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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**  
**(VENICE COMMISSION)**

**DRAFT LAW**  
**ON AMENDMENTS AND SUPPLEMENTS**  
**TO THE LAW ON ELECTION OF COUNCILLORS**  
**AND MEMBERS OF PARLIAMENT**  
**OF MONTENEGRO**

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## PARLIAMENT OF MONTENEGRO

Pursuant to Article 93 of the Constitution of Montenegro and Article 133 of the Rules of Procedure of the Parliament of Montenegro, hereby we submit the DRAFT LAW ON AMENDMENTS TO THE LAW ON ELECTION OF COUNCILLORS AND MEMBERS OF PARLIAMENT, drafted by the Multi-Party Working Group, with the request to subject it to consideration at the following session of the Parliament of Montenegro.

At the same time, we hereby provide the Review of proposals by individual political parties, which did not acquire the required majority support in the Working Group as to be incorporated as an integral part of the Draft Law.

### PARLIAMENT MEMBERS:

1. Miodrag Vuković, Ph.D.
2. Rifat Rastoder
3. Kemal Purišić

### 1. **DRAFT LAW ON AMENDMENTS and supplements TO THE LAW ON ELECTION OF COUNCILLORS AND MEMBERS OF PARLIAMENT OF MONTENEGRO**

#### **Article 1**

Article 1 of the Law on Election of Councillors and Members of Parliament (MPs) (Official Gazette of the Republic of Montenegro 4/98, 5/98, 17/98, 14/00, 18/00, 9/01, 41/02, 46/02 and 48/06) shall be amended and read as follows:

"The present Law regulates the method of and procedure for election of Is for municipal, town district, the Administrative Capital and the Historical Capital councils (hereinafter referred to as municipality), and the members for the Parliament of Montenegro; the organization, membership and powers of the authority administering elections; the establishing of voting results and distribution of seats; the protection of suffrage and other issues of significance for organization and carrying out of elections."

**(Legal-technical adjustment)**

#### **Article 2**

Article 2 shall be amended and read as follows:

"Inhabitants of Montenegrin nationality who are included in the electoral roll in accordance with the law regulating the electoral roll (hereinafter referred to as voter) shall elect councillors and MPs and be entitled to be elected councillors and MPs, on the basis of their universal and equal suffrage, at free and direct elections, by secret ballot, in accordance with the present Law.

No one may, on whatever grounds, take voters to account for voting, or ask them to say who they have voted for or why they have not voted."

**Article 3**

Article 3 paragraphs 3 and 4 shall be deleted.  
**(Legal-technical adjustment)**

**Article 4**

In Article 4, paragraph 1, as well as in other provisions of the Law (Articles 38, 39, 42, 43, 55, 57) the words: "political *faction*", in various cases, shall be replaced by the words: "political *party*<sup>1</sup>", in appropriate cases.  
**(Legal-technical and wording adjustment)**

**Article 5**

In Article 6 and other provisions of the Law (Articles 10, 38, 39, 113) the word "citizens-inhabitants" and the word "citizen-inhabitant", in various cases, shall be replaced by the word "voters", or the word "voter", in relevant cases.  
**(Suffrage)**

**Article 6**

In Article 8 and other provisions of the Law (Articles 24, 29, 38, 52, 44, 88, 92, 99, 105, 110, 111g, 112, 113) the word "Republic", in various cases, shall be deleted.  
**(Legal-technical and wording adjustment)**

**Article 7**

In Article 9 and other provisions of the Law ( Articles 12,32, 43, 48a, 51, 59, 115, 116, 117) the word "Republic", in various cases, shall be replaced by the word: "Montenegro", in appropriate cases.  
**(Legal-technical and wording adjustment)**

**Article 8**

Article 11 shall be amended and read as follows:  
"A voter who has turned 18 years of age, has the business capacity and has been a permanent resident of Montenegro for no less than two years prior to the polling day shall be entitled to elect and to be elected a MP.

A voter who has turned 18 years of age, has the business capacity and has been a resident of Montenegro for no less than two years and who has been a resident of a municipality, or a town district as a constituency for no less than 12 months prior to the polling day shall be entitled to elect and be elected a councillor.  
**(Suffrage)**

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<sup>1</sup> "Stanka" – faction; "Partija" - party

## **Article 9**

Paragraph 3 of Article 12 shall be deleted.

**(Authentic representation)**

## **Article 10**

Paragraph 1 of Article 13 shall be amended and read as follows:

"The election of councillors, or MPs shall be called by a decision passed by the authority competent to call for election."

In paragraph 3, the word "Republic" shall be deleted and, at the end of the text, the period shall be replaced by comma, and the following shall be inserted: "and for councillors in the Official Gazette of Montenegro – Municipal Ordinances, too".

**(Legal-technical and wording adjustment)**

## **Article 11**

Paragraph 4 of Article 14 shall be amended and read as follows:

"The terms of office shall be verified within 15 (fifteen) days after the polling day, where the Chairperson of the relevant council / parliament shall make a statement and announce that by the submission of the report on the election results by the competent election commission the terms of office for newly elected councillors, or MPs have been confirmed."

## **Article 12**

In paragraph 1 of Article 15, the words: "Parliament of the Republic" shall be replaced by the words: "Parliament of Montenegro (hereinafter: Parliament), and the words: "President of the Republic" shall be replaced by the words: "President of Montenegro".

Paragraph 3 shall be inserted in the same Article and read as follows:

"The provisions of Article 14 paragraphs 2, 3 and 4 of the present Law shall apply in the case referred to in paragraphs 1 and 2 of this Law"

**(Legal-technical adjustment)**

## **Article 13**

Article 16 shall be deleted.

## **Article 14**

Paragraph 2 shall be inserted in Article 20 and read as follows:

"A candidate from the list of candidates may not be a member of any election commission and their terms of office shall cease in such authorities by acceptance of the candidate nomination for a councillor or MP."

**(OSCE recommendations)**

**Article 15**

In Article 22 and other provisions of the Law ( Articles 23,29, 30, 31, 32, 33, 37, 43, 46, 66, 67, 68a, 69, 69a, 74, 76, 78, 79, 82, 85, 87, 92, 93, 98, 99, 100, 108, 110, 111b, 111g, 111d, 111e, 112) the words: "Republic Election Commission", in various cases, shall be replaced by the words: "State Election Commission", in appropriate cases.

**(Legal-technical and wording adjustment)**

**Article 16**

Paragraph 5 shall be inserted in Article 26 and read as follows:

"The term of office of authorized representatives in municipal election commission shall cease on the day of establishing final election results."

**(Legal-technical adjustment)**

**Article 17**

The following words shall be inserted in item 4 under Article 27 at the end of the text: "and organize their education (training) on procedures for the work of the electoral committee, and at the end of the text in item 13 the following words shall be inserted: "and about filling vacant councillor seats."

**(OSCE recommendations)**

**Article 18**

Paragraph 5 shall be inserted in Article 31 and read as follows:

"The term of office of authorized representatives in the State Election Commission shall cease on the day of establishing final election results."

**(Legal-technical adjustment)**

**Article 19**

The following words shall be inserted in item 13 under paragraph 1 of Article 32, at the end of the text: "and about filling vacant MP seats."

A new item shall be inserted in the same paragraph, after item 15, and read as follows:

"15a) pass Rules of Procedure;"

**(Legal-technical adjustment)**

**Article 20**

Article 34 shall be amended and read as follows:

"The State Election Commission shall form a service of the State Election Commission (hereinafter referred to as Service) to perform administrative and professional duties.

The Secretary of the State Election Commission shall manage the Service.

The act on internal organization and job classification of the Service shall be adopted by the Commission, at a proposal of the Secretary of the Commission and upon an opinion of the public administration authority in charge of human resources.

Regulations applicable to civil servants and state employees shall govern the status and other rights of employees of the Service.

The Parliament shall provide the conditions for the work of the State Election Commission and the Service."

**(OSCE recommendations)**

#### **Article 21**

In paragraph 2 of Article 38, the words: "Political parties" shall be replaced by the words "Submitters of lists of candidates referred to in paragraph 1 of this Article".

**(Authentic representation)**

#### **Article 22**

In paragraph 4 of Article 39, the words: "representing Albanians in Montenegro" shall be replaced by the words: "representing minority nations and other minority national communities".

**(Authentic representation)**

#### **Article 23**

A new Article shall be inserted after Article 39 and read as follows:

"Article 39a

A political party, a coalition of political parties or a group of voters taking a stand at elections for authentic representation of minority nations or minority national communities shall be obliged to indicate, next to the title of the list, what minority nation or minority national community they want to represent, whereas one list of candidates may represent only one minority nation or minority national community.

**(Authentic representation)**

#### **Article 24**

Paragraph 5 shall be inserted in Article 42 and read as follows:

"The person designated as the holder of the list of candidates need not be a candidate on the list."

**(OSCE recommendations)**

#### **Article 25**

In paragraph 2 of Article 43, the words: "Albanians in Montenegro" shall be replaced by the words: "minority nations and other minority national communities".

A new paragraph shall be inserted after paragraph 2 and read as follows:

"A list of candidates for election of MPs of a political party or a group of -citizens representing a minority nation or other minority national community participating in the total population to 2% shall be established if it is supported by signatures of minimum 300 voters."

Paragraphs 3 and 4 shall become paragraphs 4 and 5.

In former paragraph 5, which shall be paragraph 6, the words: "under paragraphs 1 and 2" shall be replaced by the words: "under paragraphs 1, 2 and 3".

**(Authentic representation)**

### **Article 26**

A new item 1 shall be added in paragraph 2 of Article 46 and read as follows:

"1) written statement of the submitter of the list of candidates that they are taking stand in elections for authentic representation of a minority nation or other minority national community.

Former items 1 -6 shall become items 2-7.

**(Authentic representation)**

### **Article 27**

Article 49a shall be deleted.

### **Article 28**

Paragraph 3 shall be inserted in Article 50 and read as follows:

"Police officers and employees of the National Security Agency must not take part in pre-election campaign in any way. "

**(Legal-technical and wording adjustment)**

### **Article 29**

In paragraph 2 of Article 51, the words: "public enterprise referred to in paragraph 1 of this Article" shall be replaced by the words: "Radio and Television of Montenegro ".

**(Legal-technical and wording adjustment)**

### **Article 30**

Article 55 shall be deleted.

### **Article 31**

In paragraph 1 of Article 68, the word "self-government" shall be replaced by the word "government".

**(Legal-technical and wording adjustment)**

### **Article 32**

Article 69 paragraph 4 shall be amended and read as follows:

"The voters shall confirm the receipt of ballots by their signatures on the extract from the electoral roll."

**(Legal-technical adjustment)**

### **Article 33**

Paragraph 5 shall be inserted in Article 72 after paragraph 4 and read as follows:

"Police officers must not vote, or enter polling stations in uniforms, unless requested by an electoral committee chairperson to prevent direct threats to public order and safety at a polling station."

The existent paragraph 5 shall become paragraph 6.

**(Legal-technical adjustment)**



#### **Article 34**

Paragraph 4 of Article 81 shall be amended and read as follows:

"If, in the course of voting, any of the rules referred to in paragraphs 1 to 3 of this Article is violated, the electoral committee may be dismissed. If the electoral committee is dismissed, the voting at such polling station shall be repeated."

**(OSCE recommendations)**

#### **Article 35**

In paragraph 2 of Article 93, the period at the end of the text shall be replaced by comma and the following words shall be inserted: "in accordance with the present Law".

**(Authentic representation)**

#### **Article 36**

Article 94 shall be amended and read as follows:

"Lists of candidates that have acquired minimum 3% of the total number of valid votes in constituency shall participate in distribution of seats, unless otherwise determined by the present Law.

Exceptionally from paragraph 1 of this Article, lists of candidates referred to in Article 39a of the present Law that take stand in elections for authentic representation of a specific minority nation or minority national community, in case none of them meets the condition referred to in paragraph 1 of this Article and if they individually acquire minimum 0.7% of valid votes, shall acquire the right to participate in distribution of seats as a single, i.e. collective, list of candidates with the total number of acquired valid votes.

In case none of the lists of candidates referred to in Article 39a of the present Law, which participate in elections for authentic representation of a minority nation or a minority national community with the share in the overall population to 2%, fulfils the requirement referred to in paragraphs 1 and 2 of this Article, the most successful of them with minimum 0.4% of valid votes shall acquire the right to one seat.

Distribution of seats to submitters of lists of candidates making a collective list of candidates referred to in paragraph 2 of this Article shall be performed in accordance with the number of individually obtained votes in the manner referred to in Article 95 of the present Law."

#### **Socialist People's Party alternative for paragraph 3 of this Article:**

In paragraph 3 the words: "minimum 0.4%" shall be replaced by the words: "minimum 0.7%".

**(OSCE recommendations and authentic representation)**

#### **Article 37**

Article 94a shall be deleted.

**(Authentic representation)**

#### **Article 38**

Article 96 shall be amended and read as follows:

"The seats that a list of candidates has acquired shall be allocated to candidates, according to the order from the list of candidates."

**(OSCE recommendations)**

#### **Article 39**

Paragraph 1 of Article 105 shall be amended and read as follows:

"Early elections for councillors or MPs shall be called and held in case the Parliament is dissolved or a decision is made on shortening the term of office of the Parliament."

In paragraph 2 before the word "conducted" the words: "called and" shall be inserted.

**(Legal-technical adjustment)**

#### **Article 40**

The provisions of the present Law prescribing that the holder of the right of suffrage shall be any national of Montenegro shall come into force after the expiry of one year as of the day the present Law enters into force.

The holder of the right of suffrage shall be any citizen of Montenegro until the provisions referred to in paragraph 1 of this Article commence to be applied.

**(Suffrage)**

#### **Article 41**

The present Law shall enter into force on the eight day after its publication in the Official Gazette of Montenegro.

## **2. RATIONALE**

### **I. CONSTITUTIONAL GROUNDS FOR PASSING THE LAW**

The Constitutional grounds for regulating issues that are the subject matter of the present Law are contained in item 1 under paragraph 1 of Article 16 of the Constitution of Montenegro, which defines that a law, in accordance with the Constitution, should regulate the way of exercising human rights and freedoms when it is required for their acquiring.

The subject matter of the present Law is regulating (prescribing) the manner and procedure for exercising the right of suffrage as one of the basic – fundamental political rights and freedoms.

### **II. REASONS FOR PASSING THE LAW**

The Constitutional Law for the Enforcement of the Constitution of Montenegro, under its Article 8, envisages that by 30 April 2010 the Law on Election of Councillors and MPs, among others, should be harmonized with the Constitution.

In order to fulfill this obligation, the Collegium of the Speaker of the 24<sup>th</sup> Session of the Parliament of Montenegro formed a Multi-Party Working Group to adjust the Law on Election of Councillors and MPs with the Constitution. At the same time, the Collegium of the Parliament Speaker suggested to the Multi-Party Working Group to pay special attention to the following issues in the course of adjusting the Law with the Constitution: 1) suffrage, i.e. holder of the right of suffrage (national or citizen); 2) method of and procedure for exercising authentic representation in councils by members of minority nations and other minority national communities and 3) transposition of OSCE recommendations into the law, where currently possible, in relation to the adjustment to the Constitution and democratic improvement of rights and procedures in an electoral procedure.

After several months of endeavours (14 meetings of the Working Group and one session of two sub-groups) and consultations in the Collegium of the Parliament Speaker, the Working Group produced the Draft Law that was submitted to the Collegium of the Parliament Speaker for consultations with regard to the further procedure.

In the course of those activities of the Working Group, a large number of issues were highlighted and specific solutions were proposed in relation to the issues that were the subject of their work, but not all of them acquired majority support; consequently, the Working Group decided to draw up a Review of proposals that failed to be supported to be incorporated as an integral part into the Draft, in addition to the text of the Draft Law.

Taking into account that the present Law regulates issues of special importance, the Working Group and the Collegium of the Parliament Speaker decided to act in the manner envisaged in Article 133 of the Rules of Procedure of the Parliament and provide the Draft Law rather than Proposal Law to the Parliament.

At the meeting of the Collegium of the Parliament Speaker held on 22<sup>nd</sup> February 2010 it was concluded that the text of the Draft Law drawn up by the Working Group should be delivered to the Parliament as a Draft Law to be considered at the session of the Parliament scheduled for 3<sup>rd</sup> March, and then forwarded to the Venetian Commission and OSCE for expert analysis.

### **III. EXPLANATION OF PROPOSED SOLUTIONS**

1. As to the suffrage, it is clear that the Constitution of Montenegro envisages that the holder of the right of suffrage (the right to vote and the right to be voted) is any national of Montenegro; therefore, the solution proposals related to this right envisaged that any national of Montenegro has the right of suffrage. However, due to administrative procedures and the need for regulation of electoral rolls in accordance with this Constitutional provision, the Draft Law envisages that provisions on suffrage of a national shall commence to be applied upon the expiry of one year after the present Law enters into force.

2. As to the authentic representation of members of minority nations and other minority national communities, the following were considered as starting principles: 1) Montenegro is one constituency without establishing any special polling stations; 2) proportional electoral system; 3) uniform model for all minority nations or other minority national communities and no secured seats. However, for the purpose of exercising affirmative action principle, i.e. creation of conditions for exercising the right to authentic representation, a lower threshold have been prescribed for establishing of candidate lists and participation in distribution of seats for lists of candidates taking part in elections for authentic representation of a minority nation or minority national community.

The principle, i.e. model and specific solutions are covered by Articles 9, 21, 22, 23, 25, 26, 35, 36 and 37 of the Draft and, for the time being, they should not be elaborated or explained in more details.

3. As to the OSCE recommendations, the recommendations that are specific and represent improvement of procedures and rights in such procedures have been accepted and incorporated, but not those that would require more complex amendments to the Law and not in this process which is an obligation for its adjustment to the Constitution.

Solution proposals for acceptance of recommendations by individual political parties represent their views and interpretation of specific recommendations, and therefore they were not supported by required majority, but are presented in the Review of proposed solutions that are not an integral part of the Draft.

4. The Draft contains a significant number of solutions related to legal-technical and wording adjustments of the Law with the Constitution.

### **IV. FINANCIAL RESOURCES**

The implementation of the present Law does not require the provision of any additional funds by the Budget of Montenegro.

### **3. PROPOSALS BY INDIVIDUAL POLITICAL PARTIES THAT FAILED TO OBTAIN REQUISITE MAJORITY IN ORDER TO BE INCORPORATED IN THE DRAFT LAW**

Individual political parties, through their representatives in the Working Group, have also submitted other, i.e. additional proposals, in addition to the solutions incorporated in the text of the Draft Law, with regard to the issues that were subject to agreement and which did not acquire the majority support required to be incorporated in the Draft Law.

#### **I. ISSUES DEALING WITH THE ELECTORAL LAW AND RECOMMENDATIONS OF THE OSCE AND COE**

The Socialist People's Party (SNP), New Serbian Democracy (NOVA) and Movement for Changes (PZP) have submitted proposals with respect to these issues.

##### **1. Proposals of the Socialist People's Party:**

The following changes should also be made to the Law on Election of Councillors and Members of the Parliament:

###### **1. Article 24 shall be amended and read as follows:**

"A Municipal Council shall appoint a Municipal Election Commission with permanent membership at the proposal of the Municipal Council's working body in charge of elections and appointments, from amongst candidates proposed by political parties having councillors in the Municipal Council.

Decision on the appointment of the Municipal Election Commission shall be published in the Official Gazette of Montenegro – Municipal Ordinances."

###### **2. Article 25 shall be amended and read as follows:**

"A Municipal Election Commission shall be composed of the chairperson, secretary, and five members with permanent membership, plus one authorized representative for each submitter of the list of candidates.

No political party or coalition or other political organization can have more than a half of the permanent members in the Municipal Election Commission.

The chairperson of the Municipal Election Commission shall be appointed at the proposal of the party that had the highest number of councillors' seats at previous elections.

If a coalition list of candidates obtained the highest number of seats at previous elections, the chairperson of the Municipal Election Commission shall be appointed at the proposal of the party that had the highest number of councillors' seats within the coalition.

In case of the same number of seats of: the coalition list of candidates and the party submitting an individual list of candidates; the coalition lists of candidates or parties submitting an individual list of candidates in the previous elections, the chairperson of the Municipal Election Commission shall be appointed at the proposal of the party or coalition having majority of councillors in the relevant council.

The Secretary of the Municipal Election Commission shall be appointed upon the proposal of a party having the second highest number of councillors' seats or number of votes at the previous elections, by applying the criteria set forth under the provision of this Article for nomination of the chairperson of the Municipal Election Commission.

One representative of each of the two opposition parties that had the highest number of votes at previous elections shall mandatory be appointed as permanent members of the Municipal Election Commission in the relevant council.

Deputies shall be appointed to the Chairperson and members with permanent membership of the Municipal Election Commission.

An authorized representative of the submitter of the list of candidates may have a deputy.

The chairperson and members of the Commission, as well as authorised representatives of the submitters of the lists of candidates shall be substituted by their deputies in the event of their absence or disability to exercise their duties and tasks in the Commission.

The chairperson of the Commission, the deputy thereof and the secretary, as well as members of the Commission shall be appointed from amongst graduated jurists, while the deputies of the members of the Commission shall be appointed from among graduated jurists as a rule.”

3. Article 29 shall be amended and read as follows:

Upon the proposal of the Parliament’s working body in charge of the elections and appointments, the Parliament shall appoint the State Election Commission with permanent membership from amongst candidates proposed by parties having their representatives in the Parliament.

A decision on the nomination of the State Election Commission shall be published in the Official Gazette of Montenegro.”

4. Article 30 shall be amended and read as follows:

“The State Election Commission shall be composed of the chairperson, secretary, and nine members with permanent membership and one authorised representative of each submitter of the list of candidates.

No political party or coalition or other political organization can have more than a half of the permanent members in the State Election Commission.

The Chairperson of the State Election Commission shall be appointed at the proposal of the party that had the highest number of MP seats at previous elections.

A secretary of the State Election Commission shall be appointed upon the proposal of the party having the second highest number of MP seats at previous elections.

One representative of each of the three opposition parties in the Parliament, which had the highest number of votes at previous elections, must also be appointed as members of the State Election Commission with permanent membership.

Deputies shall be appointed to the Chairperson and members with permanent membership of the State Election Commission.

An authorized representative of the submitter of the list of candidates may have a deputy.

The chairperson and members of the Commission, as well as authorized representatives of submitters of the lists of candidates shall be substituted by their deputies in the event of their absence or disability to exercise their duties and tasks in the Commission.

The Chairperson and the members of the Commission, the deputies thereof and the Secretary of the Commission shall be appointed from amongst graduated jurists.”

5. In Article 33, a new paragraph 1 shall be inserted and read as follows:  
“The Municipal Election Commission shall carry out the activities related to election of councillors envisaged by the present Law as delegated affairs.”

The existent paragraph 1 shall become paragraph 2.

6. Article 35 shall be amended and read as follows:  
“An electoral committee shall be composed of a chairperson and four members with permanent membership and one authorized representative of each submitter of election candidate list.

Each party represented in the relevant council shall be entitled to a number of chairpersons of electoral committees that is commensurate with proportional representation of councillors' seats in the Council, while the Municipal Election Commission shall determine polling stations where individual parties would propose their representative for the chairperson of the electoral committee by drawing lots.

Two permanent members of the electoral committee shall be appointed at the proposal of a party or coalition having majority in the relevant Municipal Council.

One representative of each of the two opposition parties in the relevant Council, which had the highest number of votes at previous elections, shall be appointed to the permanent membership of the electoral committee.

In the event of a coalition break up after the election or if some councillors or members of the Parliament leave the party from whose list they were elected and form a new parliamentary or councillor's club or continue to act as independent councillors or Members of the Parliament, the parties having the highest number of seats in the current convocation of the relevant council / Parliament shall have the right to propose candidates for the permanent membership of the electoral committee.

If the relevant Municipal Council has only one opposition party, such party shall appoint its two representatives in the permanent membership of the electoral committee.

The chairperson and members of the electoral committee, as well as authorized representatives of submitters of the lists of candidates shall be substituted by their deputies in case of their absence or disability to carry out affairs and tasks of the electoral committee.

7. Two new Articles 35a and 35b shall be inserted after Article 35 and read as follows:

“Article 35a

The Municipal Election Commission shall be obliged to adopt a decision on what parties are entitled to propose representatives for the permanent membership of the electoral committee, no later than 15 days prior to the polling day.

The Municipal Election Commission shall submit the decision referred to in paragraph 1 of this Article to all submitters of the lists of candidates within 24 hours from rendering such decision.

A complaint or appeal may be lodged against the decision referred to in paragraph 1 of this Article, according to the procedure for protection of suffrage stipulated under the present Law.

Article 35b

An electoral committee shall be appointed for each polling station, no later than ten days prior to the set polling day.

The Municipal Election Commission shall submit the decision on the nomination of electoral committees to all submitters of the lists of candidates within 48 hours from the day of such decision being rendered.”

8. A new Article 36a shall be inserted after Article 36 and read as follows:

“Article 36a

The electoral committees formed to carry out elections of councillors shall carry out activities of electoral committees for election of MPs should the elections for councillors and elections for MPs take place at the same time.”

9. New chapter VI and Articles 49a, 49b, and 49c shall be inserted after Article 49 d and read as follows:

“VI PRE-ELECTION CAMPAIGN

Article 49a

The submitters of confirmed lists of candidates and candidates from the lists of candidates shall have the capacity of contestants in the pre-election campaign.

The submitters of a coalition list of candidates shall regulate mutual rights and obligations with respect to the approach to media and other matters of joint interest by way of an agreement.

Article 49b

Within the pre-election campaign, state and municipal level officials may not use resources that they have at their disposal in order to carry out their regular official functions, such as transport, communications, technical devices, etc. unless required by special security regulations for high ranking state officials (official escort and close protection).

State and municipal resources may not be used for printing or producing material that would serve to privilege any list of candidates in the pre-election campaign. Political marketing shall not be financed from public revenues, save the part allocated to political parties from the Budget for the pre-election campaign purposes, with exception of official statements of authorities for administering elections.

Article 49c

Public officials nominated or appointed by the Government of Montenegro and elected or appointed by the local self-government, civil servants and state employees may not take part in the election campaign or publicly express their positions regarding elections during the working hours or while on duty.”

10. Article 55 which stipulates that it shall be the Parliament to adopt a decision on rules regarding the presentation of political parties in the pre-election campaign shall be amended and read as follows:

“The Radio-Television of Montenegro and other public broadcasting services shall enable equal presentation of submitters of the lists of candidates in the pre-election campaign, according to special rules to be adopted by councils of public broadcasting services.

The management bodies of the daily newspaper “Pobjeda” and “Koha Javore” shall be obliged to adopt a rulebook which shall enable equality in presentation of submitters of the lists of candidates during the pre-election campaign (same space, or columns and equal conditions for representation of submitters of the lists of candidates, as well as for presentation and explanation of election programmes).



Public broadcasting services shall be obliged to announce the manner and conditions for presentation of submitters of the lists of candidates in daily newspapers and in other way accessible to the public no later than 10 days following the calling of elections.”

11. A new Article 59a shall be inserted after Article 59 and read as follows:

“Article 59a

All media shall communicate current events and activities of officials and officials of political parties in newscasts, outside of radio and TV programmes and pages of newspapers envisaged for the pre-election campaign, observing the rules of professionalism, objectivity and journalist’s ethics.

Reporting on regular activities and work of state authorities, officials, Government members, as well as municipal officials must be conducted without any messages having political content, while respecting the journalist’s code.

When reporting on current events and work of the state authorities and officials, the media may not present comments or articles which would indicate the party affiliation or would have the character of political party propaganda.

Talk shows and special shows, where the participants are state officials and officials of political parties or where the engagement of officials is used for pre-election campaign purposes, may not be broadcasted outside of the special radio and TV programme and special supplement to the “Pobjeda” and “Koha Javore”.

Shows of cultural, documentary, sports, entertainment, and other programme not having strictly newscast character shall tend not to contain any programme which would in any way be directed to promote any of the submitted lists of candidates.”

12. In Article 63, the words: “10 days” shall be replaced by the words “25 days”.

13. In paragraph 1 of Article 70, the words “shall be opened at 08:00 a.m. and closed at 09:00 p.m.” shall be replaced by the words: “shall be opened at 07:00 a.m. and closed at 08:00 p.m.”

14. Paragraph 5 of Article 74 shall be amended and read as follows:

“The colour of the ballot shall be determined by the State Election Commission for the election of the members of the Parliament, and by the Municipal Election Commission for the election of councillors.”

15. A new paragraph 2 shall be inserted in Article 75 after paragraph 1 and read as follows:

“In case of several concurrent votes, certified extracts from the electoral roll shall be issued in such number that shall correspond to the number of votes.”

The existing paragraphs 2, 3, and 4 of the same Article shall become paragraphs 3, 4, and 5.

16. In Article 104 paragraph 2 the words: “about whom the submitter of the list of candidates decides upon” shall be replaced by the words: “the one being next in line according to the order from the list.”

17. In paragraph 1 of Article 107, at the end of the text, comma shall replace the period, and the following words shall be inserted: “as well as due to the violation of any other right as envisaged under the present Law.”

18. Paragraph 2 of Article 108 shall be amended and read as follows:

“A complaint against a decision, action or omission of the Municipal Election Commission in the procedure for election of members of the Parliament shall be lodged to the State Election Commission.”

19. A new Article 108a shall be inserted after Article 108 and read as follows:

“Article 108a

An appeal may be lodged to the Constitutional Court of Montenegro against a decision of the Municipal Election Commission to dismiss or reject a complaint, or against decision, action or omission of the Municipal Election Commission made in the procedure for election of councillors.”

20. In paragraph 1 of Article 110, after the words “by which” the following words shall be added: “in the procedure for election of members of the Parliament”.

21. The transitional provisions should incorporate a solution that would secure vested rights of voters, i.e. of citizens, which should read as follows:

“The application of the present Law shall be without prejudice to the rights of citizens of Montenegro who are not Montenegrin nationals and who were entered into the electoral roll as the nationals of any other Republics of the former SFRY as of the day of proclamation of the Constitution of Montenegro.”

## **2. Proposals of New Serbian Democracy**

### **I**

New Serbian Democracy is suggesting to the Working Group for the Harmonization of the Electoral Legislation to accept, within its competences, the following solutions that would improve the electoral legislation and adjust it to the intentions of the European legislation:

- 1) to amend the Law on Montenegrin Nationality in order to allow all persons who were included in the electoral roll on the day of proclaiming the Constitution to have unconditional registration as nationals of Montenegro;
- 2) to urgently amend the Law on Financing of Political Parties and regulate by law financing of election campaigns in order to enable approximately equal and democratic conditions during elections;
- 3) to provide all political parties standing for the elections with undisturbed access to data and the control of work of the state bodies issuing personal documents and keeping electoral rolls, in order to prevent abuse and possibility of producing false and double personal documents;
- 4) to provide by law all participants standing for elections with equal, undisturbed and fully free of charge access to media founded and financed by the state, as well as free of charge advertisement of election programmes and lists of candidates and broadcasting of election promotional materials;
- 5) to regulate by law the obligation to interrupt the election process in the cases when a party standing for the elections offers to the State Election Commission credible proofs of the existence of any form of organized crime during the election process.

New Serbian Democracy believes that the fulfilment of these requirements is unavoidable for accepting the final version of the harmonized solutions of the electoral legislation.

New Serbian Democracy MPs Club carefully considered the recommendations of OSCE of 29 March 2009, the goal of which is to improve the electoral legislation of Montenegro, its further democratization and approximation to the standards of the European electoral practice, and bearing in mind extremely restrictive interpretation of the scope of the task and authorizations of the Working Group and sub-group, as well as the fact that only the Law on Election of Councillors and Members of Parliament is to be harmonized with the Constitution, it believes

that, during this process, the following must be taken into consideration and elaborated using proper legal wording:

## II

### 1) Voting by Citizens – Nationals - Residents

All citizens of Montenegro who are re-registered in the electoral roll must be the nationals of Montenegro. The citizens who have already been included in the electoral roll should keep that right until they obtain the Montenegrin nationality, especially due to the fact that the Montenegrin nationality is very difficult and slow to get.

### 2) Election Administration Bodies

Election Administration Bodies (electoral committees, municipal election commissions, as well as their chairpersons) should be formed based on the parity principle (ruling party-opposition).

### 3) OSCE Recommendations

B-2: Enable, through transitional and final provisions of the Law, that the provision on suffrage - that only the nationals of Montenegro are entitled to – may not have a retroactive effect and that it may not be applied to the citizens of Montenegro that acquired such right in accordance with the applicable law prior to the adoption of the Constitution of Montenegro.

B-Z/C: Incorporate into the Law a solution that unambiguously defines what two strongest opposition parties are that must have their representatives in the election bodies, and what happens in the situation of splitting of parties and coalitions when such representation, protected by law, is lost.

B-Z/D and E: Specify a solution that enables in election administration bodies as true as possible reflection of the political balance of power in a parliament that the elections are held for, i.e. to enable opposition political parties to have such a number of representatives in permanent membership that does not provide for absolute domination of the ruling party or coalition, complying, of course, with the principle that they must have the majority. Furthermore, when electing chairpersons of electoral committees, the principle of fairness and righteousness needs to be established in such a way to have at least approximately equal number of persons from ruling and opposition parties.

B-Z/I: In case of voting that has been carried out so far as the vote-by-mail, specially produced and adapted portable ballot boxes should be used instead of envelopes.

C-4: Form a professional secretariat of the State Election Commission, as an ancillary body that would, in the name and for the State Election Commission, perform legal drafting.

G-11: The present Law should envisage the obligation of the Montenegrin Radio and Television Public Broadcasting Company (Javni servis Radio-Televizija Crne Gore) to provide free of charge presentation of election programmes of all participants in the electoral process whose lists of candidates have been verified by a competent body, as well as of candidates for councillors and members of parliament, broadcasting of promotional material, as well as reporting on electoral activities, based on the principle of equal representation. Also, within the Radio-Broadcasting Agency competent for the monitoring of contents of the broadcasters, a special commission should be formed that would monitor the compliance with regulations governing this area.

### 3. Proposals of the Movement for Changes

Starting from the recommendations of OSCE, CoE and respecting the need to regulate numerous disputable issues representing the obstacle to the creation of conditions for equal participation of all entities in the electoral process, the following amendments to the Law on Election of Councillors and Members of Parliament, it is suggested that Chapter VII *Presentation of Submitters of Lists of Candidates and Candidates from the Lists of Candidates* should include the following amendments:

1. Article 50 shall be amended and read as follows:

“From the day of accepting the list of candidates to the completion of the election propaganda, the submitters of lists of candidates shall be entitled to inform, through Public Radio-Broadcasting Services of Radio–Television of Montenegro, as well as through local public radio-broadcasting services, within the same time during a day and/or daily columns, the citizens about their candidates, programmes and activities on a daily basis, free of charge, equally and in the same scope.

From the day of accepting the list of candidates to the completion of the election campaign, the submitters of lists of candidates shall be entitled to marketing promotion of their candidates and programmes in the shows and/or columns of commercial public media, and commercial signage advertising space, and publishing of announcements of their daily activities and promotional gatherings in the scope and in accordance with the dynamics they plan themselves.

No property (money, technical devices, premises, equipment, etc.) of public administration authorities, state-owned companies, public institutions and funds, local self-government units, and companies where the state is one of the owners, may be used for the presentation of lists of candidates”.

2. A new Article shall be inserted after Article 50:

“Article 50a

The State Election Commission shall form a separate working body that will consist of one representative of each accepted list of candidates, and which shall, within the period from the day of accepting the lists of candidates to the polling day, monitor the implementation of the provisions of the present Law.

Radio Broadcasting Agency shall be obliged to provide all requested technical support to the working body referred to in paragraph 1 of this Article.

The working body referred to in paragraph 1 of this Article shall adopt the conclusions and decisions that are binding on all participants in the election campaign. Within the period from the day of accepting the lists of candidates to the polling day, the working body referred to in paragraph 1 of this Article shall have daily sessions, evaluate the conduct of the participants in the election campaign, adopt conclusions and decisions that are disclosed, if the working body decides so.

After holding the elections, the working body referred to in paragraph 1 of this Article shall have the session, formulate and adopt the Report on presentation of submitters of lists of candidates that, in the form it is adopted, becomes the integral part of the Report of the State Election Commission on the Held Elections.

The working body referred to in paragraph 1 of this Article may adopt the rulebook on its operations. The Administrative Board of the Parliament of Montenegro shall give the consent to the rulebook on operations of the working body referred to in paragraph 1 of this Article”.

3. Article 51 shall be amended and read as follows:

“From the day of accepting the lists of candidates to the completion of election propaganda, Radio-Television of Montenegro and local public radio-broadcasting services shall be obliged to, within their political newscasts, as well as in precisely defined political marketing blocks which can be heard and watched on the entire territory of Montenegro and/or local self-government, provide, on a daily basis, having equal duration and at the same time, fully free of charge and equal presentation of all submitters of accepted lists of candidates, as well as presentations and explanations of their election programmes.

Radio-Television of Montenegro and local public radio-broadcasting services shall not be allowed, under any conditions, to enable the presentation and explanation of election programmes of submitters of lists of candidates or their indirect advertisements outside the specified time referred to in paragraph 1 of this Article”.

4. A new Article shall be added after Article 51 as follows:

“Article 51a

For the purpose of achieving equal presentation of all participants in the electoral process and preventing the possibility of any indirect advertisement, state officials, local self-government officials and political parties’ officials (hereinafter referred to as officials) shall not be allowed to give interviews to electronic media, both private and public, and participate in talk shows broadcasted by these media, from the day of accepting the lists of candidates to the completion of the election propaganda.

The officials referred to in paragraph 1 of this Article may give interviews to electronic media, both private and public, and participate in talk shows broadcasted by these media, only as representatives of the list of candidates, in the manner and in the scope prescribed by the present Law for the media presentation of representatives of the lists of candidates in the pre-election campaign”.

5. Article 52 shall be deleted.

6. Article 53 shall be amended and read as follows:

“From the day of accepting lists of candidates to the completion of the election propaganda, Radio-Television of Montenegro and local public radio-broadcasting services shall be obliged to, in all commercial marketing blocks which can be heard and watched on the entire territory of Montenegro and/or local self-government, provide, on a daily basis, having equal duration and at the same time, fully free of charge and equal disclosure of announcements of all daily events and promotional gatherings of submitters of lists of candidates for election of Members of Parliament and/or councillors”.

7. Three new Articles shall be inserted after Article 53 and read as follows:

“Article 53a

From the day of accepting lists of candidates to the completion of election propaganda, Television of Montenegro shall be obliged to provide each submitter of accepted list of candidates with free of charge, fully equal and on a daily basis broadcasting within all commercial marketing blocks and within political newscasts on the First Channel of Television of Montenegro, which can be watched on the entire territory of Montenegro:

- of political and propaganda TV-clips in all political marketing blocks the duration of which is not less than 200 seconds per day, depending on the planned number of advertising blocks of political marketing;
- of three minute reports from promotional gathering, twice a day, at the time just after the second Evening News of Television of Montenegro and just after the third Evening News of Television of Montenegro.

The production of contents referred to in paragraph 1 of this Article shall be the obligation of the list of candidates being promoted.

From the day of accepting the lists of candidates to the completion of the election propaganda, Television of Montenegro shall be obliged to, within political newscasts on the First Channel of Television of Montenegro, at 9 p.m., produce and broadcast at least two one and a half live talk shows per week, where the representatives of all accepted lists of candidates will confront their views about the most important social topics, agreed by the lists of candidates and editorial staff of Television of Montenegro. The number of participants in a show cannot exceed three, and the schedule of participants must be as such to provide that during the campaign every list of candidates has the opportunity to confront at least once each of the remaining political competitors standing for elections.

#### Article 53b

From the day of accepting the lists of candidates to the completion of election propaganda, Radio of Montenegro shall be obliged to provide free of charge broadcasting in all commercial marketing blocks that can be heard on the entire territory of Montenegro to all submitters of accepted lists of candidates on a fully equal and daily basis:

- of political and propaganda audio clips in all political marketing blocks in the scope not less than 300 seconds per day, depending on the planned number of advertising political marketing blocks;
- of five-minute reports from promotional gathering, three times a week, at the time immediately after three main daily newscasts.

The production of contents referred to in paragraph 1 of this Article shall be the obligation of the list of candidates being promoted.

From the day of accepting the lists of candidates to the completion of the election propaganda, Radio of Montenegro shall be obliged to, within political newscasts on both its channels, at appropriate time, produce and broadcast at least three one and half live talks shows per week, where the representatives of all accepted lists of candidates shall confront their opinions about the most important social topics, harmonized by the lists of candidates and editorial staff of Radio of Montenegro. The number of participants in a show cannot exceed three, and the schedule of participants must be as such to provide that during the campaign every list of candidates has the opportunity to confront at least once each of the remaining political competitors standing for elections.

#### Article 53c

From the day of accepting the lists of candidates to the completion of the election propaganda, local public radio-broadcasting services shall be obliged to provide all submitters of accepted lists of candidates with free of charge broadcasting in all commercial marketing blocks that could be heard and watched on the entire territory of local self-government, on a fully equal and daily basis, in the scope and in the manner prescribed by Article 53a and Article 53b for Television of Montenegro and/or Radio of Montenegro”.

8. Article 54 shall be amended and read as follows:

“Commercial public media, referred to in paragraph 2 of Article 50 of the present Law that carry out marketing promotion of candidates and programmes of submitters of lists of candidates and which disclose the announcements of daily activities and promotional gatherings of submitters of lists of candidates, in return for commercial compensation, shall be obliged to post the designation “paid election marketing” on such commercial marketing contents.

9. Article 55 shall be deleted.

10. Article 56 shall be amended as follows:

“Editors and hosts of specialized political newscasts referred to in paragraph 3 of Article 53a, and paragraph 3 of Article 53b of the present Law shall be obliged to impartially and equally treat all participants, the representatives of accepted lists of candidates.

From the day of accepting lists of candidates to the completion of election propaganda, editors and hosts of other segments of political newscasts, as well as cultural, documentary and sports shows that are not included by paragraph 3 of Article 53a, and paragraph 3 of Article 53b of this Article shall be obliged to professionally and impartially prepare and run their shows not allowing indirect advertisement of election programmes of submitters of lists of candidates, and hosts of such shows must have impartial relation towards all presented political, social and ethnic and cultural shows.

The editors referred to in paragraph 1 of this Article shall, by mutual agreement with submitters of lists of candidates, determine the list of questions to be discussed at talk shows-debates, referred to in paragraph 3 of Article 53a and paragraph 3 of Article 53b, in accordance with the present Law and editorial criteria”.

11. Article 57 shall be deleted.

12. Article 59 shall be deleted.

13. Article 62 shall be amended as follows:

“From the day of accepting lists of candidates to the completion of election propaganda, all public and commercial media in Montenegro shall be obliged to publish evaluations, conclusions and decisions of a special working body of the State Election Commission referred to in Article 50a of the present Law, which finds that certain public media violated the provisions of the present Law prescribing impartial, equal and objective provision of information to citizens on programmes and candidates of political parties and other submitters of lists of candidates”.

## **II. PROPOSALS REGARDING THE AUTHENTIC REPRESENTATION**

### **1. Proposals of New Serbian Democracy**

All national minorities should use certain benefits to be provided by electoral legislation in order to have their authentic representation in the Parliament of Montenegro. We believe that authentic MPs are those MPs that are voted for by at least one third of the citizens that belong to a certain national minority. Based on the aforementioned, we suggest having a changeable threshold for national minorities that is 1/3 of the percentage that shows the share of that national minority in the population of Montenegro. For example, if a national minority X has 1%, the threshold for that minority would be 0.33%; or if a national minority has 9%, the threshold for that minority list of candidates would be 3%. Since the applicable law prescribes the threshold for all to be 3%, this rule would apply to all minority nations whose one third is less than 3%. If there are more of them, they would not have the benefits, since their number of population would be that high so that they can always elect authentic representatives by their votes.

This would lead to the situation that there are no given seats, but that the seats would be earned to a certain extent.

New Serbian Democracy proposes that the affirmative action principle may be used by national minorities which make 9% of the total population in Montenegro.

## **2. Proposals of the Movement for Changes**

Minority parties, lists of candidates of members of minority nations or minority national communities, which total, in accordance with the most recent census, over 3%, shall participate in the allocation of the “first” seat by attaining the “natural” threshold.

Minority parties, lists of candidates of members of minority nations or minority national communities, which total, in accordance with the most recent census, over 1%, shall participate in the allocation of the “first” seat by attaining 50% plus 1 of the “natural” threshold.

Further allocation of the seats of these lists of candidates, in proportion to the obtained number of votes, shall be done in accordance with the provisions (Article...) of the present Law.

## **3. Proposals of the MPs of the Albanian Parties (M. Bardhi, G. Nimanbeg, A. Holaj)**

### **I**

We believe that the (to date) applicable electoral legislation, with some corrections and amendments, which we suggested, is applicable solution for us.

The generally acceptable solution is kept that Montenegro is one electoral constituency, on the one hand, and our proposal to provide authentic (proportional) political representation of the Albanians is being realized, on the other hand.

For the minority Albanian people, for the national community of Albanians, for Albanians in Montenegro, the existing solution is acceptable to have within Montenegro, as one electoral constituency, municipalities - i.e. polling stations, where the Albanians are autochthonous nation (for centuries): Municipality of Ulcinj, Municipality of Tuzi, i.e. certain polling stations in the capital of Podgorica, and then certain polling stations in the Municipalities of Bar, Plav and Pozaje – electing a certain number of Members of Parliament in proportion to the share of the Albanians in the total number of population of Montenegro, more precisely 5 Members of Parliament, i.e. seats. By application of the principle of reallocation of votes, by adding obtained votes to the lists of candidates of Albanian nationality from other polling stations in Montenegro and vice versa – by adding votes obtained by distinguished Albanian polling stations to other lists of candidates.

And finally, the right to allocation of obtained MP seats within this sub-electoral unit, and/or within these special polling stations, belongs only to the lists of candidates of Albanian nationality, which meet the required threshold that cannot be less than 3% of the total number of the valid votes within these special polling stations, as to be determined by a special decision of the Parliament of Montenegro or the present Law (which would specify special polling stations as well).

### **II**

The same can be applied to the authentic representation of the Albanians in the Municipal Councils, having traditionally autochthonous Albanian people:

- determine the number of Albanian seats in proportion to the share of Albanians in the total number of populations, for every municipality where the Albanians are autochthonous (the abovementioned municipalities), and those seats should be allocated to the lists of candidates of Albanian nationality;



- in the municipalities where this minimum of votes cannot be “naturally” attained, i.e. the required threshold cannot be fulfilled, determine 1 (one) seat and allocate it to the list of candidates of Albanian nationality, which gets the largest number of votes at the elections.

Keep the Dönt’s formula for calculating, i.e. allocation of the obtained MPs and councillors’ seats, and/or seats in the Parliament of Montenegro and local self-government councils, or another mathematical formula that will give more correct results in the proportionate calculation of the number of MP or councillor’s seats.

- Keep the existing thresholds for the right to participate in the allocation of the MPs seats,
- Keep the existing level of number of signatures for the support to the lists of candidates.

The acquired rights cannot be challenged.

#### **4. Proposal of the Croatian Civil Initiative**

The new paragraph 2 shall be added after paragraph 1 of Article 36 and read as follows:

“ Croats, as a minority people that makes up 2.00% of the population in Montenegro, shall have their authentic representation in the Parliament of Montenegro if they have won the highest number of votes based on the census of 0.2% of the valid votes. “

#### **RATIONALE**

Croatian people represent an authentic national group in Montenegro and, since they have left - by their living for centuries within the region - great traces in the sense of culture and history and economy, it is required to provide them with a special legal treatment, i.e. exception.

The current share of the Croatian people in the total population of Montenegro does not correspond to the remarkably rich cultural heritage they cherish. Since they represent an exceptionally vulnerable minority people due to their small number, it is indispensably necessary to ensure, according to the principle of affirmative action, the representative of Croatian people in the Parliament of Montenegro and councillors in municipal councils in the surroundings where they make the highest share of the population (Municipalities of Tivat and Kotor).

For a legal formulation of real and to the existence of Croats within the territory of Montenegro important special requisites via the Law on Election of Councillors and Members of the Parliament, there are grounds in the Constitution of Montenegro, as follows: in paragraph 3 under the Constitution Preamble; in paragraph 3 under Article 13; in items 2 and 5 under Article 16; in paragraph 1 under Article 17; as well as in paragraph 9 under Article 79, while also in the Law on Minority Rights and Freedoms.

Such grounds exist also under the UN Charter for the Autochthonous, indigenous people and national minorities.

Motions given under the Draft Law on Election of Councillors and Members of the Parliament are unacceptable for the vulnerable Croatian minority in Montenegro. Since there are approximately 7,000 Croats in Montenegro – who do not represent the entire constituency – it would be impossible to reach the census ranging from 0.4 to 0.7 % even if all the full age citizens of Croatian nationality voted.

Therefore, the only acceptable solution to the Croatian people in Montenegro, being the minority that is in itself exception, is to have Article 36 under the Law on Election of Councillors and Members of the Parliament formulated in such manner as it has been given under the above motion presented by the Croatian Civil Initiative (HGI).

We are recalling that Bosniak Party, Democratic Union of Albanians, and Democratic Party of Socialists together with Croatian Civil Initiative presented to the Working Group the same thoughts during drawing up the Draft Law.