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

**LAW ON AMENDMENTS  
TO THE LAW ON ELECTION OF COUNCILLORS  
AND REPRESENTATIVES**

**OF MONTENEGRO**

**as of 21 March 2014**

Pursuant to Article 95 item 3 of the Constitution of Montenegro, I hereby issue the

## **D E C R E E**

### **ON PROCLAMATION OF THE LAW ON AMENDMENTS TO THE LAW ON ELECTION OF COUNCILLORS AND REPRESENTATIVES**

I hereby proclaim the **Law on Amendments to the Law on Election of Councillors and Representatives**, adopted by the Parliament of Montenegro of the 25<sup>th</sup> Convocation, at the Third Sitting of the First Ordinary (Spring) Session in 2014, on 21 March 2014.

No: 01-437/2

Podgorica, 22 March 2014

**PRESIDENT OF MONTENEGRO**  
**Filip Vujanović**

Pursuant to Article 82 paragraph 1 item 2 and Article 91 paragraph 3 of the Constitution of Montenegro, the Parliament of Montenegro of 25<sup>th</sup> Convocation, at the Third Sitting of the First Ordinary (Spring) Session on 21 March 2014, adopted

### **THE LAW ON AMENDMENTS TO THE LAW ON ELECTION OF COUNCILLORS AND REPRESENTATIVES**

#### **Article 1**

In the Law on Election of Councillors and Representatives ("Official Gazette of the Republic of Montenegro", No. 4/98, 5/98, 17/98, 14/00, 18/00, 9/01, 41/02, 46/02, 48/06, and "Official Gazette of Montenegro", No. 46/11) in Article 2 after paragraph 3 a new paragraph shall be added to read as follows:

"Public opinion polling may not be carried out at a polling station or at the distance of 100 meters away from the polling station".

#### **Article 2**

In Article 5 after paragraph 1 a new paragraph shall be added to read as follows:

"Term of office of a councillor and/or representative may terminate earlier in accordance with this Law".

Former para. 2 and 3 shall become para. 3 and 4.

#### **Article 3**

In Article 13 paragraph 2 shall be amended and read as follows:

"The State Election Commission and municipal election commissions shall establish and publish the election calendar including all deadlines for carrying out election activities envisaged by electoral legislation, within 72 hours from the day of passing the decision on calling for elections".

After paragraph 2 a new paragraph shall be added to read as follows:

"The election day shall be a non-working day (Sunday)".

#### **Article 4**

In Article 17 paragraph 3 shall be deleted.

#### **Article 5**

In Article 23 after the words "municipal", the comma and the words "election commission of the Administrative Centre, election commission of the Capital (hereinafter referred to as municipal election commission)" shall be inserted.

#### **Article 6**

In Article 24 paragraph 1 after the words "political parties", added shall be the words "or coalition list of candidates", and the words "civic groups" shall be replaced by words "groups of electors".

#### **Article 7**

Article 25 shall be amended and read as follows:

"Municipal election commission shall be composed of: chairperson and four members in the standing composition and one authorised representative of each submitter of candidate lists.

The candidate of a political party, i.e. submitter of candidate list which won the highest number of councillor seats at previous elections shall be appointed the chairperson of the municipal election commission.

If a coalition candidate list won the highest number of seats at previous elections, the candidate of the political party which won the highest number of councillor seats within the coalition shall be appointed the chairperson of municipal election commission.

The Secretary of the municipal election commission shall be appointed at proposal of the Parliamentary opposition.

The candidate proposed by the opposition candidate list that won the highest number of councillor seats at previous elections shall be, by rule, appointed the Secretary of municipal election commission.

The Secretary of the commission shall be responsible for carrying out administrative tasks envisaged by electoral legislation.

Two members of the standing composition of the municipal election commission shall be appointed at proposal of the Parliamentary opposition.

For the members of the standing composition from out of opposition appointed shall be representatives of opposition lists of candidates in a relevant municipal assembly proportionally to the number of seats won at previous elections, and in case of the same number of seats the list of candidates that won higher number of votes shall have advantage.

If in the relevant municipal assembly there is only one opposition list of candidates, both members of the standing composition of the municipal election commission shall be appointed at proposal of such opposition list of candidates.

The chairperson and members of the municipal election commission in the standing composition shall be assigned deputies.

Authorised representative of the submitter of a list of candidates may have a deputy.

The chairperson and members of the commission as well as authorised representatives of the submitter of lists of candidates, in case of their absence or disability to attend, shall be replaced by their deputies in performing activities and tasks related to the commission.

The chairperson of the commission, his deputy and the secretary as well as the members of the commission and their deputies in the standing composition shall be appointed from out of graduated lawyers."

#### **Article 8**

In Article 26 after paragraph 3 a new paragraph shall be added to read as follows:

"Authorised representatives to the extended composition of the municipal election commission shall be designated from out of graduated lawyers, and deputies of authorised representatives by rule from out of graduated lawyers."

Former para. 4 and 5 shall become para. 5 and 6.

### **Article 9**

In Article 29 paragraph 1 the words: "from out of candidates nominated by political parties having representatives in the Parliament", shall be replaced by words: "in accordance with this Law".

After paragraph 2, new paragraph shall be added to read as follows:

"State Election Commission has the status of legal person."

### **Article 10**

Article 30 shall be amended and read as follows:

"State Election Commission shall be composed of: chairperson and ten members in the standing composition and one authorised representative of each submitter of candidate lists.

The Chairperson of the State Election Commission shall be appointed by the Parliament of Montenegro by majority vote of the total number of representatives, at proposal of the working body of the Parliament competent for election and appointment of previously completed public vacancy advertisement.

Four members of the standing composition of the State Election Commission shall be appointed at proposal of Parliamentary majority.

Four members of the standing composition of the State Election Commission, of which one performs the function of the secretary, shall be appointed at proposal of the Parliamentary opposition.

For the member of the standing composition of the State Election Commission appointed shall also be one representative of a political party or a submitter of the list of candidates for authentic representation of the members of minority nation or minority national community, which won the highest number of votes at previous elections, and his deputy should be a member of some other minority nation or minority national community.

One member of the standing composition of the State Election Commission, based on public vacancy advertisement, and at proposal of the working body of the Parliament competent for election and appointment, shall be appointed by the Parliament by majority vote of the total number of representatives/MPs from representatives of civil society, non-governmental sector and university, who is a professional from the area of electoral legislation.

A person who has performed the function of a member of a political party body for the last 10 years may not be elected the member of the standing composition of the State Election Commission referred to in paragraph 6 of this Article.

The person who has published scientific works and professional articles on electoral process and become publicly recognizable in this area and taken part in local or international monitoring of electoral process shall be elected the member of the standing composition of the State Election Commission referred to in paragraph 6 of this Article.

In the election procedure, the working body of the Parliament competent for election and appointment shall take into account recommendations of organizations that took part in creating electoral legislation and monitoring of electoral processes in the last five years.

For the members of the standing composition at proposal of Parliamentary majority, or opposition appointed shall be the representatives of candidate lists proportionally to the number of seats won at previous elections, and in case of equal number of seats, shall be appointed from the list of candidates that won a higher number of votes at previous elections.

If there is only one candidate list in the Parliament which makes a Parliamentary majority, or one opposition list of candidates, all four members in the standing composition of the State Election Commission shall be appointed at proposal of such list of candidates.

Deputies shall be assigned to the members of the State Election Commission in the standing composition that are appointed at proposal of the Parliamentary majority, or Parliamentary opposition.

The Chairperson of the State Election Commission in case of disability to attend shall be replaced by the member of the State Election Commission in the standing composition assigned by the Chairperson.

Authorised representative of the submitter of the list of candidates may have a deputy.

Chairperson and members of the State Election Commission and authorised representative of submitters of lists of candidates, in case of their absence or disability to perform activities and tasks in the State Election Commission shall be replaced by their deputies.

Members of the State Election Commission, their deputies and authorised representative of submitters of candidate lists shall be appointed, by rule, from out of graduated lawyers.

Chairperson of the State Election Commission must be graduate lawyer and have at least 10 years of service in the relevant profession and must not be a member of the management bodies of a political party in the last 3 years."

#### **Article 11**

In Article 31 paragraph 4 the words "15 days" shall be replaced by words "20 days".

#### **Article 12**

In Article 32 paragraph 1 item 16 the word "this" shall be deleted.

#### **Article 13**

Article 33a shall be amended and read as follows:

"Chairperson and secretary of the State Election Commission shall perform their duties under professional terms.

Decision on remuneration and other rights of the Chairperson and secretary of the State Election Commission shall be adopted by the committee of the Parliament responsible for administrative issues."

#### **Article 14**

In Article 34 paragraph 3 shall be amended and read as follows:

"The act on internal organization and systematisation of the Service of the Commission shall be adopted by the Commission, at proposal of the secretary of the Commission and with prior opinion of the competent working body of the Parliament."

After paragraph 5, a new paragraph shall be added to read as follows:

"The funds for the work of the State Election Commission shall be provided in the budget of Montenegro."

#### **Article 15**

In Article 35 after paragraph 5, two new paragraphs 6 and 7 shall be added to read as follows:

"A Polling Board shall be appointed for each polling station no later than 10 days before the set election day.

Exceptionally, the composition of the Polling Board may be amended even after the expiry of the deadline referred to in paragraph 6 of this Article and at least 12 hours prior to opening of polling station, based on a reasoned request of a political party or group of electors that has acquired the right to propose representatives in the standing composition of the Polling Board."

Former paragraph 6 shall become paragraph 8.

#### **Article 16**

In Article 37 paragraph 3 the word "two" shall be replaced by the word "four".

#### **Article 17**

In Article 39 paragraph 4 the words "civic groups" shall be replaced by words "groups of electors".

### **Article 18**

Article 39a shall be amended and read as follows:

"For the purpose of exercising the gender equality principle, there shall be no less than 30% of candidates of less represented gender in the candidate list.

In the candidate list among each four candidates according to sequential order in which they are listed (first four candidates, next four candidates etc. to the end of the list) there shall be at least one candidate of less represented gender.

The candidate list that fails to meet the requirements referred to in paragraph 1 and 2 of this Article shall be considered to contain flaws preventing it to be declared a candidate list, and the submitter of the list shall be invited to remove the flaws of the list, in accordance with this Law.

The submitter of the candidate list that fails to remove the flaws referred to in paragraph 2 of this Article shall be denied the declaration of the candidate list by the election commission in accordance with this Law."

### **Article 19**

In Article 41 paragraph 1 shall be amended and read as follows:

"If after a decision is passed on proclamation of the list of candidates, a candidate is stripped of Montenegrin citizenship, deleted from the permanent residence register, or deceases, the submitter of the list of candidates shall lose the right to propose a new candidate."

After paragraph 2, a new paragraph shall be added to read as follows:

"Amendments from para. 1 and 2 of this Article may not affect fulfilment of the conditions under Articles 39 and 39a of this Law."

### **Article 20**

In Article 42 paragraph 2 after the word "parties" added shall be the words "or group of electors".

In paragraph 4 the word "*pismenu*<sup>1</sup>" shall be replaced by the word "*pisanu*".

### **Article 21**

Article 43 shall be amended and read as follows:

"The list of candidates for the election of councillors and/or representatives may be established if supported by the signatures of at least 0.8% of the electors out of the number of electors in the constituency, counting based on the data on the number of the electors from the elections preceding the decision on calling for the elections, regardless whether the elections were the presidential or the parliamentary elections.

The list of candidates for the election of councilors and/or representatives may be established without signatures of support if the political party or group of electors, which is the submitter of the list of candidates, has an MP in the Parliament of Montenegro.

Notwithstanding the provision referred to in paragraph 1 of this Article, for the political parties or the groups of voters representing the minority nation or a minority national community and exercising the right referred to in Article 94 paragraph 2 of this Law, the list of candidates for the election of councillors may be established if supported by the signatures of at least 150 (a hundred and fifty) electors, while the list of candidates for the election of representatives may be established if supported by the signatures of at least 1,000 (one thousand) electors.

In municipalities, where at the previous elections, the term of office of councillors was equal to or less than 150 votes, the list of candidates for the election of councillors may be established if supported by the signatures of the number of electors that is by one less in relation to the number of votes that was counted for one councillor seat at previous elections for the relevant municipal assembly.

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<sup>1</sup> *Pismeni* means written, literate, and *pisani* means written.

Candidate list for election of representatives representing a minority nation or minority national community with the share in the total population of Montenegro up to 2% according to the results of the latest census may be established if supported by signatures of no less than 300 electors.

The electors signing the lists for the election of councillors must have a permanent residence on the territory of the respective municipality.

The electors signing the lists for the election of representatives must have a permanent residence on the territory of Montenegro.

Signing of electors in support to a list of candidates shall be carried out in the presence of the members of municipal election commission.

The State Election Commission shall prescribe the procedure and organisation for signing of electors in support to a candidate list."

#### **Article 22**

In Article 46 paragraph 2 item 1 the word "*pismena*" shall be replaced by the word "*pisana*".

After paragraph 2 a new paragraph shall be added to read as follows:

"Exceptionally from documents prescribed by paragraph 2 of this Article groups of electors shall also provide a statement certified by competent authority on their decision to take part in elections with program goals of the list of candidates, to the person authorised to represent before authorities as well as other mutual rights and obligations."

Former paragraph 3 shall become paragraph 4.

#### **Article 23**

In Article 48a after the word "list", added shall be the words "for elections of representatives".

#### **Article 24**

In Article 56 after paragraph 1, new paragraph shall be added to read as follows:

"Radio Television of Montenegro is obliged to provide translation into the sign language when organizing and broadcasting programmes from paragraph 1 of this Article."

Former paragraph 2 shall become paragraph 3.

#### **Article 25**

In Article 63 paragraph 1 number "10" shall be replaced by number "15", a after the word "service", added shall be the words "and other media".

#### **Article 26**

In Article 65 after paragraph 4 a new paragraph shall be added to read as follows:

"When designating polling stations, the municipal election commission shall take into account to facilitate access to the polling station to disabled persons."

#### **Article 27**

In Article 67 paragraph 2 shall be deleted.

Former paragraphs 3, 4 and 5 shall become paragraphs 2, 3 and 4.

#### **Article 28**

Article 68 shall be amended and read as follows:

"The Ministry competent for Electoral Registers shall deliver the notice on elections to electors no later than 7 (seven) days prior to the election day.

The Ministry referred to in paragraph 1 of this Article shall deliver the notice on election to electors by delivering it to their home address by regular mail.

The notice from paragraph 1 of this Article must be in the form available to the disabled elector and contain: the day and time of holding the elections, the number and the address of

the polling station where he/she votes, as well as the number under which he/she has been registered in the extract from the Electoral Register.

Disabled elector needs to submit the request for the notice to the Ministry competent for Electoral Register no later than 15 days prior to the election day. The request should contain the information about the form of the notice.

The notice referred to in paragraph 1 of this Article shall not be a condition for exercising suffrage."

### **Article 29**

Article 68a shall be amended and read as follows:

"Electronic devices for identification of electors shall be used at polling stations.

In order for an elector to vote he shall be electronically identified.

The Polling Board shall not allow the voter who refuses to be electronically identified to vote.

Electronic devices make a compact hardware and software unit composed of:

- Electronic reader of machine readable records from ID cards and passports;
- Computer in whose memory the extract from the closed electoral register for a specific polling station is placed including the latest photographs of the electors from the register of ID cards and passports;
- A printer to print a confirmation on successfully executed identification of the elector.

The data to be placed in the device referred to in paragraph 4 of this Article shall be deleted within 30 days from the day of announcement of the final election results.

The instruction on the manner of using the electronic devices for identification of electors referred to in paragraph 1 of this Article shall be prescribed by the Ministry competent for Electoral Registers.

The Ministry competent for Electoral Registers, for the purpose of identifying electors at polling stations, shall draw up the electronic version of extract from the Electoral Register for each polling station on the appropriate electronic media within 72 hours from the day of issuing the decision on concluding the electoral list.

The authority competent for keeping the electoral register shall procure and maintain the electronic devices for identification of electors.

The State Election Commission shall control the process and use of electronic devices for identification of electors."

### **Article 30**

After Article 68a a new Article shall be added to read as follows:

#### **"Article 68b**

When coming to the polling station, an elector shall present his ID card or passport to the chairperson of the Polling Board.

The chairperson of the Polling Board shall find the elector in the electronic and printed extract from the electoral register by electronic identification, and thereafter the elector shall put his signature at the envisaged place in the electoral register after which the polling board shall enable the elector to vote.

The device for electronic identification shall show the photograph of the elector on the screen and print a paper slip – confirmation that contains the name and surname, unique ID number and ordinal number of the elector identical to what is contained in the printed electoral register. The chairperson and the member of the Polling Board from opposite political option (observing of majority-opposition parity) shall put a clear autograph on the printed slip – confirmation, which shall be then kept together with the voting coupon.

If due to justified objective circumstances, such as multi-hour blackout or break in the system, during voting the electronic identification of electors becomes impossible, the Polling Board shall make a decision to continue voting according to the system of visual identification which implies that the chairperson of the Board shall confirm the identity of the elector by



having insight into his ID card or passport, find him in the printed electoral register, enable him to put his signature and instruct him how to proceed to the voting area.

When the elector finishes voting, the chairperson and the member of the Polling Board referred to in paragraph 4 of this Article shall put their clear autographs on the back of the voting coupon."

#### **Article 31**

In Article 69 paragraph 6 the words "50 meters" shall be replaced by words "100 meters".

#### **Article 32**

In Article 71a paragraph 1 the words "telephones, mobile phones and pagers" shall be replaced by words "electronic communication devices (telephone, mobile phone, laptop, tablet, etc.)".

#### **Article 33**

In Article 73a paragraph 6 the words "90-grams" shall be replaced by words "120-grams".

#### **Article 34**

In Article 74 paragraph 1 shall be amended and read as follows:

"The competent election commission shall prescribe in more details the form and appearance, manner, place and control of printing and distribution of ballot papers and matrices for the ballot papers, as well as destroying of the matrix".

After paragraph 1 a new paragraph shall be added to read as follows:

"The matrix of ballot papers shall correspond to the shape and appearance of the ballot paper".

Former para. 2, 3, 4, 5 and 6 shall become para. 3, 4, 5, 6 and 7.

#### **Article 35**

In Article 75 paragraph 1 shall be amended and read as follows:

"The municipal election commission shall timely prepare the equipment and election material for each Polling Board, including but not limited to: equipment referred to in Article 68a, the required number of ballot papers, required number of ballot paper matrices, general lists of candidates, two extracts from the Electoral Register (one for home bound voting), ballot boxes on polling station, mobile ballot boxes for home bound voting, special and official envelopes for voting, as well as the form of the Record of the Work of Polling Boards."

In paragraph 3, the words "shall be taken over by the Polling Board" shall be replaced by words "shall be taken over by the Chairperson of the Polling Board".

#### **Article 36**

In Article 77 paragraph 5 the words "5 days" shall be replaced by words "7 days".

After paragraph 5 a new paragraph shall be added to read as follows:

"Election commission shall enable the submitter of the candidate list who has filed a request to have insight into the election material no later than four hours after the submission of the request."

#### **Article 37**

In Article 80 paragraph 1 after the words "prove his identity by" added shall be the word "biometric", and after the word "passport" there shall be a "full stop" and the remaining text shall be deleted.

#### **Article 38**

In Article 84 paragraph 1 shall be amended and read as follows:

"An elector who cannot vote in person at a polling station due to inaccessibility of the environment, information or communication (disable persons), or illiteracy (illiterate person) shall be entitled to do so with the help of an assistant determined by him, who shall mark the ballot, i.e. vote in the way as instructed by the elector".

After paragraph 1 a new paragraph shall be added to read as follows:

"Competent election commission shall provide each polling station with the relevant matrix to enable electors with impaired sight to vote in person. "

In previous paragraph 3 the word "paragraph 1" shall be replaced by words "para. 1 and 2".

Former para. 2 and 3 shall become para. 3 and 4.

### **Article 39**

Article 85 shall be amended and read as follows:

"Elector who is not able to vote at a polling station where he is registered with the extract from electoral register due to old age, invalidity, hospital or home treatment, and wishes to vote, shall submit to the Polling Board a request on a prescribed form to perform home bound voting.

The elector who wishes to exercise home bound voting shall personally sign the form referred to in paragraph 1 of this Article.

The request for home bound voting shall be delivered to the Polling Board at the polling station no later than 13 hours at the day of voting.

The request for home bound voting at a polling station may be delivered only by the person authorised by the signature of the person submitting the request for home bound voting. One person may not deliver to the Polling Board more than one request for home bound voting, unless it is done for two or more electors that exercise home bound voting and live in the same family household.

Authorisation for delivery of the request for home bound voting to the Polling Board is an integrated part of the form referred to in paragraph 1 of this Article.

The form referred to in paragraph 1 of this Article shall be regulated by the State Election Commission.

In addition to the request for home bound voting and authorization for submission of the request, the ID card or passport of the elector who wishes to exercise home bound voting shall be delivered to the Polling Board."

### **Article 40**

After Article 85 two new articles shall be added to read as follows:

#### **"Article 85a**

Having received the request for home bound voting, the Polling Board shall check the identity of the person – deliverer of the request for home bound voting, establish if the person who wants to exercise home bound voting is registered with the electoral register and assess the reasons for home bound voting.

If the Polling Board does not allow a person to exercise home bound voting, the reasons for that shall be entered in the record of work of the Polling Board.

The chairperson of the Polling Board shall electronically verify (identify) ID cards or passports of electors, and printed slips-confirmations shall be kept with other documents required for home bound voting.

After the electronic verification (identification) is carried out, the chairperson of the Polling Board shall deliver the ID card or passport of the elector to the deliverer of the request for home bound voting, who shall immediately return such identification document to the person requesting the home bound voting.

After having established that the conditions for home bound voting have been met, the Polling Board shall, through four trustees from out of members of the Polling Board, deliver to the elector: certified ballot paper, general list of candidates, a separate envelope for control coupon, extract from electoral register, sealing tools and writing tools.

Home bound voting can be supervised by accredited observers of elections at the polling station.

In the home bound voting procedure a mobile non-transparent ballot box is used, which has been previously sealed by the Polling Board at the polling station with the sealing-wax.

#### Article 85b

After having established the identity of the elector, the trustee shall circle his ordinal number in the extract from the electoral register, pass a ballot paper to the elector the acceptance of which the elector shall confirm by his autograph on the extract from the electoral register, and then the elector shall vote, and then fold the marked ballot paper, so it cannot be seen how he votes, and still the control coupon to remain free to be separated from the ballot paper by the trustee and place it in a special envelope for control coupons, and then the elector shall place the folded ballot paper in the mobile ballot box.

The elector who is not able to personally vote shall be entitled to do so with the assistance of a person designated by himself, who shall mark the ballot paper, i.e. vote in the manner as instructed by the elector.

Trustees shall put their autographs on the printed slip-confirmation, which shall be thereafter kept together with the control coupon.

The trustees shall deliver to the Polling Board the mobile ballot box with the ballot paper, extract from the electoral register, and the envelope with control coupon shall be delivered to the member of the Polling Board responsible for keeping control coupons.

The Polling Board shall open the mobile ballot box after the polling station has been closed and establish the number of ballot papers contained in the mobile ballot box in the way not to violate secrecy of voting.

After having established that the home bound voting has been carried out in line with the rules, the Polling Board shall mix the ballot papers contained in the mobile ballot box for home bound voting with the ballot papers contained in the ballot box at the polling station, and only then commence establishing of the voting results at the polling station.

The number of received requests for home bound voting, number of electors allowed by the Polling Board to exercise home bound voting and number of electors who exercised home bound voting shall be entered in the record of the work of the Polling Board.

The Polling Board shall place the requests for home bound voting submitted to the Polling Board and extract from the electoral register for home bound voting, in a special envelope, with indication of its content on it and which, after the voting results have been established, shall be sealed and delivered to the municipal election commission, as an integrated part of the election material."

#### Article 41

In Article 87 after paragraph 2 two new paragraphs shall be added to read as follows:

"Persons working in the Ministry competent for judiciary affairs and persons working in the administration authority competent for execution of criminal sanctions, may not be in the composition of the Polling Board.

Electors referred to in paragraph 1 of this Article shall prove their identity in accordance with Article 80 of this Law".

#### Article 42

In Article 88 the words "at the time of holding of the election" shall be deleted.

#### Article 43

In Article 89 in paragraph 9 the words "cast the vote" shall be replaced by words "identified in the extract of the electoral register to have cast the vote", and after the words: "higher than the number of control coupons" added shall be the words "or if it is established that the number of ballot papers in the box exceeds the number of signed slips and signed coupons."

**Article 44**

In Article 91 paragraph 1 after the words "separated from the ballot papers" added shall be a comma and the words "approvals for home bound voting".

In paragraph two the words "12 hours", shall be replaced by words "6 hours".

**Article 45**

In Article 92 paragraph 1 the word "establish" shall be replaced by the word "record", and after the word "register", semicolon shall be deleted and the words "and establish" shall be added.

**Article 46**

In Article 94 paragraph 2, after item 2, new item shall be added to read as follows:

"3) the lists of candidates for the election of councillors representing a minority nation or a minority national community identified in the electoral application or the name of the electoral list shall acquire the right to participate in allocation of seats separately with the obtained number of valid votes, in case that none of the lists fulfils conditions from paragraph 1 of this Article."

After paragraph 3, new paragraph shall be added to read as follows:

"Right from paragraph 2 item 3 of this Article shall be used by list of candidates representing a minority nation, i.e. a minority national community with the share in the total population of Montenegro up to 15%, or with the share of 1.5%-15% in the total population of a municipality, Capital and Old Royal Capital, according to data from the last population census".

Former paragraph 4 shall become paragraph 5.

**Article 47**

In Article 102 paragraph 3, the full stop shall be replaced by a comma and added shall be the words: "in accordance with the deadlines referred to in Article 98 of this Law".

**Article 48**

In Article 104 after paragraph 2 added shall be two new paragraphs to read:

"Notwithstanding paragraph 2 of this Article, if the term of office terminates for a councillor or representative of less represented gender, the first following candidate from the candidate list of less represented gender shall be elected to replace him.

If on the list of candidates from which the councillor or representative was elected there are no more candidates of less represented gender, the first following candidate from the list shall be elected."

In the previous paragraph 6 of this Article the word "*pismena*" shall be replaced by the word "*pisana*".

Former para. 3, 4, 5 and 6 shall become para. 5, 6, 7 and 8.

**Article 49**

In Article 111g paragraph 1 the words "Ministry of Foreign Affairs of Montenegro" shall be replaced by words "Ministry competent for foreign affairs".

In paragraph 3 the words "Ministry of Foreign Affairs" shall be replaced by words "Ministry competent for foreign affairs".

**Article 50**

After Article 111e added shall be a new article to read as follows:

**"Article 111ž**

"Authorised representatives of local organisations registered to carry out opinion polls, may carry out opinion polls after the voting has been finished in accordance with this Law.

The organisation referred to in paragraph 1 of this Article shall file a request to the State Election Commission that is to issue official authorisations or pass a decision to reject issuing of authorisations within 48 hours after receiving the request.

The request referred to in paragraph 2 of this Article shall include the name of the organisation, proof of registration with the register of opinion polls activities, number and composition of representatives of entities that perform public opinion polling.

The request shall be filed no later than 5 days before the election day."

#### **Article 51**

Article 113 shall be deleted.

#### **Article 52**

Article 115 shall be amended and read as follows:

"Imprisonment up to three years shall be imposed for any criminal offense to any person who orders the use of, or is using, the military, military authorities, internal affairs bodies, judiciary and state bodies and equipment of these bodies for representation, popularizing or attacking a particular candidate list, as well as employees in these bodies, and other persons who work for these bodies or cooperate with them, if they execute such orders.

If the criminal offense referred to in paragraph 1 of this Article is committed by the President of Montenegro, President of the Parliament, President and members of the Government, President and judges of the Constitutional Court, President and judges of the Supreme Court, Public Prosecutor and Head of the Public Prosecution Office, shall be punished by imprisonment of up to five years."

#### **Article 53**

Article 116 shall be amended and read as follows:

"Fine of EUR 500 to EUR 2,000 shall be imposed on:

- 1) anyone who accepts the candidacy contrary to the provisions of Article 39 of this Law
- 2) who signs when nominating a candidate contrary to Article 44 of this Law;
- 3) who acts contrary to Article 50a and Article 51a paragraph 2 of this Law;
- 4) who comes to the polling place armed or with dangerous instruments (Article 69 paragraph 5);
- 5) who causes disturbance at the polling station due to which there has been an interruption of voting (Article 71 , paragraph 1);
- 6) who is not, at the reproof of the president of the Electoral Board, moved away from the polling place (Article 72);
- 7) who acts contrary to provisions of Article 77 of this Law;
- 8) who disables monitoring of the election (Article 111đ ).

With the fine for the offence referred to in paragraph 1 item 2 of this Article, the offender shall be imposed a legal measure of public announcement of the decision.

With the fine for offence referred to in paragraph 1 item 4 of this Article, the offender shall be imposed the protective measure of confiscation of weapons, or dangerous instrument."

#### **Article 54**

Article 117 shall be amended and read as follows:

"Fine of EUR 2.000 to EUR 20.000 shall be imposed on a legal person if:

- 1) conduct public opinion poll contrary to Article 2 paragraph 4 of this Law;
- 2) perform electoral propaganda contrary to Article 6 paragraph 3 of this Law;
- 3) fails to act in conformity with provisions of Articles 51, 53, 53a, 56 and 62 of this Law;
- 4) acts contrary to Article 63 of this Law.

For the offense referred to in paragraph 1 of this Article, the responsible person in the legal entity shall be sentenced from EUR 500 to EUR 2000.

For the offense referred to in paragraph 1 item 1 of this Article, a private entity shall be sentenced from EUR 250 to EUR 2000."

#### **Article 55**

The Parliament of Montenegro shall appoint the State Election Commission, in accordance with this Law, within 30 days from the day of entering into force of this Act.

Act on internal organization and systematization of the Service shall be issued by the State Election Commission after three months from the day of appointment.

#### **Article 56**

Municipal Assemblies: Bar, Berane, Bijelo Polje, Danilovgrad, Žabljak, Kolašin, Plav, Plužine, Pljevlja, Podgorica, Rožaje and Šavnik shall appoint Municipal Election Commissions within 60 days from the day of election of councillors in those municipal assemblies, which will be held in the first half of 2014.

Municipal Assemblies: Andrijevica, Budva, Kotor, Mojkovac, Nikšić, Petnjica, Tivat, Ulcinj, Herceg Novi and Cetinje shall appoint Municipal Election Commissions within 60 days from the day of entering into force of this Law.

#### **Article 57**

The State Election Commission shall adopt rules and forms for the implementation of this Law within 30 days from the day of entering into force of this Law.

Instructions on how to use electronic devices for identification of voters shall be adopted by the Ministry competent for Electoral Registers within six months from the day of entering into force of this Law.

#### **Article 58**

Municipal Election Commissions shall provide equipment and material for voting, in accordance with Article 75 of this Law.

Notwithstanding paragraph 1 of this Article, an electronic device for identification of voters shall be an integral part of the voting equipment from the day of beginning the implementation of provisions referred to in Articles 68, 68a, 68b and 89 paragraph 9 of this Law.

By the day of beginning the implementation of provisions referred to in Articles 68, 68a, 68b and 89 paragraph 9 of this Law, invisible ink - spray and the optical spray reader shall be used at the polling stations.

#### **Article 59**

Provision of Article 85 paragraph 7 of this Law which stipulates that the ID or passport of the voter who wants to vote by letter shall be submitted together with the request for voting by letter and authorization for submitting such request to the electoral board, shall be effective from the day of beginning the implementation of provisions referred to in Articles 68, 68a, 68b and 89 paragraph 9 of this Law.

Provisions of Article 85a paragraphs 3 and 4 relating to electronic verification (identification), as well as the provision of Article 85b paragraph 3, which stipulates the treatment of trustees in relation to the printed paper slip-confirmation, shall be applied from the period referred to in paragraph 1 of this Article.

#### **Article 60**

Provisions referred to in Articles 68, 68a, 68b and 89 paragraph 9 of this Law shall be applied as of 1 November 2014.

The procurement of equipment and material for the realisation of elections shall be conducted in accordance with Article 3 paragraph 1 item 12 of the Law on Public Procurement, as well as drafting of program solution for keeping the unified voters register.

The Ministry of Finance shall provide the necessary funds for the implementation of this Law from the budget reserve.

#### **Article 61**

This Law shall enter into force on the day of its publication in the "Official Gazette of Montenegro".

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Podgorica, 21 March 2014

THE PARLIAMENT OF MONTENEGRO OF THE 25<sup>TH</sup> CONVOCATION

PRESIDENT

Ranko Krivokapić