publish preliminary, unofficial and incomplete results of elections for each level of authority subject to elections, according to the following schedule:

- first results at 00 hours on the first Sunday in October;
- twice during the course of the next 24 hours;
- in the next 5 days, every 24 hours

in the next days, every 48 hours, until the final, official and complete results of elections are published.

Article 5.30

After **establishment and** announcement of the election results by the Central Election Commission of Bosnia and Herzegovina, a Municipal Election Commission, a certified political party, coalition, list of independent candidates, or independent candidate may request that a recount of ballots be conducted by the Central Election Commission of Bosnia and

Herzegovina in specified electoral units in which the political party, coalition, list of independent candidates, or independent candidate stood for election. An accredited observer may request that a recount of ballots be conducted by the Central Election Commission of Bosnia and Herzegovina in a Polling Station at which the observer observed. A certified political party, coalition, list of independent candidates, independent candidate, or observer may also request that a recount of ballots be conducted by the Central Election Commission of Bosnia and Herzegovina of absentee ballots, ballots cast outside Bosnia and Herzegovina or tendered - **enveloped** ballots.

A group of fifty (50) or more voters who voted at the same Polling Station may request that a recount of ballots be conducted by the Central Election Commission of Bosnia and Herzegovina in the Polling Station at which they voted.

A Municipal Election Commission may request that a recount of ballots be conducted by the Central Election Commission of Bosnia and Herzegovina in a Polling Station in its municipality.

The Central Election Commission of Bosnia and Herzegovina shall consider a request for recount if the request meets each of the following requirements:

1. the request is in writing and signed by the accredited observer, group of fifty (50) or more voters who voted at the same Polling Station, independent candidate, president of the political party, leaders of the list of independent candidates, any of the presidents of political parties which formed a coalition or the Municipal Election Commission;
2. the request states with specificity the facts which justify a recount, including the specific articles of this law which were disregarded or violated;
3. the request states with specificity the approximate number of ballots believed to have been affected;
4. the request states how the results would have been affected by the violation of this law, and
5. the request is presented to the Central Election Commission of Bosnia and Herzegovina within three (3) days of the date the Central Election Commission of Bosnia and Herzegovina announced the election results.

The Central Election Commission of Bosnia and Herzegovina may order a recount, **ex officio**, even if no request for recount has been made under paragraph 1 of this article or if the request for recount has been deemed invalid under paragraph 3 of this article.

The Central Election Commission of Bosnia and Herzegovina shall order a recount if it is established that this law was violated and the violation affected the allocation of mandates.

Article 5.32

After completion of a recount of ballots and upon the expiry of the time foreseen for filing of the appeal, of after the decisions become final and binding, the Central Election Commission of Bosnia and Herzegovina shall verify the election results for the bodies of authority at all levels, within 30 days after the elections are held.

The Central Election Commission of BiH shall issue the regulations governing the verification of the election results.

Article 6.2

Any voter and any political entity whose right established by this law, is violated, may file a complaint with the election commission not later than within 48 hours after the violation occurred.

The election commissions may, upon receiving information concerning the violations, initiate a procedure by virtue of its authority against a political entity and **persons employed or hired otherwise by the election commission** of the violations of the code of conduct set out in Article 7.3 of this Law.

The initiative for the procedure, in the terms of Paragraph 2 of this Article, may be launched by a legal or natural entity through the competent Municipal Election Commission, in a written form, where information on the place, the time, the content of the violation and the name of the perpetrator shall be mandatory information.

Article 6.3

The complaint shall be filed on the form prescribed by the Central Election Commission of BiH. It shall contain a brief description of the violation and, as an attachment, the evidence that confirms the allegations of the complaint. The complaint also must be signed by the complainant. If the complainant is a political party or a coalition, it shall be signed by the President or the authorised representative of the political party or the coalition, with the authorization attached to the complaint.

The authorised representative of a political party is considered to be the President of the municipal organisational unit of the political party or the person authorised under the statute. If a municipal organisational unit of a political party has not been established at the municipal level, the authorised representative shall be considered to be the President of the organisational unit of the political party at a higher level. The authorised representative of a coalition shall be considered to be the President of the municipal organisational unit of one of the parties members of the coalition or the person authorised under statute. **Data on the authorised representative of the political party shall be deposited with the Municipal Election Commission.**

The complaint shall be sent to all parties that are named. The parties named in the complaint shall have the opportunity to respond in writing within 24 hours after receiving the complaint. The authorised bodies may order a hearing of the parties.

The Central Election Commission of Bosnia and Herzegovina shall establish Rules of Procedure for adjudicating complaints filed with any election commission.

The complaint, which has been filed by an unauthorised person under Article 6.2 of this Law or which has been filed untimely or is incomplete, shall be rejected.

The complaint shall also be rejected if it is impossible to establish who has submitted the complaint. The filed complaint or appeal in the procedure of protection of the electoral right shall not postpone the conduct of election-related activities prescribed by this Law.

Article 6.4

The Municipal Election Commission shall have first instance competence in its municipality to decide complaints submitted for violation of the code of conduct referred to in Chapter 7, with an exemption from violations referred to in **Article 7.3 paragraph 1. items 3 and 7, Article 7.3 paragraph (2)** and Article 7.4, Paragraph 1, Sub-paragraph 3 of this Law, subject to decision of the Central Election Commission of BiH.

The Municipal Election Commission shall adjudicate the complaint and make a decision no later than within forty-eight (48) hours from the expiration of the deadline referred to in Article 6.3 Paragraph 3 of this law. It shall immediately notify the complainant and the other parties of

the decision. When deciding on objections, Municipal Election Commission may act on the basis of established facts or hold hearings.

The complaint, which has been filed by an unauthorised person under Article 6.2 of this Law or has been filed untimely, shall be rejected.

Article 6.5

The Municipal Election Commission may order measures to correct irregularities referred to in the complaint from Article 6.4 of this Law, including, but not limited to adding or deleting voters from the Central Voter Register, raise an initiative for removing the person working on the voters registration or remove the member in the Polling Station Committee, or ordering certain person or a party to cease the activities that violate this Law and impose a fine.

Article 6.6

The Central Election Commission of BiH shall have first instance competence to decide complaints submitted for violation of the rules of election process, electoral rights, violations of Chapter 16 inflicted by political subject and violations under Article 7.3, paragraph 1, items 3 and 7, Article 7.3, paragraph 2 and Article 7.4, paragraph 1, item 3 of this Law.

Decisions of election commissions may be appealed to the Central Election Commission of Bosnia and Herzegovina, ***within 48 hours following the receipt of the first-instance decision.***

The Central Election Commission of BiH shall adjudicate the complaint and appeal and make a decision no later than within forty-eight (48) hours from the expiration of the deadline referred to in Article 6.3 Paragraph 3 of this Law. The Central Election Commission of BiH shall immediately notify the complainant and the other parties of its decision.

The complaint or the appeal which has been filed by an unauthorised person under Article 6.2 of this Law or which complaint or appeal has been filed untimely, shall be rejected.

When adjudicating an appeal or complaint, the Central Election Commission of Bosnia and Herzegovina may proceed on the facts established or may conduct hearings. The Central Election Commission of Bosnia and Herzegovina may allow parties to present new evidence or base their decisions on the written record of the lower instance commissions.

Article 6.7

The Central Election Commission of BiH shall have the authority, in adjudicating ex officio or when decides on appeals and complaints, to order the election commission, the Voters Registration Centre or the Polling Station Committee to undertake measures to correct established irregularities. The Central Election Commission of BiH shall have the authority to impose the following penalties:

1. fines not to exceed ten thousand (10,000) convertible marks;
2. removal of a candidate from a candidates list when it is determined that the candidate was personally responsible for the violation;
3. de-certification of a political party, coalition, list of independent candidates or independent candidate(s); and
4. prohibition to an individual to work in a Polling Station, the Voters Registration Centre, or the Municipal Election Commission or another election commission as established pursuant to Article 2.21 of this law.

Article 6.9

The Appellate Division of the Court of Bosnia and Herzegovina shall be competent to hear appeals against decisions of the Central Election Commission of Bosnia and Herzegovina. An appeal shall be submitted to the Appellate Division of the Court of Bosnia and Herzegovina no later than 2 days after a decision of the Central Election Commission of Bosnia and Herzegovina is received by which the decision is taken on the implementation of this Law..

An appeal shall be submitted through the Central Election Commission of BIH.

Appellate Division of the BIH Court, when deciding on application of this Law, is obliged to make a decision on an appeal within three (3) days from the day of the receipt of the appeal.

Article 7.1

Political parties, coalitions, lists of independent candidates and independent candidates have the right to:

1. conduct the election campaign in a peaceful environment;
2. organise and hold public meetings in which they can freely express their positions in order to gain support from the voters; and
3. publish and distribute placards, posters and other materials related to the election campaign.

For the purposes of public meetings as stated in sub-paragraph (2) of the previous paragraph, permits from the competent body shall not be required, but the organiser shall notify the competent body responsible for public order and peace twenty-four (24) hours prior to holding such an event.

In case that two or more organisers announced to the competent body holding of their public meetings at the same time and place, the holding of a public meeting at that time and place shall be permitted to the organiser which notified the competent body in writing of the holding of the public meeting first. The competent authority shall inform the organizers about this within maximum of 12 hours form the receipt of the announcement of the public meeting.

Article 7.2

The competent bodies are obliged to ensure equitable treatment of political parties, coalitions, lists of independent candidates certified for participation in elections and independent candidates in their requests to use public places and public facilities for campaign purposes, including holding meetings, display of notices, placards, and posters and other materials which have such purpose.

It is forbidden to remove, cover, destroy or alter any printed notice, placard, poster or other materials, which are in accordance with the law and are used for the purpose of election campaigning by political parties, coalitions, list of independent candidates, or independent candidates.

Competent bodies shall not allow political parties, coalitions, list of independent candidates and independent candidates to display notices, placards and posters, or to place their names or slogans related to the election campaign in or on government buildings, on or above public roads and public areas, except for the places designated for billboarding (i.e. distribution of posters) and advertising..

Article 7.3

Candidates and supporters of political parties, lists of independent candidates, and coalitions, as well as independent candidates and their supporters, and election administration officials **or those hired otherwise by the election administration** are not allowed to:

1. carry or display weapons at political meetings, Polling Stations and the surrounding area, or during any gatherings related to the activities of political parties, coalitions, list of independent candidates and independent candidates in the election process;
2. disturb gatherings of other political parties, coalitions and independent candidates, as well as to incite others to conduct such activities;
3. prevent journalists from carrying out their duties, in accordance with the rights of their profession and the election rules;
4. promise any financial reward with the purpose of gaining support of voters, or to threaten supporters of other political parties, coalitions, list of independent candidates or independent candidates;
5. induce a person to vote who does not have the legal right to vote;
6. induce a person to vote more than once in the same election, or to vote in the name of another person; or
7. use language which could provoke or incite someone to violence or spread hatred, or to publish or use pictures, symbols, **audio and video recordings, SMS messages, internet communication** or any other materials that could have such effect.

Impersonating any political party, coalition, list of independent candidates or independent candidate is prohibited.

Article 9.7a

Notwithstanding provisions of Articles 9.6 and 4.24 herein, a political party or a coalition which no longer has candidates registered with the list of candidates for compensatory mandates, but still has won mandates to assign, upon informing the Central Election Commission, within 48 hours and using the prescribed form, may submit supplementary list of candidates for compensatory mandates pursuant to Article 4.19, paragraph (4) of this Law.

Central Election Commission shall issue a separate Instruction for the procedure for submitting the supplementary list of candidates for compensation mandates and the form mentioned under paragraph (1) of this Article.

Article 9.10

If an elected political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the mandate shall be given to the next candidate from the same constituency list in accordance with Article 9.8 paragraph 2 of this law.

If there are no more candidates on the same constituency list, then the mandate shall be given to the same political party or coalition's list in another constituency in accordance with Article 9.8 paragraph 3 of this law. If there are no more candidates remaining on any list for the political party or coalition, then political party or coalition with more mandates left to assign, upon informing the Central Election Commission, within 48 hours and using the prescribed

form, may submit supplementary list of candidates pursuant to Article 4.19, paragraph 4 of this Law..

Article 9.12c

Bosniak or Croat Delegates to the House of Peoples of the Parliamentary Assembly of BiH shall be elected in such a way that each political subject participating in the Bosniak or Croat Caucus or each Delegate from the Bosniak or the Croat Caucus in the House of Peoples of the Parliament of the Federation of BiH, shall have right to nominate one or more candidates to the list for the election of Bosniak or Croat Delegates to the House of Peoples of the Parliamentary Assembly of BiH.

Each list may include more candidates than the number of Delegates to be elected to the House of Peoples of the Parliamentary Assembly of BiH.

Article 13.6

If the mandate of a candidate from the list of a political party, coalition, or independent candidates terminates in accordance with Article 1.10 of this law, then the mandate shall pass to the next candidate as set forth in Article 13.5 paragraph 4 of this law.

The Central Election Commission of BiH shall carry out the reallocation of the mandates according to the procedure set out under Article 9.5 of this Law

Article 13.7

The Municipal Mayor or City Mayor shall be elected in accordance with this Law, the Constitutions, the Entity laws, and Municipal or City statutes.

The directly elected Municipal/City Mayor shall be elected by the voters registered in the Central Voter Register of the particular Polling Station in accordance with the entity laws, Municipal or City statutes.

In the event that the term of office for an elected Municipal/City Mayor referred to in paragraph (2) of this Article has terminated as provided by Article 1.10 of this Law or if he/she has been recalled, the Municipal/City Mayor shall be elected in accordance with the entity laws, Municipal/City statutes.

Article 13.10

The members of the City Council/Assembly shall be elected by the Municipal Councils/Assemblies which form the City.

Mandates for the City Council/Assembly shall be allocated to candidate lists according to the system of proportional representation of political parties, coalitions, lists of independent candidates or groups of members as set forth in Article 13.5 of this law. Distribution of mandates amongst the candidates from the same list shall be done according to the order on the list of candidates for this election.

Each City Council/Assembly shall elect a Mayor and a President of the City Council/Assembly as set forth in ***law and statute***.

Article 13.11

The mandate of the Municipal Councils/Assemblies, ***City Council/Assembly*** and the Cantonal Assemblies shall be for four (4) years.

Article 13.12

The election of the members of the City Council/Assembly shall take place within fifteen (15) days after the Municipal Councils/Assemblies convene.

Article 13.14

(1) National Minority Members are entitled to representation in the Municipal Council or Municipal Assembly and City Council or City Assembly proportional to the percentage of their participation in population according to the last census in Bosnia and Herzegovina.

(2) Number of National Minority Members elected directly to the Municipal Council or Municipal Assembly and City Council or City Assembly shall be determined under the Statute of specific Municipality or City.

(3) In order to certify participation in elections to take the mandates for the members of national minorities in the Municipal Council or Municipal Assembly and City Council or City Assembly, political parties and independent candidates shall submit the application for participation in elections for the Municipal Council or Municipal Assembly and City Council or City Assembly, pursuant to provisions of this Law.

(4) Following persons are eligible to apply for guaranteed mandates for the members of national minorities:

a) Registered association or other organizational form of activities of the national minorities;

b) Group of 40 citizens with the right to vote at minimum, who submit the names of candidates along with the application to participate in elections.

(5) Candidates nominated by the association or other organization of the national minority or a group with minimum 40 citizens with the right to vote, shall have the status of independent candidate.

(6) Political parties, political party coalitions, national minority association as well as other organizational form of activities of the national minorities and group with minimum 40 citizens with the right to vote may nominate at maximum the number of candidates equal to the number of representatives of national minority being elected in this election unit.

(7) After each candidate's nomination is certified, Central Election Commission of Bosnia and Herzegovina shall establish final special list of candidates, members of national minorities, for the Municipal Council or Municipal Assembly and City Council or City Assembly.

(8) Only candidate whose name is on the special list of candidates representing national minorities nominated pursuant to provisions of this Law may be elected as representatives of national minority.

(9) Special list of candidates belonging to national minority as outlined under paragraph 7 herein, shall be placed on the ballot following the list of other political entities whose candidates are running for the regular mandates for Municipal Council or Municipal Assembly and City Council or City Assembly.

(10) The order of the candidates on the special list under paragraph 9 herein, shall be set by draw in the procedure as established by the Central Election Commission of Bosnia and Herzegovina.

(11) A voter only has one vote. In case the voter decides to vote for the candidate from a special list of candidates from the members of national minorities, the voter shall vote by marking the name of only one candidate from a special list of candidates who are members of national minorities.

(12) The candidate with highest number of votes on the special list of candidates for national minorities shall be elected as representative of national minority. In the Municipal Council or Municipal Assembly and City Council or City Assembly with more than one position for the

national minority, mandates shall be given to candidates with next highest number of votes according to the number of valid votes.

(13) Provisions of Article 9.5, paragraph 3 of this Law shall not be applied when allocating mandates for the list of national minority candidates for the Municipal Council or Municipal Assembly and City Council or City Assembly.

(14) When allocating mandates, guaranteed mandates are first assigned to the representatives of national minorities, and subsequently the regular mandates under Article 9.5 of this Law.

(15) In case when two candidates from the special list of candidates of national minority win equal number of votes, mandate shall be given by draw organized by Central Election Commission of Bosnia and Herzegovina.

(16) In case the mandate is not given to the member of national minority, the mandate shall remain vacant.

(17) In case of termination of the mandate, in the sense of Article 1.10 of this Law, of the elected holder of the mandate under paragraph 12 herein, substitute mandate shall be given to the candidate with next highest number of valid votes on the special list of candidates of national minority. If the list is exhausted, the mandate shall remain vacant.

(18) General provisions of this Law shall govern any issue that is not regulated under this Chapter.

Article 14.1

Repeated elections shall be conducted using the same candidate lists and the same excerpts from the Central Voters Register which were used in the annulled elections and shall be conducted on a date determined by the Central Election Commission of Bosnia and Herzegovina which shall be no later than fourteen (14) days from the date when the decision of the Central Election Commission of BIH to annul the elections became final.

Article 14.2

The decision to postpone the elections at a particular polling station or electoral unit shall be issued by the Central Election Commission of Bosnia and Herzegovina on the basis of facts indicating that the elections are not possible to be conducted in accordance with the provisions of this Law.

Postponed elections shall be conducted if, in an electoral unit or at a Polling Station, the voting did not take place on the day designated for voting.

Postponed elections shall be scheduled by the Central Election Commission of Bosnia and Herzegovina.

Postponed elections shall, as a rule, be conducted within seven (7) days, and no later than thirty (30) days, from the day designated for voting in the regular elections.

Article 15.1

A political party and independent candidate that participates in the elections for bodies of authority at all levels in Bosnia and Herzegovina shall be obliged to file with the Central Election Commission of Bosnia and Herzegovina, at the time of submission of the application for certification to participate in the elections a financial report for the period beginning three months prior to the date of submission. In addition, no later than thirty (30) days after the election results are published in the Official Gazette of BIH, a financial report shall be submitted to the Central Election Commission of Bosnia and Herzegovina for the period beginning on the day of submission of the application for certification until the certification of the results. These reports shall contain the following:

1. All cash at hand;
2. All income and disbursements based on: memberships; transparent; contributions from abroad; contributions from individual and legal entities; contributions in the form of goods and services (hereinafter referred to as "in-kind contributions"); returns on its own assets and entrepreneurial activities in accordance with provisions of the Law on Political Party Financing; credits; loans; donations; rebates; refunds; other operating expenditures; and other sources for the reporting period as determined by the Central Election Commission of Bosnia and Herzegovina;
3. Identification of the person or source of any payment and in-kind contribution, as well as the identification of a person who received that payment, in excess of one hundred (100) convertible marks, together with the date and amount of any such receipt;
4. The total amount of all account payables and total amount of disbursements in the following categories: costs for printing and distribution of posters, printing costs for pre-election announcements, statements and so on, in the public media, organizational and operational costs for organizing rallies, costs for printing, reproducing and delivering pre-election materials directly to voters, and
5. the amount and nature of outstanding debts and obligations owed by or to the person who files a report and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished.

(2) The application for participation in the election filed by a political party and an independent candidate shall not be certified if the political party and the independent candidate have failed to submit the financial report for the period commencing three months prior to the start of the period designated for submission of the application for certification.

(3) The Central Election Commission shall not issue the certificate to the persons who have received the mandate at all levels of direct and indirect elections in Bosnia and Herzegovina covered by this Law, if their political party and independent candidate have failed to submit to the Central Election Commission of Bosnia and Herzegovina the financial report covering the period between the day when the application for election certification is filed and the day when the election results are certified, within 30 days following the day when the election results are published in the Official Gazette of Bosnia and Herzegovina.

Article 15.7

Every candidate standing for elected office at the level of Bosnia and Herzegovina or the Entity level shall be obliged, no later than fifteen (15) days from the day of accepting candidacy for the elections, to submit to the Central Election Commission of Bosnia and Herzegovina, on a special form, a signed statement on his or her total property situation, containing:

1. current income and sources of income, including all incomes, wages, profit from property, contributions as defined in Article 15.1 of this law, account receivables and other incomes realised in Bosnia and Herzegovina and abroad **for a period of the past calendar year**;
2. property, including money, bank accounts, business documentation, shares, securities, bonds, real property, personal property, occupancy right and other property and possessions which exceed five thousand (5,000) convertible marks, in Bosnia and Herzegovina and abroad; and
3. disbursements and other liabilities, including all debts, liabilities, promissory notes, loans and guarantees of such liabilities in Bosnia and Herzegovina and abroad.

The statement should include the property situation of the candidates and close members of his or her family: spouse, children and members of the family household whom it is the candidate's legal obligation to sustain.

Article 15.8

All candidates elected at all levels of authority except the level of Bosnia and Herzegovina and the Entity level shall be obliged to submit to the Central Election Commission of Bosnia and Herzegovina, within thirty (30) days from the publication of the verification of mandates in the Official Gazette of BiH, a signed statement of their property situation referred to in Article 15.7 of this law on a special form.

Candidates elected to a body of authority at all levels shall be required to submit a statement of their property situation to the Central Election Commission of BiH **30 days after** the expiration of the mandate for which they have been elected, as well as in the case of cessation of the mandate in the context of the provisions of Article 1.10, Paragraph 1, sub-paragraph 1, 3, 5, 6 and 7 of this Law, within 30 days from the cessation of the mandate.

The Central Election Commission of BiH shall issue instructions to regulate the format and the manner of filling out of necessary forms as described by Paragraph 1 of this Article and Article 15.7 of this Law.

Article 15.10

The Central Election Commission of Bosnia and Herzegovina shall announce the number of voters for each electoral unit within seven days of the day of completion of the Central Voters Register. The number of voters shall serve as a basis to determine a maximum amount that a political entity shall be allowed to spend for financing the election campaign

The maximum amount allowed to be spent for financing the election campaign shall represent a result of the multiplication of the number of voters in all electoral units in which the political entity referred to in Paragraph 1 of this Article has a list of candidates by:

1. 0.30 KM for the elections of Head of Municipality/City Mayor and members of the Municipal Council/Assembly
2. 0.20 KM for the elections of members of Cantonal Assemblies
3. 0.30 KM for the elections of members of the RS National Assembly and the House of Representatives of the Federation Parliament
4. 0.30 KM for the elections of members of the Parliamentary Assembly of BiH
5. 0.30 KM for the elections of members of the Presidency of BiH
6. 0.30 KM for the elections of President and Vice-President of the Republika Srpska.

For the elections referred to in Paragraph 2, sub-paragraph 1 of this Article, in the municipalities with less than 3,000 voters recorded in the Central Voter Register, it shall be considered that 3,000 voters are registered.

If the elections are repeated in an electoral unit, or in the Polling Station, the costs of the election campaign per voter can increase by up to 30% of the costs of the elections annulled in the electoral unit or the polling.

Article 16.9

The public electronic media shall broadcast radio and TV promotionals, entire statements and information by the Central Election Commission of Bosnia and Herzegovina free of charge for the purpose of informing voters about all aspects of the electoral process.

If the public electronic media refuse to act in accordance with paragraph (1) of this Article, the Central Election Commission of Bosnia and Herzegovina shall file a report with the Communications Regulatory Agency for competent action.

Article 16.14

The public electronic media shall present political entities in an equal and fair manner and shall inform the public of all issues related to the campaign and the election process during 30 days prior to the election day.

The public electronic media shall provide free broadcast time for direct access by political entities during 30 days prior to the election day.

No conduct of a paid election campaign shall be allowed by way of electronic and printed media, or any form of paid public advertising, except for the holding of internal gatherings (meetings) of authorities and statutory bodies of the political entities, within the period between the day when elections are announced and the day of official start of the election campaign.

The regulations of the Central Election Commission of BIH shall determine the amount of broadcast time to be allocated to the political entities, the broadcast time and duration of the broadcast, as well as the geographic regions covered by the broadcasts.

The public electronic media shall provide equal conditions for paid political advertisements of political parties in the duration of maximum 30 minutes per week during 30 days prior to the election day.

Article 16.16

The body regulating the work of the electronic media that is responsible to implement laws and regulations related to media, shall be competent in all cases of violation of the provisions governing the media concerning elections as established by this Law and other laws governing the work of the media.

The Central Election Commission of BIH shall be competent to decide complaints of violations of this Chapter committed by political entities.

Article 17.4

The Central Election Commission of Bosnia and Herzegovina shall accredit and issue accreditation identification to associations of citizens. The Central Election Commission of Bosnia and Herzegovina shall establish Regulations in order to determine the criteria for accreditation of the associations of citizens and the distribution of accreditation identification. The application for accreditation shall include:

1. a signed statement by the authorised person of the association of citizens that the association is not established or sponsored by or engaged in any activities on behalf of a registered political party, coalition, list of independent candidates or independent candidate; and
2. ***the name, valid ID card number, national identification number of the nominated observer.***

In the event that the Central Election Commission of BiH finds that an association of citizens is established and sponsored by a certified political party or that it is involved in any activities on behalf of the certified political party, the Central Election Commission of BiH shall refuse to issue the accreditation identification that association.

Article 17.5

The competent election commission shall accredit a registered political party, coalition, list of independent candidates or independent candidate to act as observers in the electoral unit in which the political party, coalition, list of independent candidates or independent candidate has registered to stand for office.

The Central Election Commission of Bosnia and Herzegovina shall accredit observers who will observe the work of the Central Election Commission of Bosnia and Herzegovina and the Central Counting Centre(s).

Entity and Cantonal Election Commissions shall accredit observers who will observe the work of their commissions.

A Municipal Election Commission shall accredit observers who will observe the work of the Municipal Election Commission, Voter Registration Centres, Polling Stations, and any other relevant location in its jurisdiction.

The political party, coalition, list of independent candidates or independent candidate shall submit the names, ***valid ID card number*** and national identification numbers of the nominated observers to the competent election commission.

Article 17.10

The body issuing accreditation to an accredited observer may revoke his/her status of an observer and cancel the accreditation because of a violation of the provision of Article 17.2.

The Central Election Commission of Bosnia and Herzegovina shall issue detailed regulations on the conditions and procedure of the application of this ***Chapter***.

CHAPTER 19A PENALTIES

Article 19.8

A fine between 200 KM and 1,000 KM shall be imposed on those employed or those hired in the election administration for the following violations:

- a) **he/she takes part in passing a decision which may cast doubt on his/her ability to act impartially (Article 2.1);**
- b) **he/she fails to determine polling stations in the territory of the municipality for voting at all levels of authorities in Bosnia and Herzegovina (Article 2.13 Paragraph (1) Item 3);**

- c) he/she fails to provide voters materials for voting at all levels of elections in Bosnia and Herzegovina (Article 2.13 Paragraph (1) Item 5);**
- d) he/she fails to provide voters with all information necessary for the administration of elections in line with the regulations of the BiH Central Election Commission (Article 2.13 Paragraph (1) Item 6);**
- e) he/she counts ballots at polling stations and in municipal counting centres in an inappropriate manner (Article 2.13 Paragraph (1) Item 8);**
- f) he/she appoints presidents and members of polling stations and their deputies in contravention of Article 2.19 Paragraph (3);.**
- g) he/she fails to update data in line with the changes in the number of voters and regulations of the BiH Central Election Commission (Article 3.8 Paragraph (3) Item b));**
- h) he/she fails to provide insight into the excerpt from the Central Voters List in the territory of the municipality (Article 3.8 Paragraph (3) Item c));**
- i) he/she fails to provide data for the Central Voters List as stipulated by the regulations of the BiH Central Election Commission (Article 3.8 Paragraph (3) Item d));**
- j) he/she fails to keep record of requests and complains and fails to keep documentation (Article 3.8 Paragraph (4));**
- k) he/she designates polling stations contrary to Article 5.1, paragraph (3);**
- l) he/she fails to provide election material for voting (Article 5.3, paragraph (3);**
- m) the record on the work of the polling committee does not contain the data stipulated by this law (Article 5.7);**
- n) he/she fails to explain to voters the manner of voting and fails to secure secrecy of vote (Article 5.11, paragraph (1));**
- o) he/she fails to verify the identity and signature of voters on the abstract from the Central Electoral Register in accordance with this law (Article 5.13);**
- p) he/she helps individuals with the voting in a manner which is not in accordance with this law (Article 5.19, paragraph (2));**
- r) the forms are filled in contrary to Article 5.25; and**
- s) the data of the consolidated voting results for the municipality are not in accordance with Article 5.27;**

Article 19.9

(1) A political subject shall be fined 1,000.00 KM to 10,000.00 KM for the violations if they:

- a) fail to submit changes of data within ten (10) days (Article 4.22);**

- b) remove, cover up, damage or alter printed advertisements, placards, posters or other materials which are used, in accordance with law, for the purpose of the election campaign of political parties, coalitions, lists of independent candidates or independent candidates (Article 7.2, paragraph (2));**
- c) displays notices, placards and posters, or to place their names or slogans related to the election campaign, in or on state government buildings, in public areas, on or above public roads, and on traffic signs (Article 7.2, paragraph 3) ;**
- d) wear and show weapons in political gatherings, polling stations and their surroundings, as well as during gatherings related to the activities of political parties, coalitions, independent candidates' lists and independent candidates in election process (Article 7.3 paragraph (1) item 1);**
- e) hinder the gatherings of other political parties coalitions and independent candidates, and incite others to such activities (Article 7.3 paragraph (1) item 2);**
- f) prevent journalists from carrying out their work in accordance with their professional rules and election rules (Article 7.3 paragraph (1) item 3);**
- g) promise financial rewards with the aim of getting the support of voters or threaten the followers of other political parties, coalitions, independent candidates' lists and independent candidates (Article 7.3 paragraph (1) item 4);**
- h) incite persons who are not entitled to vote to do so (Article 7.3 paragraph (1) item 5);**
- i) incite persons to vote more than once in one election, or to vote on behalf of other persons (Article 7.3 paragraph (1) item 6);**
- j) use the language that could induce or incite someone to violence or spreading hatred, or publish or use pictures, symbols, audio and video recordings, text messages, internet messages or other materials that can have the same effect (Article 7.3 paragraph (1) item 7.);**
- k) make false claims on behalf of any political party, coalition, independent candidates' list and independent candidate (Article 7.3 paragraph (2));**
- l) hold gatherings for the purpose of election campaign (Article 7.4 paragraph (1) item 1);**
- m) display any materials aimed at influencing voters in a polling station or its surroundings (Article 7.4 paragraph (1) item 2);**
- n) use local and international means of communication aimed at influencing voters (Article 7.4 paragraph (1) item 3);**
- o) use a megaphone or other public address means with the aim of influencing voters (Article 7.4 paragraph (1) item 4);**
- p) hinder or obstruct election process (Article 7.4 paragraph (1) item 5);**
- r) fail to submit a statement accepting candidature for elections or a statement on total property owned on a specific form (Article 15.7);**

s) [if] an observer, while observing election process, hinders election activities and fails to respect the secrecy of voting (Article 17.2 paragraph (2));

t) [if] an observer, while observing election activities, fails to wear official accreditation or wears any insignia or symbols linking him/her to a certain political party, coalition, independent candidates' list and independent candidate (Article 17.2 paragraph (2));

(2) For the offence referred to in paragraph (1) item b), c), d), e), f), g), h), i), j), k), l), m), n), o) and p) of this Article perpetrated by a follower of a political subject, that political subject shall be punished.

(3) For the offence referred to in paragraph (1) item a) of this Article, the responsible person in the political party, coalition and list of independent candidates shall also be fined KM 200 to KM 5000.

(4) For the offence referred to in paragraph (1) item b), c), d), e), f), g), h), i), j), k), l), m), n), o), p) and r) of this Article, the candidate of the political subject shall also be fined KM 1000 to KM 5000.

(5) For violations referred to in paragraph (1) sub-paragraphs d), h) and i) of this Article, those employed or hired in the election administration shall be fined in the amount from 200 KM to 1,000 KM.

Article 19.10

(1) A candidate elected for any level of government shall be fined 200.00 KM to 3,000.00 KM if:

a) he/she fails to submit on a special form a written disclosure of his/her property as specified in Article 15.7 of this law (Article 15.8, paragraph (1)) within thirty (30) days from the day of publication of mandate verification in the Official Gazette of BiH, and

b) he/she fails to submit a disclosure report (Article 15.8, paragraph (2)) within 30 days from the day on which the mandate to which he/she was elected has expired as well as within 30 days from the day of mandate termination in case of termination of the mandate in terms of Article 1.10, paragraph (1), points 1, 3, 5, 6 and 7 of this law.

Article 20.12a

Voting in the diplomatic and consular representation offices of Bosnia and Herzegovina referred to in Article 1.5 paragraph (2) of this Law, shall be held only in the respective diplomatic and consular representation office of Bosnia and Herzegovina for which the Central Election Commission of Bosnia and Herzegovina, in coordination with the Ministry of Foreign Affairs of Bosnia and Herzegovina finds that it meets the requirements provided by a separate regulation referred to in Article 1.5, paragraph (3)."