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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

MONTENEGRO

**DRAFT LAW ON ELECTION OF COUNCILLORS AND MEMBERS OF
PARLIAMENT OF MONTENEGRO**

PROPOSAL**LAW ON
ELECTION OF MEMBERS OF PARLIAMENT AND COUNCILLORS****I – BASIC PROVISIONS****Article 1**

This Law shall regulate: the manner and procedure for election of Members of Parliament (hereinafter: MPs) to the Parliament of Montenegro and councillors to the municipal assembly, municipalities within the Capital, the Capital itself and the Old Royal Capital (hereinafter: the Municipality); organisation, composition and responsibility of election administration bodies; the manner of determining voting results and the distribution of seats; protection of the right to vote, media presentation of submitters of candidate lists and candidates therein and other matters of importance for the organisation and administrating of elections.

Article 2

Citizens who have Montenegrin citizenship and are registered in accordance with the law regulating the voters register (hereinafter: the voter) shall elect MPs and councillors and shall have the right to stand as candidates in elections for an MP and councillors, on the basis of universal and equal suffrage, in free and direct elections, by secret ballot, in accordance with this Law.

No one may, on any grounds whatsoever, hold a voter accountable for voting.

Article 3

The municipal assembly, the municipality within the Capital City, the Capital City itself and the Old Royal Capital (hereinafter: The Municipal Assembly) shall elect 30 councillors and one additional councillor for every 5,000 voters.

The municipal assembly shall determine the number of councillors by a decision not later than the day of calling of the elections.

Article 4

An MP and/or councillor is elected in the constituency on the basis of the candidate list of a political party (party candidate list), a coalition (coalition candidate list), and/or a group of voters (candidate list of a group of voters) (hereinafter: the candidate list).

Seats of the MPs, and/or councillors shall be distributed in proportion to the number of votes received.

Article 5

The term of office of an MP, and/or a councillor shall be four years.
The term of office of a councillor may be terminated earlier in accordance with this Law.

An MP and/or a councillor shall decide and vote at his or her own conviction.

An MP and/or a councillor cannot be recalled.

Article 6

Election campaign of the political entity, within the meaning of this Law, shall represent a set of activities of the political entity in the period from the date of calling for the elections until the date of announcement of the final election results.

Article 7

Public officials appointed or assigned by the Government of Montenegro and elected or appointed by the local self-government, civil servants and state employees may not participate in the election campaign, nor may they publicly express their views with regard to election, during working hours or while in office.

Police officers and members of the National Security Agency may not participate in the election campaign in any way.

Article 8

Voters shall have the right to be informed through the media of election programs and activities of submitters of candidate lists, as well as of candidates from candidate lists.

In order to exercise the rights of voters referred to in paragraph 1 of this Article, the media shall consistently apply the principles of equality of all submitters of candidate lists and candidates from lists thereof.

Media presentation of candidate lists during the election campaign (hereinafter: media presentation) shall imply the activities of political entities related to public meetings and presentation through media.

The media presentation shall commence on the day the election list is confirmed and end 24 hours prior to the Election Day.

Article 9

The election administration bodies shall be the polling boards and election commissions.

Article 10

The election commissions, the Constitutional Court of Montenegro and competent courts shall provide protection of the right to vote.

Article 11

Funds for the administering of elections shall be secured within the Budget of Montenegro.

Actions, acts, petitions, and other files related to the administering of elections and termination of the term of office of an MP or a councillor shall not be subject to a fee.

Article 12

All terms used in this Law for natural persons importing masculine gender shall be deemed and taken to include females.

II – RIGHT TO VOTE

Article 13

The right to vote, within the meaning of this Law, shall include rights of voters: to vote and to stand as candidates in elections; nominate and be nominated; decide on nominated candidates and candidate lists; pose questions to candidates publicly; to be informed in a timely, truthful, complete and objective manner about the programmes and activities of the entities that submit the candidate lists and the candidates from the lists therein, as well as dispose of other rights provided by this Law.

Article 14

A voter who is 18 years old or older and has permanent residence in Montenegro for no less than two years prior to the Election Day, shall have the right to vote and to stand as a candidate in elections for an MP.

A voter who is 18 years old or older, who has permanent residence in Montenegro for no less than two years and who has permanent residence in the municipality, as a constituency, for no less than six months prior to the election day, shall have the right to vote and to stand as a candidate in elections for a councillor.

III – CONSTITUENCIES

Article 15

Election of MPs shall be conducted in Montenegro as a single constituency.

Election of councillors shall be conducted in the municipality as a single constituency.

IV – CALLING FOR ELECTIONS

Article 16

Elections for MPs, and/or councillors shall be called by a decision of the body responsible for calling elections.

Within 72 hours from the date of the decision on calling the elections, the Central Election Commission and municipal election commissions shall set up and publish an election calendar with all the deadlines for administering electoral activities stipulated in the electoral legislation.

Election Day is, as a rule, Sunday.

The decision on calling the elections shall be published in the Official Gazette of Montenegro and the decision to call for election of councillors shall also be published in the Official Gazette of Montenegro, under Municipal Regulations.

Article 17

Elections for MPs, and/or councillors shall be held not later than 15 days before the expiry of the term of office of MPs, and/or councillors.

Not less than 60 days and not more than 100 days may pass between the day of calling the election and the Election Day.

On the day of confirmation of seats of MPs, and/or councillors of the new convocation, the term of office of MPs, and/or councillors of the previous convocation shall terminate.

Confirmation of seats shall be done within 30 days from the day of holding the elections, in a way that the chairperson in office of the sitting of the parliament/assembly establishes and announces that by submitting the report of the competent election commission on the election results, the term of office of the newly elected MPs, and/or councillors is confirmed.

Article 18

In the event of the dissolution of the Parliament of Montenegro (hereinafter: The Parliament) or the adoption of a decision on the shortening of term of office of the Parliament, the President of Montenegro shall call for elections not later than 72 hours from the dissolution thereof, i.e. from the entry into force of the decision on shortening the term of office.

In the event of termination of office of the municipal assembly prior to the expiry of the period for which it was elected, the President of Montenegro shall call for the elections not later than 72 hours following the dissolution thereof, i.e. upon the entry into force of the decision on shortening the term of office.

In the event referred to in paragraphs 1 and 2 of this Article, the provisions of Article 17 (2) (3) and (4) of this Law shall apply.

V – ELECTION ADMINISTRATION BODIES

Article 19

Election administration bodies shall be held accountable for their work to the body that elected them.

State authorities, local government authorities, other bodies and organisations shall provide professional and technical assistance to election administration bodies and provide them with the data they need for work.

Article 20

Election administration bodies shall carry out tasks within their responsibility in accordance with this Law.

The right to decide is vested in the members of the election administration bodies.

Authorised representatives of verified and proclaimed candidate lists (hereinafter: authorised representatives) shall have the right to participate in the work of the election administration bodies, without decision-making power.

The right to designate an authorised representative for work in the election administration bodies shall belong to each submitter of a verified and proclaimed candidate list.

Two or more entities submitting candidate lists may nominate a joint authorised representative to work in the election administration body.

Article 21

The candidate on the candidate list cannot be part of the election administration body and his office in this body shall terminate with the acceptance of the candidature for an MP and/or a councillor.

Article 22

Election administration bodies shall work if the meeting is attended by majority of the total number of members thereof.

Election administration bodies decide with the majority vote of the total number of members.

Members of the election administration bodies shall be obliged to vote.

Article 23

Election administration bodies shall ensure that their work is public.

The meetings of election commissions shall be public.

The president of an election commission shall inform the media representatives about the meetings in due time and ensure that the representatives thereof follow the meetings of the election commission.

Members of the election administration bodies and other persons who monitor the work of the election administration bodies shall act in line with the law, as well as regulations issued by the Central Election Commission.

Members of the election administration bodies shall sign a statement of acceptance of the Code of Ethics for the Election Administration Bodies.

When the person who monitors the work of the election administration body violates rules for the maintenance of order in the polling station, or disrupts in some other way the work of the election administration body, the president of the election administration body shall give him notice, and if the person continues to disrupt the work, the president of the election administration body shall have that person removed, based on the prior decision of the election administration body, which shall be recorded in the minutes of work of the election administration body.

1. Central Election Commission

Article 24

The Central Election Commission shall have the status of a legal person.

Article 25

The Central Election Commission shall have seven members.

The members of the Central Election Commission shall be elected by the Parliament, upon the proposal of the working body of the Parliament responsible for elections and appointments (hereinafter: the responsible committee), following an open competition.

The members of the Central Election Commission shall be elected for a term of five years and may be elected no more than two times.

Article 26

A person may be elected as a member of the Central Election Commission if he:

- holds the right to vote;
- holds university degree in the field of law, minimum the seventh level of the qualifications framework, sub-level one (VII1); and
- has minimum five years of work experience, of which minimum three years in the area of judiciary, electoral system, political systems or human rights protection.

Article 27

A person who has held in the past five years or still holds one of the following offices shall not be elected a member of the Central Election Commission:

1. MP or councillor;
2. Member of the Government of Montenegro;
3. President and Vice President of the Municipality, the Old Royal Capital or the Mayor of the Capital.

A person who has held in the past three years or still holds one of the offices in a political party (president of the party, deputies/vice-presidents, member of the presidency, member of the executive and main board) shall not be elected a member of the Central Election Commission.

A person who is a member of a political party shall not be elected a member of the Central Election Commission.

A person who has been sentenced by a final decision for a criminal offense against official duty, corruption, fraud, theft or other criminal offense that makes him or her unworthy of public office or who has been sentenced by a final decision for a criminal offense against election rights, shall not be elected a member of the Central Election Commission, regardless of whether the sentence is conditional or unconditional.

Article 28

The procedure for the election of members of the Central Election Commission shall be initiated on the basis of an open competition called for by the responsible

committee, three months at the latest before the expiry of the term of office of members of the existing commission.

The open competition shall be published in the Official Gazette of Montenegro, and in one daily printed medium outlet published in Montenegro.

The open competition referred to in paragraph 2 of this Article shall include the following:

1. Conditions that a candidate for a member of the Central Election Commission must meet;
2. Documents to be submitted with the application, and
3. Manner and deadline for applying for an open competition.
- 4.

The deadline for submitting the applications for an open competition shall be 15 days following the day of announcement of the competition.

Article 29

Responsible committee shall immediately after the calling of the open competition initiate procedure to set up a Commission to administer the election of members of the Central Election Commission (hereinafter: The Commission).

The Commission shall have five members, as follows:

1. two representatives of the Parliament (one from the parliamentary majority, one from the parliamentary opposition that won the highest number of seats);
2. a representative of the Association of Lawyers of Montenegro;
3. a representative of the institution of the Protector of Human Rights and Freedoms of Montenegro; and
4. a representative of non-governmental organisations.

The responsible committee shall invite the authorities and other entities referred to in items 1, 2 and 3 of paragraph 2 of this Article to appoint their representative to the Commission within seven days from the date of the invitation.

The responsible committee shall issue a public call for the appointment of a member of the Commission from the ranks of the NGOs.

The public call referred to in paragraph 4 of this Article shall be published in the Official Gazette of Montenegro and in one daily printed medium outlet published in Montenegro and containing the conditions that non-governmental organisations must meet in their capacity as authorised proposers.

Applications for candidates for the membership into the Commission shall be submitted within seven days following the date of publishing the public call.

A non-governmental organisation may nominate a candidate for a member of the Commission if it:

1. Has been registered with the responsible state administration body;
2. Has defined in its Founding act and the Statute activities and objectives in the field of protection of human rights and/or the rule of law and has minimum three years of experience in these fields;
3. Had completed at least one project in the field of human rights protection or the rule of law in the previous year; and

4. Had submitted to the tax authority a tax return for the previous fiscal year (balance sheet and income statement) in accordance with the law.
- 5.

If non-governmental organisations submit in their capacity as proposers multiple separate proposals, the responsible committee shall determine the proposal for a member of the Commission based on the following criteria:

1. Number of NGOs that supported the candidacy;
2. Experience in electoral processes; and
3. Interviews.

The responsible committee shall, within three days from the expiry of the deadline for the submission of proposals, establish a list of candidates for membership of the Commission from the ranks of non-governmental organisations.

Article 30

Following the expiry of the prescribed deadline for the nomination of candidates on the basis of the open competition referred to in Article 27 (1) of this Law, the Commission shall check the fulfilment of the requirements referred to in Articles 26 and 27 of this Law and compile a list of eligible candidates within eight days following the expiry of the deadline for application.

The Commission shall interview the candidates referred to in paragraph 1 of this Article.

On the basis of the evidence confirming the fulfilment of requirements referred to in Articles 26 and 27 of this Law and the interview conducted, the Commission shall compile a list of seven candidates for election of members of the Central Election Commission, with an explanation.

The Commission shall compile the list referred to in paragraph 3 of this Article, by a majority of at least four votes, within 20 days following the expiry of the deadline for applying for the competition.

The Commission shall submit the list of candidates referred to in paragraph 3 of this Article to the responsible committee for proposal to the Parliament.

Article 31

The responsible board shall determine the proposal for a decision on the election of the members of the Central Election Commission, within eight days of the date of submission of the candidate list by the Commission.

The proposal for the decision with the explanation and the report on the procedure conducted for the election of members of the Central Election Commission shall be submitted to the Parliament for consideration and deciding.

Article 32

The term of office of a member of the Central Election Commission shall end before the expiration of the term for which he was elected:

1. By resignation;
2. By termination of Montenegrin citizenship;
3. Due to permanent loss of legal capacity; or
4. If sentenced by a final judgment to prison without parole.

Article 33

A member of the Central Election Commission shall be dismissed:

1. If it is determined that in the election process, he gave false information about himself or failed to present the data and circumstances relevant to the election;
2. If it is subsequently determined that he does not meet the requirements referred to in Articles 26 and 27 of this Law;
3. Due to public expression of political beliefs; or
4. Due to negligent and unprofessional performance of duties.

The act of a member of the Central Election Commission which is contrary to the statutory powers, as well as the failure to fulfil the obligations prescribed by law, shall be considered negligent and unprofessional performance of duties referred to in paragraph 2 item 4 of this Article.

In the events referred to in paragraph 2 of this Article, the Central Election Commission shall submit a proposal for dismissal to the Parliament.

Article 34

In the event of termination of office of a member of the Central Election Commission before the expiration of the term for which he was elected, the Parliament shall elect a new member of the Central Election Commission in accordance with this Law.

The term of office of a member of the Central Election Commission who was elected in accordance with paragraph 1 of this Article shall terminate on the date of termination of office of the Central Election Commission.

Article 35

The Parliament shall dissolve the Central Election Commission, if:

1. It fails to hold meetings for more than six months without a justified reason;
2. It fails to perform activities within its responsibility in accordance with items 1-24 of Article 38 (1) of this Law.
- 3.

Article 36

The meetings of the Central Election Commission shall be held at least once a month.

The meetings of the Central Election Commission shall be convened and chaired by the President of the Central Election Commission, elected from among the members of the Central Election Commission.

The Central Election Commission shall have a Vice-President who shall be elected, at the proposal of the President, from among the members of the Central Election Commission.

In the event of impediment, the President of the Central Election Commission shall be replaced by the Vice-President of the Central Election Commission.

Article 37

Members of the Central Election Commission shall perform their duties as a full time job.

Members of the Central Election Commission may, during the exercise of their functions, engage in educational, scientific and professional work and research, publish professional and scientific papers, participate in the work of professional and scientific meetings, participate in drafting of regulations, and volunteer in the work of humanitarian, cultural and sports organisation.

Article 38

The Central Election Commission shall:

1. Ensure the lawful administering of elections and the uniform application of the provisions of this Law;
2. Monitor the implementation and give its opinion regarding the application of this Law;
3. Elect members of municipal election commissions;
4. Coordinate the work of municipal election commissions and provide instructions regarding the application of this Law and supervise their work;
5. Establish uniform standards for election material;
6. Prescribe the forms for administering electoral activities prescribed by this Law;
7. Establish the procedure for tabulating election results;
8. Determine the manner in which the election material is handled and stored;
9. Assess whether the lists for election of MPs have been drawn up and submitted in accordance with this Law;
10. Issue the decision on proclamation of the candidate list for MPs;
11. Publicly announce the number of voters as a whole, by municipalities and by polling stations;
12. Determine the results of the election for MPs, as well as the number of votes for each candidate list and determine the number of seats belonging to each candidate list for MPs;
13. Publicly announce the overall results for the election of MPs and results by each polling station in Montenegro;
14. Submit a report to the Parliament on the results of the elections for MPs and on the filling of the vacant seats;
15. Issue a certificate of election of an MP;
16. Submit data on elections for MPs to the bodies responsible for collecting and processing statistical data;
17. Submit to the Parliament a report on the administered elections and referendum within 60 days from the day of announcement of the official election results;
18. Adopt Rules of Procedure;
19. Adopt the Code of Ethics for Election Administration Bodies and take care of its implementation;
20. Adopt the annual work plan of the Central Election Commission;
21. Define the draft budget of the Central Election Commission;
22. Submit to the Parliament an Annual Performance Report of the Central Election Commission not later than 31 March of the current year for the previous year;

23. Conduct trainings for members of the election administration bodies, organise tests and issue certificates of successful attendance of the training;
24. Conduct educational and informative activities for the citizens, non-governmental organisations, political entities and the media about elections and suffrage;
25. Prepare and implement procedures for public tabulation of the results of all election administration bodies, at all levels;
26. Issue opinions for the upgrading and improvement of electoral legislation;
27. Improve the technical aspects for administering elections through the introduction of new methodologies and technologies;
28. Publish periodical, professional publications related to the electoral system, election results, administering of elections and practice;
29. Cooperate with organisations in the country and with international organisations and institutions in the field of electoral legislation and the electoral system in general;
30. Perform other tasks in exercising the function of the election commission.

The Central Election Commission shall have its own website where, within 24 hours, it publishes all acts and data relevant for the administering of elections, as well as the provisional and final results of voting in local, parliamentary, presidential elections and in a referendum at each polling station.

The website of the Central Election Commission referred to in paragraph 2 of this Article shall contain sub-portals of municipal election commissions.

Article 39

The Central Election Commission shall establish a service of the Central Election Commission (hereinafter: The Service) to perform professional and administrative tasks.

The Service shall be managed by the Secretary, elected and dismissed by the Central Election Commission.

The Secretary of the Central Election Commission shall be elected by the Central Election Commission following an open competition in accordance with the provisions of the law regulating the position of civil servants and state employees.

The Act on Internal Organisation and Systematisation of the Service shall be adopted by the Central Election Commission, at the proposal of the Secretary of the Central Election Commission.

The provisions of the law regulating the status of civil servants and state employees shall apply to the status and other rights of employees of the Service.

Article 40

Together with the proposal of the list to the Central Election Commission, submitters of candidate lists shall designate the authorised representative and his substitute at the same time.

The Central Election Commission shall issue a decision on the proclamation of the candidate list identifying the persons participating in the work of the Central Election Commission as authorised representatives.

Authorised representatives of the candidate list shall have the right to participate in the work of the Central Election Commission 20 days prior to the day set for holding the elections, until and including the day of determining the final election results, without the right to decide.

2. Municipal election commission

Article 41

The municipal election commission shall have five members.

The municipal election commission shall be elected by the Central Election Commission following an open competition, for a period of five years.

Article 42

A person may be elected as a member of the municipal election commission if he:

1. Holds the right to vote;
2. Has a university degree in the field of law, minimum the seventh level of the qualifications framework, sub-level one (VII1); and
3. Has at least five years of work experience, of which at least one year of experience in the field of justice, the electoral system, political systems or the protection of human rights.

Article 43

A person who has held in the past five years or still holds one of the following offices shall not be elected a member of a municipal election commission:

1. MP or councillor;
2. Member of the Government of Montenegro;
3. President and Vice-President of the municipality, the Old Royal Capital or the Mayor of the Capital;

A person who has performed in the past three years or still exercises the office within the political party (party president, deputies/vice-presidents, member of the presidency, member of the executive and main board) shall not be elected a member of a municipal election commission.

A person who is a member of a political party shall not be elected a member of a municipal election commission.

A person who has been sentenced by a final decision for a criminal offense against official duty, corruption, fraud, theft or other criminal offense that makes him unworthy of public office or who has been sentenced by a final decision for a criminal offense against election rights, shall not be elected a member of the municipal election commission, regardless of whether the sentence is conditional or unconditional.

Article 44

The provisions of the Law on Civil Servants and State Employees shall be applied mutatis mutandis to the procedure of public advertising, application of candidates,

conducting interviews, determining the candidate list and making a decision on election of members of the municipal election commission.

The Central Election Commission shall call an open competition for election of members of municipal election commissions not later than 60 days from the day of the appointment thereof.

The Central Election Commission shall take into account the proportional representation of members of minorities and other minority national communities in the course of adopting decision on the election of members of the municipal election commission.

Article 45

The term of office of a member of the municipal election commission shall end before the expiration of the term for which he was elected:

1. By resignation;
2. By termination of Montenegrin citizenship;
3. Due to permanent loss of legal capacity; or
4. If sentenced by a final judgment to prison without parole.

Article 46

A member of the municipal election commission shall be dismissed:

1. If it is determined that in the election process, he gave false information about himself or failed to present the data and circumstances relevant to the election;
2. If it is subsequently determined that he does not meet the requirements referred to in Articles 42 and 43 of this Law;
3. Due to public expression of political beliefs; or
4. Due to negligent and unprofessional performance of duties.

The provisions of the law regulating the procedure for determining the disciplinary liability of a civil servant and state employee shall apply *mutatis mutandis* to the procedure for dismissal of a member of a municipal election commission.

Article 47

The Central Election Commission shall assume the responsibility of the municipal election commission in the event that the municipal election commission fails to perform tasks within its responsibility set out in items 1-11 of Article 49 (1) of this Law.

Article 48

The meetings of the municipal election commission shall be convened and chaired by the President of the municipal election commission, elected from among the members of the municipal election commission.

In the event of impediment, the President of the municipal election commission shall be replaced by a member of the commission authorised by the President thereof.

Article 49

The municipal election commission shall:

1. Ensure lawful administering of elections;
2. Organise technical preparations for the administering of elections;
3. Designate polling stations for election of MPs and councillors;

4. Establish polling committees and appoint the president and members of the polling committees;
5. Determine the number of ballot papers for individual polling stations, certify them and together with the certified excerpt from the voters register, submit them to the polling committees for a record;
6. Assess whether candidate lists for election of councillors have been drawn up and submitted in accordance with this Law;
7. Confirm and proclaim candidate lists for election of councillors;
8. Establish the results of elections for councillors, as well as the number of votes for each candidate list and determine the number of seats belonging to each candidate list of councillors;
9. Issue a certificate to the elected councillor;
10. Establish the overall voting results for the election of MPs in its territory and by each polling station and submit a report thereof to the Central Election Commission;
11. Publicly announce the results of the elections of councillors;
12. Submit a report to the municipal assembly on the results of the elections for councillors and on the filling of vacant councillors' seats;
13. Submit data regarding the elections for councillors to bodies responsible for collecting and processing statistical data;
14. Perform other tasks in exercising the function of the election commission.

The municipal election commission shall post within 24 hours on the web portal of the Central Election Commission all acts and data, including interim and final results of voting in local elections, in each polling station.

Article 50

The municipal election commission shall have a Secretary, elected by the municipal election commission following an open competition in accordance with the provisions of the law regulating the position of civil servants and state employees.

The municipal election commission may hire professional and technical staff to carry out professional and administrative tasks from the day the elections are called until the day when the final results are announced.

Article 51

Together with the proposal of the list, the submitters of candidate list to the municipal election commission shall designate the authorised representative and his substitute at the same time.

The municipal election commission shall issue a decision on the proclamation of the candidate list identifying persons participating in the work of the municipal election commission as authorised representatives.

Authorised representatives shall have the right to participate in the work of the municipal election commission 20 days prior to the day set for holding the elections, until and including the day of determining the final election results, without the right to decide.

3. Polling board

Article 52

The polling board shall be composed of a president and four members.

Only persons who have attended training for the administering of elections, who passed the tests and received a certificate of successful attendance of training issued by the Central Election Commission may be appointed as the president and members of the polling board and their substitutes.

Each political party, coalition, and/or group of voters represented in the respective parliament/assembly shall be entitled to a number of chairpersons of the polling boards commensurate to the number of the councillor seats in the assembly, and in the polling stations where individual political parties, coalitions and/or groups of voters have nominated their representatives for the chairperson of the polling board, the municipal election commission shall decide on the chairman based on a draw.

Two members and their substitutes shall be appointed to the polling board at the proposal of a political party, coalition, and/or group of voters, which has a majority in the respective municipal assembly.

One representative, and the substitute thereof, each from two opposition political parties, coalitions and/or groups of voters in the respective parliament/assembly, which received the highest number of seats in the previous elections, shall be appointed to the polling board, and in the event of the same number of seats, which received the highest number of votes.

If there is only one opposition political party, coalition and/or group of voters in the respective municipal assembly, two representatives, and substitutes thereof, of that political party, coalition and/or group of voters shall be appointed to the polling board.

The polling board shall be established for each polling station, not later than ten days before the Election Day.

By way of exception, at the reasoned request of a political party, coalition, and/or group of voters which have obtained the right to nominate representatives to the polling board, the composition of the polling board may be changed after the expiry of the deadline referred to in paragraph 7 of this Article, and not later than 24 hours before the polling station opens.

The chairperson and members of the polling board, in the event of their absence or impediment, shall be replaced by their substitutes in the performance of their duties and tasks.

Article 53

The municipal election commission shall, not later than 15 days before the Election Day, decide which political parties, coalitions, and/or groups of voters have the right to nominate representatives to the polling board.

The municipal election commission shall submit the decision referred to in paragraph 1 of this Article to all the submitters of confirmed candidate lists, within 24 hours from the moment of its adoption.

It shall be possible to lodge an objection against the decision, i.e. an appeal, referred to in paragraph 1 of this Article, under the procedure for the protection of electoral rights established by this Law.

Article 54

Together with the submission of the proposal for the list to the municipal election commission, the submitters of candidate list shall designate the authorised representative and his substitute at the same time.

The municipal election commission shall issue a decision on the proclamation of the candidate list, which identifies the persons who participate in the work of the polling boards as authorised representatives.

Authorised representatives shall have the right to participate in the work of the polling boards five days prior to the day set for holding the elections, until and including the day of establishment of the final election results, without the right to decide.

Article 55

In the event of simultaneous holding of elections for MPs and councillors, the polling boards established for administering elections for MPs shall perform the tasks of the polling boards for election of councillors.

Article 56

The polling board shall directly carry out the ballot at the polling station, ensure its regularity and secrecy, and establish the results thereof at the polling station.

The polling board shall take care of maintaining order at the polling station during voting.

The polling board shall appoint, from among its members, four commissioners for voting outside the polling station.

More detailed rules on the work of the polling board shall be set by the Central Election Commission.

VI – THE PROCESS OF PROPOSING AND ACCEPTING CANDIDATE LISTS

1. Nomination

Article 57

Political parties, coalitions, and/or groups of voters shall nominate candidates for their candidate list, based on a specific number of voter signatures.

The submitters of the candidate lists referred to in paragraph 1 of this Article shall propose candidate lists under the conditions laid down in this Law.

Article 58

One person may be a candidate for an MP only in one candidate list.

One person may be a candidate for a councillor only in one candidate list and in one constituency only.

There can only be that many candidates in a candidate list as are to be elected MPs and/or councillors.

The submitter of the candidate list shall determine the order of candidates in the list.

Article 59

In order to achieve the principle of gender equality, there shall be at least 40% of candidates of the underrepresented gender in the candidate list.

In the candidate list, in between each three candidates in the order in the list (first three seats, second three seats, and so on until the end of the list) there shall be at least one candidate of the underrepresented gender.

The candidate list that does not meet the requirements referred to in paragraphs 1 and 2 of this Article shall be deemed to contain deficiencies in terms of proclamation of the candidate list, and the submitter of the list shall be called upon to remedy the deficiencies of the list, in accordance with this Law.

The election commission shall refuse to proclaim the candidate list to the submitter of the candidate list who fails to remedy the deficiencies referred to in paragraph 3 of this Article, in accordance with this Law.

Article 60

The submitter of the candidate list may withdraw the list by the date of establishment of the summary candidate list at the latest.

With the withdrawal of the candidate list, the function of the authorised representative of the submitter of the list in all election administration bodies shall cease, as well as all rights that belong to him in that capacity, under the provisions of this Law.

The candidate may withdraw from the nomination until the day the decision on the proclamation of the candidate list is issued.

Article 61

If after the decision is passed on the proclamation of the candidate list, the candidate loses Montenegrin citizenship, is deleted from the register of permanent residence, and/or if his death occurs, the submitter of the candidate list shall lose the right to propose a new candidate.

The position on the candidate list referred to in paragraph 1 of this Article shall be taken by the candidate next in order in the candidate list.

Changes referred to in paragraphs 1 and 2 of this Article shall not affect the fulfilment of conditions referred to in Articles 58 and 59 of this Law.

2. Name, establishment and proclamation of the candidate list

Article 62

The name of the candidate list shall be determined by the name of the political party submitting the list.

If two or more political parties or groups of voters submit a coalition candidate list, the name and other rights and obligations of the coalition candidate list submitters shall be determined by the agreement, which shall be submitted to the responsible election commission together with the coalition list.

In addition to the candidate list of the group of voters, the submitter of the list shall also specify a closer designation of that list.

In the name of the list referred to in paragraphs 1, 2 and 3 of this Article, the submitter of the list may include the name and surname of the leaders of that list, with their written consent.

A person designated as the candidate list leader does not have to be a candidate on the list.

Article 63

The candidate list of MPs and/or councillors may be established if it is supported by at least 0.3% of the voters in the constituency, with their signatures, counting according to the number of voters from the elections that preceded the decision to call the election, irrespective of whether those were the elections for the President of Montenegro or the elections for the Parliament/assembly.

By way of exception to paragraph 1 of this Article, for political parties or groups of voters representing a national minority or a minority national community, the candidate list for MPs may be established if it is supported by at least 400 voters, with their signatures, and/or for councillors, it may be established if it is supported by at least 100 voters with their signature, and they exercise the right referred to in Article 121 (2) of this Law.

The candidate list of MPs representing a national minority or a minority national community with a share in the total population of Montenegro of up to 2% according to the results of the last Census can be established if it is supported by at least 100 voters with their signatures.

In municipalities where in the previous elections the councillors' seat was equal to 150 votes or less, the candidate list of councillors may be established if it is supported with the signature of the number of voters which is one less than the number of votes in the previous elections for the respective municipal assembly necessary for two-thirds of the councillor's seat.

Voters who sign lists for election of MPs must have permanent residence in the territory of Montenegro.

Voters who sign lists for election of councillors must have permanent residence in the territory of the municipality concerned.

The Central Election Commission shall prescribe the procedure and organisation for giving voters' signatures to support the candidate list.

Article 64

The voter may, with his signature, support one or more candidate lists for MPs, and/or one or more candidate lists for councillors.

Article 65

The candidate list of MPs shall be submitted to the Central Election Commission, and for election of councillors it shall be submitted to the municipal election commission, not earlier than 20 days from the day of calling the election, and not later than 25 days before the Election Day.

In addition to the candidate list, the following documentation shall be submitted to the election commission:

1. Written statement of the candidate that he accepts the nomination;
2. Certificate of suffrage for each candidate on the candidate list;
3. Certificate of permanent residence for each candidate;
4. List of voter signatures supporting the candidate list;
5. Written consent of the person, if his name and surname are included in the name of the list;
6. Decision of the responsible body of the political party verifying the candidate list;
7. Application for elections; and
8. Founding Act and the Program.

By way of exception to the documentation stipulated in paragraph 2 of this Article, coalition lists for election shall also submit the coalition agreement, with clearly defined rights and responsibilities.

By way of exception to the documentation stipulated in items 1-5 and 7 of paragraph 2 of this Article, groups of voters shall submit together with the candidate list a statement notarised before the responsible authority on the decision to participate in the elections with the program objectives of the candidate list, the authorised person for representation before the responsible authorities, as well as other mutual rights and responsibilities.

The election list with documentation shall be submitted directly to the responsible election commission.

The template of the application for elections referred to in item 7 of paragraph 2 of this Article shall be determined by the Central Election Commission.

The template and form of the coalition agreement referred to in paragraph 3 of this Article shall be determined by the Central Election Commission.

The coalition agreement shall regulate clearly mutual rights and responsibilities of coalition entities in the event of breaking the coalition.

Article 66

Immediately upon receipt of the candidate list, the responsible election commission shall determine whether the list has been submitted within the specified deadline and whether it has been drawn up in accordance with this Law.

If the responsible election commission determines that the candidate list was not submitted in a timely manner, it shall issue a decision rejecting the candidate list.

If the responsible election commission determines that the candidate list contains certain deficiencies, it shall adopt a conclusion within 48 hours of receipt of the candidate list, stating that the list submitter is instructed to remedy those deficiencies within 48 hours from the delivery of the conclusion.

The conclusion referred to in paragraph 3 of this Article shall indicate to the submitter the actions that he should take to remedy the deficiencies.

If the responsible election commission determines that the deficiencies of the candidate list have not been remedied or eliminated within the stipulated deadline, it shall issue a decision rejecting the proclamation of that candidate list within the next 24 hours.

Article 67

On the basis of the application for elections, the name of the candidate list or the founding act of the submitter of the candidate list, the Central Election Commission shall determine the fulfilment of the conditions for exercising the rights referred to in Article 121 (2) of this Law.

Article 68

If the responsible election commission determines that the submitted candidate list has no deficiencies or that the identified deficiencies have been removed, it shall determine and proclaim the candidate list by a decision.

The decision referred to in paragraph 1 of this Article issued by the Central Election Commission shall also contain a statement on the fulfilment of the conditions for exercising the rights referred to in Article 121 (2) of this Law.

The decision referred to in paragraph 1 of this Article shall be submitted without delay to the submitter of the candidate list.

An appeal may be lodged with the Constitutional Court of Montenegro against the decision of the Central Election Commission on establishing and proclaiming the candidate list.

Article 69

The confirmed and proclaimed candidate lists for the election of MPs equally participate in all polling stations in Montenegro as a single constituency, in accordance with this Law.

3. Summary candidate list

Article 70

After confirming and proclaiming the submitted candidate lists, the responsible election commission establishes the summary candidate list, which contains all the candidate lists with the names of all candidates.

The order in the summary candidate list shall be determined by lot by the president of the election commission, in the presence of the authorised representatives of submitters of confirmed candidate lists.

The responsible electoral commission shall make public the summary candidate list not later than 15 days prior to the Election Day.

VII – MEDIA PRESENTATION OF SUBMITTERS OF CANDIDATE LISTS AND CANDIDATES THEREIN

Article 71

The submitters of confirmed candidate lists shall have the right to inform the citizens about their candidates, programs and activities during the media presentation, through the national public broadcaster of Radio and Television of Montenegro, as well as through the regional and local public broadcasters, in equal duration and free of charge, within the same daily periods and/or columns.

National public broadcaster of Radio and Television of Montenegro, and/or regional and local public broadcasters financed from the state budget, shall broadcast the information referred to in paragraph 1 of this Article in accessible formats to a disabled person.

Submitters of candidate lists have the right to perform marketing promotion of their candidates and programs during the media presentation, in programs and/or columns and printed advertisement's space of commercial broadcasters, and to publish announcements of their promotional meetings, for a fee in accordance with the rules adopted by the broadcaster.

Commercial broadcasters shall provide paid advertising to the submitters of confirmed candidate lists on equal terms.

Assets (money, technical means, space, equipment, etc.) of state bodies, public enterprises, public institutions and funds, local self-government units, or companies partly owned by the state cannot be used for media presentation of candidate lists.

Article 72

Radio and Television of Montenegro, regional and local public broadcasters shall provide, in the course of media presentation made within political and information programme, as well as within precisely defined blocks of political marketing, the audibility and visibility of which is ensured throughout the territory of Montenegro, i.e. local self-government, on a daily basis, for the same duration and for the same period, free and equal media presentation of the submitters of confirmed candidate lists, as well as presentation and explanation of their electoral programs.

During the media presentation of the submitters of candidate lists referred to in paragraph 1 of this Article, Radio and Television of Montenegro, regional and local public broadcasters financed from the state budget, shall provide translation into sign language.

Radio and Television of Montenegro, and regional and local public broadcasters, shall not be allowed, under any circumstances, to present or explain the election program of the submitters of candidate lists or advertise them outside the period referred to in paragraph 1 of this Article.

Article 73

Public officials and officials of local self-government may, during the course of media presentation, act as representatives of candidate lists and may, in their media appearances in electronic public, commercial and non-profit media, promote election programs and candidate lists in the manner and to the extent to which this law prescribes media presentation of representatives of candidate lists.

Officials referred to in paragraph 1 of this Article shall be prohibited from misusing their media appearances in their capacity as state or other public official during the election campaign so to use them to advertise the candidate list and/or its electoral program.

Article 74

Participants in the media presentation shall respect the Constitution of Montenegro, the laws and codes of professional ethics and shall commit to fair conduct, which excludes insults and defamation, violation of the rules of decency or insulting public sentiment.

Article 75

Radio and Television of Montenegro, regional and local public broadcasters shall provide, in the course of media presentation, in the blocks of commercial marketing, whose audibility and visibility is provided throughout the territory of Montenegro, i.e. local self-government units, on an equal basis and in the same period, free and equal announcement of all promotional rallies of the submitters of candidate lists.

Radio and Television of Montenegro, regional and local public broadcasters shall also translate announcements referred to in paragraph 1 of this Article into sign language.

Article 76

Television of Montenegro and Radio of Montenegro shall ensure, to the submitters of the confirmed candidate lists, in the course of media presentation, in the respective blocks of commercial marketing, on the TV channel, i.e. the program of Radio, the visibility and audibility of which is ensured throughout the territory of Montenegro, equal and daily free airing for:

- political and propaganda TV clips, or audio clips, in all political marketing blocks, to the extent of not less than 200 seconds per day, depending on the planned number of political marketing advertising blocks;
- 3-minute coverage from the promotional rallies, twice a day, in the period immediately following the central evening news programmes of TV and Radio.

The production of the content referred to in paragraph 1, indent 1 of this Article shall be the responsibility of the submitter of the candidate list which is being promoted.

Local and regional public broadcasters shall provide to the submitters of the confirmed candidate lists, during the course of media presentation, in the blocks of commercial marketing, the audibility and visibility of which is provided throughout the territory of the local self-government unit, an equal and daily free airtime to the extent and manner referred to in paragraphs 1 and 2 of this Article.

The content referred to in paragraph 1, indents 1 and 2 of this Article shall also be aired in a format accessible to the disabled person.

Article 77

Media which, for a fee, publish advertisements for submitters of candidate lists which promote elections, election programs and candidates, shall put the label "paid election advertisement" on that advertisement.

Article 78

Media presentation of submitters of candidate lists through public broadcasters, in accordance with this Law, shall be made on the basis of rules issued by the competent public broadcasting authority.

The rules referred to in paragraph 1 of this Article shall be adopted and made available to the public by the public broadcaster not later than 10 days from the day of calling the elections.

Article 79

Television of Montenegro and Radio of Montenegro shall organise and air weekly at least two hour-and-a-half shows of confrontations of submitters of the confirmed candidate lists and candidates therein, within the period from 8 to 11 p.m., during the media presentation, in agreement between the editorial board and the submitters of the candidate lists.

When organising and airing shows referred to in paragraph 1 of this Article, the Television of Montenegro shall provide translation into sign language.

The editors and presenters of the show referred to in paragraph 1 of this Article shall have an impartial and equal relation towards all participants in the show.

Article 80

Submitters of candidate lists and candidates therein shall have the right to organise conferences and other public meetings during the media presentation, on equal terms, at which electoral programs, candidate lists and candidates therein are presented and promoted, in accordance with regulations on public order and peace.

Submitters of candidate lists and candidates from those lists, when preparing and organising conferences and other public meetings, shall provide translation into sign language.

Article 81

Submitters of election lists and candidates therein shall have the right to prepare election posters, advertisements, photographs, leaflets, videos, etc. during the media presentation, and display and post them publicly, without special permission, in public places designated by the competent municipal authority.

Appropriate propaganda materials (leaflets, videos) referred to in paragraph 1 of this Article shall be provided in a format accessible to the disabled person.

Article 82

Presentations made through sound advertising devices shall be conducted at a time and in a manner that ensures the right of citizens to personal peace is not endangered, in accordance with the rules of public order and peace.

Article 83

All public and commercial media in Montenegro, during the course of media presentation, shall publish ratings, conclusions and decisions of the responsible bodies stating that a certain media has violated the provisions of this Law which require impartial, equal and objective informing of citizens about programmes and candidates of political parties and other election candidates.

Article 84

Within 48 hours prior to the Election Day, the broadcasting media and other media shall not publish the results of public opinion polls, other surveys and analyses regarding the citizens' opinion on the assessment of election results.

On the Election Day, during the voting period, no one shall be permitted to publish an estimate of the voting results in the programmes of broadcasting and other media.

Article 85

Media presentation of submitters of candidate lists through commercial and non-profit broadcasters shall be made on the basis of rules which, in order to achieve a correct editorial policy and equal media presentation of submitters of confirmed candidate lists, shall be drafted by the broadcaster.

The commercial and non-profit broadcaster shall adopt the rules referred to in paragraph 1 of this Article and make them available to the public not later than seven days from the day of calling the elections.

VIII – ADMINISTERING OF ELECTIONS

1. Polling stations

Article 86

Voting for the election of MPs and/or councillors shall take place at the polling station.

Polling stations shall be determined by the municipal election commission, at the proposal of the body responsible for keeping the voters register, not later than 20 days before the Election Day.

Polling station must have sufficient space for all members of the polling board to be able to access and get insight into polling materials and polling boxes at all times without delay.

Not later than ten days before the Election Day, the municipal election commission shall announce which polling stations have been designated and which voters will vote at each polling station.

When determining polling stations, the municipal election commission shall ensure access to polling stations for persons with disabilities.

Article 87

The polling station shall be determined by the number of voters, which may not exceed 1,000.

More detailed rules regarding polling stations shall be set by the Central Election Commission.

Article 88

The voter shall cast his vote at the polling station where he is entered into the excerpt from the voters register.

By way of exception to the paragraph 1 of this Article, a voter may, by letter, also cast his vote outside the polling station where he is entered into the excerpt from the voters register, under the conditions laid down in this Law.

The manner of voting out of the polling station, as well as the number of voters who have exercised their right to vote in this manner, shall be entered into the minutes of the work of the polling board.

Detailed rules for voting by letter shall be prescribed by the Central Election Commission.

Article 89

The ministry responsible for voters register shall provide voters with an election notification not later than seven days before the Election Day.

The notification referred to in paragraph 1 of this Article shall include: the date and time of the elections, the number and address of the polling station for voting, and the number under which the voter has been entered into the excerpt from the voter register.

The Ministry referred to in paragraph 1 of this Article shall deliver the election notification through post office as an ordinary shipment to the address of residence.

The notification referred to in paragraph 1 of this Article must also be in a format accessible to the disabled person, on the basis of a request that may be submitted by this person, the person authorised by him or by electronically.

In the request referred to in paragraph 4 of this Article, the disabled person shall indicate in what format the notification should be submitted.

The request referred to in paragraph 4 shall be submitted not later than 15 days prior to the Election Day.

The notification referred to in paragraph 1 of this Article shall not be a condition for the exercise of the voting right.

Article 90

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

In order to cast his vote, the voter must be electronically identified.

The polling board shall not allow the voter who refuses electronic identification to cast his vote.

Electronic devices represent a compact hardware and software unit made up of the following:

- Electronic reader of machine readable zone (MRZ) for IDs and passports;
- Computer in the memory of which an excerpt from the voters register for a specific polling station will be stored, including the latest photo of the voters from the register of identity cards or passports;
- Printer to print a certificate of successfully completed voter identification.

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

Instructions on the use of electronic devices for voter identification referred to in paragraph 1 of this Article shall be prescribed by the Ministry responsible for the voters registers.

For the purposes of electronic identification of voters at the polling station, the Ministry in charge of voters registers shall produce an electronic version of the excerpt from the voters register for each polling station in the adequate electronic media within five days from the day the decision on the conclusion of the voters register was adopted.

Procurement and maintenance of electronic voter identification devices shall be carried out by the body responsible for managing the voters register.

The Central Election Commission shall control the process and use of electronic voter identification devices.

Article 91

When arriving at the polling station, the voter shall submit his identity card or passport to the chairperson of the polling board.

The chairperson of the polling board shall find the voter via electronic identification in an electronic and printed excerpt from the voters register; the voter puts his signature at the designated place in the excerpt from the voters register, after which the polling board allows the voter to cast his vote.

The electronic identification device will display a photo of the voter on the monitor and print a paper cut-off receipt containing the first and last name, Unique Citizen's ID Number and the number of the voter in the Register identical to the one in the printed voters register.

The chairperson and the member of the polling board from the opposite political option (respect for the parity of the power-opposition) shall readily and personally sign in a readable manner the printed cut-off receipt - certificate referred to in paragraph 3 of this Article, which will then be stored together with the control coupon.

If due to justified objective circumstances, such as hours of power failure or system failure, electronic voter identification is unable during the voting, the polling board shall decide to continue voting according to the visual identification system, which means that the chairperson of the board shall verify the voter's identity by access to his identity card or passport, find him in the printed voters register, allow him to put his signature and send him to the voting booth.

When the voter casts his vote, the chairperson and member of the polling board referred to in paragraph 5 of this Article shall sign in a readable manner the control coupon on the other side.

Article 92

Each voter shall cast his vote in person.

The voter may vote only once during the election.

Voting shall take place on a certified ballot paper.

The voter shall confirm the receipt of the ballot paper with his signature on the excerpt from the voters register.

No one shall be allowed to come to the polling station armed or with a dangerous weapon.

At the polling station and 100 meters from the polling station, it shall be forbidden to post symbols of political parties, coalitions, and/or groups of voters and other promotional material, which may influence voters' preferences.

If the rules referred to in paragraphs 1-5 of this Article are violated during the voting, the polling board may be dissolved.

In the event of the dissolution of the polling board, a new one shall be appointed and the voting shall be repeated at that polling station.

A member of the polling board who identifies voters, as well as other members of the polling board, shall be prohibited from communicating, in any form, and especially by aloud address, the name and surname of the voter, as well as his ordinal number in the voters register.

Recording at the polling station shall be strictly prohibited, except for accredited media.

Article 93

Voting shall be secret.

If the polling board fails to arrange the polling station in such a way as to ensure the secrecy of the vote (screen, booth), the polling board shall be dissolved and a new one shall be appointed, and the voting at that polling station shall be repeated.

The voter shall fill in the ballot paper exclusively in the space intended for those purposes (screen, booth), so that no one can see how he casted his vote.

If a voter violates the secrecy of voting in a way that he votes publicly, outside the designated voting area, or if, after voting in the designated area, he announces or shows the ballot paper to the polling board so that it can be seen who he voted for, in the presence of the polling board, and after the control coupon has been removed, the chairperson of the polling board shall invalidate such a ballot paper, in such a way as to cross it out, place it in a separate envelope and insert it into the ballot box instead of the voter.

The chairperson of the polling board shall enter the manner of voting referred to in paragraph 4 of this Article into the minutes.

More detailed instructions on measures to ensure the secrecy of the vote shall be stipulated by the Central Election Commission.

Article 94

Polling stations in the constituency shall open at 7:00 am and close at 8:00 pm. During this period the polling station must be open continuously.

Voters who found themselves at the polling station at the time of polling station closure shall be allowed to vote, provided that the polling board has previously established the number and identity of those voters.

If the rules referred to in paragraphs 1 and 2 of this Article are violated during the voting, the polling board shall be dissolved and a new one shall be appointed, and the voting at that polling station shall be repeated.

Article 95

The polling board shall take care of the order at the polling station.

If the order at the polling station is disturbed, the polling board may interrupt voting until the order is restored.

The reasons and duration of interruption of voting referred to in paragraph 2 of this Article shall be entered into the minutes of the work of the polling board.

A police officer and other uniformed person shall not access the polling station while voting is in progress.

By way of exception to paragraph 4 of this Article, on the basis of the prior consent of the polling board, the chairperson of the polling board may summon a police officer on

duty to the polling station if public order and peace have been violated at that polling station.

If the voting is interrupted for more than one hour, it shall be extended for as long as the interruption lasted.

Article 96

The use of electronic communication devices shall be prohibited inside the voting room.

By way of exception to paragraph 1 of this Article, the use of electronic communication devices (telephone and mobile telephone) shall be permitted to the chairperson of the polling board solely for the purpose of exercising the function of the polling board, and in particular for the timely and accurate submission of data to the municipal election commission in order to administrate the election process.

The members of the polling board and persons who monitor the work of election administration bodies during the voting shall be prohibited from keeping any records of the voters who voted at the polling station, and from using a copy of the voters register or any other auxiliary voter records during the voting.

If a member of the polling board or a person who monitors the work of the election administration body acts contrary to paragraphs 1 and 3 of this Article, the chairperson of the polling board shall warn him, and if the person continues to interfere with the work, the chairperson of the polling board, based on the previous decision of the polling board, shall remove him from the premises, which shall be noted in the minutes of the work of the polling board.

If a member of the polling board is removed from the premises, for further work, the chairperson of the polling board shall allow the presence of his substitute.

Article 97

While the polling station is open and polling takes place, all the members of the polling board or their substitutes must be present.

Each polling station shall be provided with a separate room where it is possible to ensure the secrecy of voting.

Only as many voters as there are voting booths at the polling station can be present at the polling station at one time.

It shall be prohibited for those persons who do not have rights and duties in connection with the administration of elections, determined by this Law, to stay at the polling station.

Police officers may not vote or enter polling stations in uniform, unless requested so by the chairman of the polling board, in order to prevent an immediate threat to public order and security at the polling station.

It shall be possible to file an objection with the municipal election commission for the violation of rules referred to in paragraphs 1 to 4 of this Article, and that Commission shall decide whether the voting at that polling station will be repeated.

2. Election material

Article 98

The ballot paper shall contain:

1. Constituency code;
2. Ordinal number to be placed in front of the candidate list;
3. Name of the candidate list in the order established in the summary candidate list;
4. Note to cast a vote for one candidate list only, by circling the ordinal number in front of the name of that list, i.e. by circling the name of the list or the name of the leader of the list.

In addition to the information referred to in paragraph 1 of this Article, the ballot paper shall contain on the back, in the upper right corner, the name of the municipality, the name of the polling station, the code of the polling station and the seal of the polling board containing the name and number of the polling station.

Article 99

The ballot paper shall be printed in two parts: the ballot paper and the control coupon, and/or a snippet of the ballot paper containing the unique serial number.

The unique serial number shall not be printed on the ballot paper.

The control coupon and/or the ballot snippet and the ballot paper shall be separated by perforation.

The range of serial numbers on the control coupon shall correspond to the number of voters registered in the voters register, whereas the number of ballot papers in the order of the serial numbers on the control coupon shall be determined for each polling station in a particular constituency.

The control coupon of the ballot paper shall be printed at most up to one half the width of the ballot paper.

The ballot paper shall be printed on specially protected 120-gram watermarked paper.

Article 100

The responsible election commission shall prescribe in more detail the form, layout, manner, location and control of printing and distribution of ballot papers and templates for the ballot paper, as well as the destruction of the matrix.

The ballot paper template must follow the form and layout of the ballot paper.

The responsible election commission shall determine the number of ballot papers that must be equal to the number of voters registered in the voters register, as well as the number of reserve ballot papers.

The number of reserve ballot papers shall be determined up to a maximum of 3% of the total number of voters in the respective constituency.

Serial numbers on control coupons of the reserve ballot papers shall be determined in the range from the first subsequent serial number after the total number of voters in the respective constituency to a serial number identical to the sum of the total number of voters and the number of reserve ballot papers in the respective constituency.

The Central Election Commission for election of MPs, and the municipal election commission for election of councillors shall determine the colour of ballot papers.

In case the elections for MPs and councillors are conducted simultaneously, the ballot papers shall be of different colours.

The ballot papers for the election of MPs shall be notarised with its stamp by the Central Election Commission, and the ballot papers for the election of councillors by the municipal election commission.

Article 101

The municipal election commission shall prepare timely for each polling board the equipment and materials for voting, in particular: equipment referred to in Article 90 of this Law, required number of ballot papers, required number of templates for ballot paper, summary candidate lists, two excerpts from the voters register (one for voting by letter), ballot boxes at the polling station, mobile ballot boxes for voting by letter, special and official voting envelopes, as well as the template of the minutes of work of the polling board.

For simultaneous voting, the number of notarised excerpts from the voters register issued shall be equal to the number of votes cast.

Election material shall be taken over from the municipal election commission by the chairperson of the polling board, not later than 48 hours before the Election Day.

The responsible municipal authority shall take care of the polling stations and prepare for each polling board the required number of ballot boxes with sealing equipment and voting equipment.

On the election day, prior to the commencement of voting, the polling board shall determine whether the prepared election material for that polling station is complete and in proper condition, whether the polling station is arranged in such a way as to ensure the secrecy of voting and whether voting can begin, which shall be recorded in the minutes on the work of the polling board.

The chairperson of the polling board shall ensure and be responsible for the security of the election material that he takes over from the municipal election commission.

Article 102

The summary candidate list, with the names of candidate lists and the names of all candidates, shall be prominently displayed at the polling station during voting.

The content and form, as well as the manner of displaying the summary candidate list, shall be prescribed by the Central Election Commission.

Article 103

Representatives of the submitters of candidate lists and candidates for MPs and councillors shall have the right of access to the election materials, and in particular to the excerpts from the voters registers, the minutes of the polling boards, the minutes of election commissions and ballot papers.

The access referred to in paragraph 1 of this Article shall be carried out in the official premises of the Election Commission, as well as with the bodies where the election material is located.

Opening of the envelope with election material and opening of envelopes with ballot papers shall be carried out by the municipal election commission, in the presence of the authorised representative of the person that filed a request for access to the election material.

Following the access to the election material, the election material shall be packed and stamped in the manner specified in Article 118 of this Law.

At the request of the submitter of the candidate list, the bodies holding the election material shall authorise its photocopying at the expense of the person who requested it, in accordance with the law governing personal data protection.

By way of exception to paragraph 5, photocopying of excerpts from the voter register shall not be permitted.

Access into the election materials can take place within seven days from the Election Day.

The Election Commission shall provide access to the election material to the submitter of the candidate list who filed such a request within four hours from the delivery of the request.

After the expiry of the deadline referred to in paragraph 6 of this Article, a political party, coalition and/or group of voters may have access to the election material and photocopy it on the basis of the submitted request.

Article 104

Election material shall be kept for minimum four years.

By way of exception to the provision of paragraph 1 of this Article, ballot papers shall be kept for 90 days, and/or until the end of the proceedings for violation of rights during the elections.

The Central Election Commission shall prescribe the manner in which the election material shall be stored and used.

3. Voting

Article 105

Prior to the opening of the polling station, the polling board shall designate by lot a member of the polling board who, in the presence of other members of the polling board,

causes visible damage to the polling board's seal, by incising or burning with the flame the rubber matrix of the seal, which is used to stamp the ballot papers on the back side, in a designated area just before the ballot papers is handed to the voter.

The member of the polling board, who stamps the ballot papers, shall be designated by the polling board by lot.

The damaged seal of the polling board shall not be placed on the control coupon of the ballot paper.

Ballot papers shall be arranged in the order of serial numbers on the control coupon and shall be issued to voters during voting in this order.

Article 106

The ballot box shall be opaque.

The polling board shall check the ballot box in the presence of the voter who comes first to the polling station.

The result of the check referred to in paragraph 2 of this Article shall be entered into the control sheet signed by the members of the polling board and the voter who came first to the polling station.

A control sheet shall be inserted into the ballot box and the box shall then be sealed in the presence of the first voter, which shall be recorded in the minutes of work of the polling board.

When the ballot box is opened, it shall first be checked that it contains a control sheet.

If there is no control sheet in the ballot box, the polling board shall be dissolved and a new one shall be appointed, and the voting at that polling station shall be repeated.

The template of the control sheet shall be prescribed by the Central Election Commission.

Article 107

The voter shall communicate to the polling board his first and last name, and shall prove his identity with his ID card or passport.

A voter shall not vote without submitting proof of his identity.

After determining the identity of the voter, the chairperson or member of the polling board shall circle the ordinal number under which the voter is entered into the excerpt from the Voters register, and shall explain to him the voting method and give him/her the ballot paper.

Article 108

The members of the polling board shall in no way influence the decision of the voter.

At the request thereof, the members of the polling board shall explain the voting method to the voter again.

Members of the polling board shall make sure that no one interferes with the voter when filling out the ballot paper and that the secrecy of voting is fully ensured.

If any of the rules referred to in paragraphs 1 and 3 of this Article are violated during the voting, the polling board may be dissolved.

In the event of the dissolution of the polling board, a new polling board shall be appointed and the voting at that polling station shall be repeated.

Article 109

The voter shall vote for only one candidate list from the ballot paper.

The voting shall take place by circling the ordinal number in front of the name of the list which is voted for, and/or by circling the name of the list or the first and last name of the list leader.

The voter himself folds the completed ballot paper so that it cannot be seen how he voted, while leaving the control coupon free, after which, holding a folded ballot paper, he shall go to the ballot box and allow a member of the polling board to detach the control coupon in a perforated area from the ballot paper.

Following the procedure referred to in paragraph 3 of this Article, the voter shall place the ballot paper in the appropriate ballot box and leave the polling station.

A member of the polling board referred to in paragraph 3 of this Article shall arrange detached control coupons in the order of serial numbers and keep them in the manner prescribed by the rules adopted by the Central Election Commission.

Article 110

A voter who, due to the inaccessibility of the polling station, information and communications (disabled person) or illiteracy (illiterate person) is not able to vote in person at the polling station, shall have the right to do so with the help of an assistant designated by him, and who is obliged to fill out the ballot paper, i.e. to vote in the manner instructed by the voter.

The responsible election commission shall provide at each polling station an appropriate template that allows a voter with visual impairment to vote in person.

The template referred to in paragraph 2 of this Article shall be of blue colour.

Casting a vote for the voter referred to in Paragraph 1 of this Article shall not be done by a member of the polling board, nor by an authorised representative of the submitter of the candidate list.

The method of voting referred to in paragraphs 1 and 2 of this Article shall be entered in the minutes.

Article 111

A voter who, due to age, disability, hospital or home treatment, is not able to cast his vote at the polling station where he is registered in the excerpt from the voters register

and wants to cast his vote, shall submit to the polling board, in a prescribed form, a request to vote by letter.

A voter wishing to cast his vote by letter shall personally sign the form referred to in paragraph 1 of this Article.

The request to cast a vote by letter shall be submitted to the polling board at the polling station not later than 1:00 pm on the day of voting.

The request to cast a vote by letter shall be submitted to the polling board only by a person authorised by the person requesting to cast his vote by letter with his own signature.

One person may not submit to the polling board more than one request to cast a vote by letter, unless it does so for two or more voters who vote by letter and live in the same household.

Authorisation to submit to the polling board requests for casting a vote by letter shall represent an integral part of the form referred to in paragraph 1 of this Article.

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

In addition to the request to cast a vote by letter and the authorisation to submit the request to the polling board, an ID card or passport of the voter who wishes to vote by letter shall also be submitted.

Article 112

Upon receipt of the request to cast a vote by letter, the polling board shall verify the identity of the person requesting the cast his vote by letter, determine whether the person wishing to cast his vote by letter has been entered in the voters register and assess the reasons for voting by letter.

If the polling board does not allow a person to cast his vote by letter, the reasons for doing so shall be entered into the minutes of work of the polling board.

The chairperson of the polling board shall carry out electronic verification (identification) of the voter's ID card or passport, and keep the printed snippets - receipts with other documents necessary for casting a vote by letter.

After completing the electronic verification (identification), the chairperson of the polling board shall hand over the voter's ID card or passport to the person who brought in the request to cast a vote by letter, who shall return that identification document to the submitter of the request to cast a vote by letter without delay.

Having determined that the conditions for casting a vote by letter have been fulfilled, the polling board, through four commissioners from among the substitutes of the polling board members, shall submit to the voter: a certified ballot paper, a summary candidate list, a special envelope for the control coupon, an excerpt from the voters register, equipment for sealing and writing accessories.

Voting by letter can be monitored by accredited election observers at the polling station.

In the process of voting by letter a portable opaque ballot box shall be used, which was previously sealed with seal wax by the polling board at the polling station.

The Central Election Commission shall prescribe the form and appearance of the ballot box referred to in paragraph 7 of this Article.

Article 113

After determining the identity of the voter, the commissioner shall circle his ordinal number in the excerpt from the voters register, give the ballot paper to the voter, the receipt of which the voter shall confirm with his own signature on the excerpt from the voters register, after which the voter shall cast his vote and then fold the completed ballot paper so that it is not visible how he voted, while leaving the control coupon free, which shall be separated from the ballot paper by the commissioner and placed in a special envelope for control coupons, after which the voter shall place the folded ballot paper in a portable ballot box.

A voter who is not able to vote in person shall have the right to do so with the assistance of a person designated by him, who shall fill in the ballot paper, i.e. cast a vote as instructed by the voter.

The commissioners shall manually sign the printed snippet-receipt, which will then be stored with the control coupon.

The commissioners shall submit to the polling board the portable ballot box with ballot papers, an excerpt from the voters register, while they shall submit the envelope with the control coupon to the member of the polling board responsible for keeping the control coupons.

The polling board shall open the portable ballot box after the polling station closes and shall determine the number of ballot papers contained in the portable ballot box so that the secrecy of the vote is not violated.

After determining that the voting by letter has been carried out in accordance with the rules, the polling board shall mix the ballot papers contained in the portable ballot box for voting by letter with the ballot papers contained in the ballot box at the polling station, and only then proceed to determine the results of voting at the polling station.

The minutes of the work of the polling board shall include: the number of received requests for voting by letter, the number of voters who have been allowed by the polling board to vote by letter, and the number of voters who voted by letter.

Requests for voting by letter submitted to the polling board and an excerpt from the voters register for voting by letter shall be placed by the polling board in a separate envelope, which shall carry the content tag and, after determining the voting results, that envelope shall be sealed and submitted to the municipal election commission as an integral part of the election material.

Article 114

Voters in detention or serving a prison sentence shall vote at a special polling station designated by the Central Election Commission in agreement with the administrative authority responsible for the enforcement of criminal sanctions.

Excerpts from the voters register, the composition of the polling board and the manner of voting of the persons referred to in paragraph 1 of this Article shall be determined by the Central Election Commission.

Persons working in the ministry responsible for the affairs of the judiciary and persons working in the administrative body responsible for the enforcement of criminal sanctions shall not be part of the polling board.

The voters referred to in paragraph 1 of this Article shall prove their identity in accordance with Article 107 of this Law.

Article 115

Voters who reside abroad shall vote at a polling station in the area of their last area of permanent residence in the territory of Montenegro, before going abroad.

IX – ESTABLISHMENT AND ANNOUNCEMENT OF ELECTION RESULTS**1. Establishment of election results****Article 116**

Upon completion of voting, the polling board shall proceed to determine the results of voting at the polling station.

The polling board shall determine the number of unused ballot papers and place them in a separate envelope that is then sealed.

Thereafter, the polling board shall determine the number of control coupons detached from the ballot papers and place them in a separate envelope that is then sealed, and shall determine the number of printed snippets - receipts and place them in a separate envelope that is then sealed.

Based on excerpts from the voters register, the polling board shall determine the total number of voters who casted their vote.

When the ballot box is opened, after checking the control sheet, the valid ballot papers shall be separated from the invalid ones.

Data referred to in paragraphs 2, 3 and 4 of this Article shall be entered into the minutes by the polling board before the opening of the ballot box.

The polling board shall determine the number of invalid ballot papers, then the number of valid ballot papers, as well as the number of votes for each candidate list, which is recorded in the minutes.

Valid ballot paper shall be the ballot paper from which the expressed will of the voter can be determined in an unambiguous manner.

An invalid ballot paper is an incomplete ballot paper, the ballot paper filled in such a way that it is not clear which candidate list was voted for, the ballot paper in which more than one candidate list is circled, the ballot paper in which the name of the candidate list is added in handwriting, or a signed ballot paper.

In case of doubt about the validity of the ballot, members of the polling board shall vote on it and enter the result of the voting in the minutes of the work of the polling board.

If it is determined that the number of ballot papers in the ballot box is greater than the number of voters identified in the excerpt of the voters register that they voted, or if it is established that the number of ballot papers in the ballot box is greater than the number of control coupons, or if it is determined that the number of ballot papers in the box is greater than the number of signed snippets and signed coupons, or if it is determined that there are two or more control coupons with the same serial number or serial number that does not belong to that polling station, the polling board shall be dissolved and a new one shall be appointed, and voting at that polling station shall be repeated.

The results of voting at that polling station shall be determined after the repeated voting.

Article 117

When the polling board establishes the results of voting, the minutes of work of the polling board shall include: the number of ballot papers received; the number of unused ballot papers; the number of ballot papers used; the number of invalid ballot papers; the number of valid ballot papers; the number of votes cast for each candidate list; the number of voters according to the excerpt from the voters register; the number of voters who voted based on the list and the number of voters who voted by letter.

The minutes of work of the polling board shall also include the comments and opinions of the members of the polling board, as well as all other facts relevant to the voting.

The minutes of work of the polling board shall be signed by all members of the polling board.

Each member of the polling board shall receive a copy of the minutes of work of the polling station.

Once signed, a copy of the minutes from which the results of voting are visible shall be prominently displayed at the entrance to the polling station.

Article 118

Unused, invalid and valid ballot papers shall be placed by the polling board in special envelopes carrying the sign of the contents thereof, which are sealed, and then all electoral material (minutes of work, excerpt from the Voters register, ballot papers, control coupons detached from ballot papers, requests for voting by letter, the seal of the polling board, as well as other election material) shall be placed in one envelope which is sealed.

Upon establishment of results of voting, the polling board shall, without delay and not later than six hours after the polling station closure, submit to the municipal election commission the election material referred to in paragraph 1 of this Article.

Article 119

Upon receipt of election material from polling stations, the municipal election commission shall record the total number of voters registered in the Voters register and determine: the number of voters who voted at the polling stations; the number of voters who voted by letter; total number of ballot papers received; total number of invalid ballot papers; total number of valid ballot papers and the number of votes cast for each candidate list.

Based on the results of voting at all polling stations in the constituency, the municipal election commission shall determine interim results for the election of councillors, within 12 hours from the submission of reports from the polling stations.

The municipal election commission shall prepare a special report on the results of voting for the election of MPs at polling stations designated by the decision of the Parliament.

The municipal election commission shall determine the results of voting for MPs at polling stations in its territory, not later than 12 hours after the submission of reports from polling stations and shall submit a report thereof, with the minutes of its work to the Central Election Commission.

The Central Election Commission shall determine provisional results for the election of MPs, within 12 hours from the submission of reports of the municipal election commissions.

2. Distribution of seats

Article 120

The Central Election Commission for the election of MPs, and the municipal election commission for the election of councillors, shall determine the total number of votes received by each candidate list and determine the number of seats belonging to each list.

The Central Election Commission shall determine the total number of votes referred to in paragraph 1 of this Article by summing up the voting results contained in the reports of municipal election commissions and the voting results at the Institute for the Execution of Criminal Sanctions, while the municipal election commission shall determine the total number of votes by summing up the voting results contained in the minutes of work of the polling boards.

Each candidate list shall be assigned a number of seats in proportion to the number of votes received, in accordance with this Law.

The Central Election Commission for election of MPs and the municipal election commission for election of councillors shall tabulate the data referred to in paragraph 1 of this Article by each polling station and make the tables public.

Article 121

The distribution of seats shall include candidate lists that have received at least 3% of the total number of valid votes in the constituency.

By way of exception to paragraph 1 of this Article:

1. Candidate lists for MPs of members of a specific national minority or minority national community, indicated in the election application or the name of the candidate list, in case none of them fulfils the condition referred to in paragraph 1 of this Article, and individually receive at least 0.7% of valid votes, shall have the right to participate in the distribution of seats as one – summary candidate list with the total number of valid votes received, whereas in the calculation of seats summing up shall be accepted if it ensures up to three seats;
2. In the event that none of the candidate lists of members of the Croatian people in Montenegro fulfils the conditions referred to in paragraph 1 of this Article and item 1 of this paragraph, the most successful of them, with minimum of 0.35% of valid votes, shall have the right to one seat;
3. Candidate lists for councillors of members of a specific national minority or minority national community, indicated in the election application or the name of the candidate list, in case none of them fulfils the condition referred to in paragraph 1 of this Article, shall have the right to participate in the distribution of seats individually, based on the number of valid votes received.

The right referred to in item 1 of paragraph 2 of this Article shall be exercised by candidate lists of members of a particular – same national minority, and/or a particular - same minority national community, with a share of up to 15% of the total population in the territory of the municipality, the Capital City, and/or the Old Royal Capital, according to data from the last Census.

The right referred to in item 3 of paragraph 2 of this Article shall be exercised by the candidate list of members of a particular – same national minority, and/or a particular – same minority national community, with a share of up to 15% of the total population at the state level and with a share of 1.5% to 15% of the total population in the territory of a municipality, the Capital City, and/or the Old Royal Capital, according to data from the last Census.

Participation of a candidate list of members of a particular national minority or minority national community in a pre-election coalition with candidate lists of members of another national minority group or minority national community or candidate lists of political parties or groups of voters not exercising the right referred to in paragraph 2 of this Article shall not preclude other submitters of candidate lists of that national minority or minority national community from the right referred to in paragraph 2 of this Article.

Article 122

The number of seats to be won by each candidate list shall be determined by dividing the total number of votes won by each candidate list in the constituency by 1, 2 and ... and concluding with the number corresponding to the number of MPs, and/or councillors elected in constituency.

The quotients obtained in the manner referred to in paragraph 1 of this Article shall be sorted by size, taking into account as many of the highest quotients as there are MPs and/or councillors being elected.

Each candidate list shall receive as many seats as there are quotients belonging to it.

Distribution of seats won by the candidate list to the submitters of the candidate lists that make up the summary candidate list shall be made by dividing the total number of votes won by each candidate list that participates in the summary candidate list by 1, 2, and concluding with the number of seats won by the summary candidate list.

The quotients obtained in the manner referred to in paragraph 4 of this Article shall be sorted by size, taking into account as many of the highest quotients as there are seats won by the summary candidate list.

If two or more candidate lists receive the same quotients on the basis of which they would receive one seat, the lot shall be used to determine which candidate list shall receive that seat.

Article 123

The seats received by the candidate list shall be allocated to the candidates according to their order in the candidate list.

Article 124

In the event that, according to the voting results determined in the manner referred to in Article 122 of this Law, an individual candidate list receives a greater number of seats than the number of candidates on that list, those seats shall belong to the candidate lists with the next largest quotient in terms of size.

Article 125

The Central Election Commission shall determine the final results of the elections for MPs within 12 hours from the expiry of the deadline for submission of objections, and/or appeals, i.e. from the finality or enforceability of the decisions made based on the objection or appeal.

The municipal election commission shall determine the final results of the elections for councillors, within 12 hours from the expiry of the deadline for submission of objections, and/or appeals, i.e. from the finality or enforceability of the decisions made based on the objection or appeal.

3. Publication of election results

Article 126

Regarding the final election results, the Central Election Commission for election of MPs, and the municipal election commission for election of councillors, shall publicly announce information on the following:

1. Number of voters entered into the voters register;
2. Number of voters who casted their vote at the polling station;
3. Number of voters who voted outside the polling station
4. Number of voters who casted their vote;
5. Number of ballot papers received;
6. Number of unused ballot papers;
7. Number of ballot papers used;
8. Number of invalid ballot papers;

9. Number of valid ballot papers;
10. Number of votes received by each candidate list;
11. Number of seats won by each candidate list.

Final results of elections for MPs shall be published in the Official Gazette of Montenegro and for councillors in the Official Gazette of Montenegro, under Municipal Regulations, within 15 days following the date of holding the election day.

Article 127

On the day of confirmation of seats, the Central Election Commission shall issue to the elected MP, and the municipal election commission shall issue to the elected councillor, a certificate that he has been elected as an MP and/or councillor.

X – TERMINATION OF OFFICE, REPEATED ELECTIONS, FILLING OUT EMPTY MP OR COUNCILLOR SEATS, AND EARLY ELECTIONS

1. Termination of Office

Article 128

The term of office of an MP may be terminated before the expiration of the term for which he has been elected, in accordance with the Constitution of Montenegro.

The term of office of a councillor may expire before the expiration of the term for which he has been elected:

1. by resignation;
2. if he was sentenced by a final decision of the court to an unconditional prison term of at least six months;
3. if he was deprived of legal capacity by a final decision;
4. with the termination of Montenegrin citizenship.

The term of office of an MP and/or a councillor shall expire on the day of occurrence of the situation referred to in paragraphs 1 and 2 of this Article.

The day of termination of office shall be ascertained by the responsible assembly.

An MP, and/or councillor whose term of office has been terminated by resigning due to incompatibility of office, may obtain again the term of office of an MP and/or a councillor, if there are no more candidates on the candidate list.

2. Repeated elections

Article 129

Repeated elections shall be conducted if the responsible election commission annuls the elections at a particular polling station.

In the case referred to in paragraph 1 of this Article, voting shall be repeated only at that polling station.

Repeated elections shall be conducted in the manner and according to the procedure established by this Law for the administering of elections, in accordance with the deadlines referred to in Article 125 of this Law.

Repeated election shall be called by the responsible election commission.

In the event of repeated elections, the final election results shall be determined upon completion of the repeated voting.

Article 130

Repeated elections shall take place not later than seven days from the date of annulment of elections.

The candidate lists cannot be modified for the administering of repeated elections.

3. Filling out empty MP or councillor seats

Article 131

If the term of office of an MP and/or councillor is terminated for the reasons set out in Article 128 of this Law, the seat shall be given to a new MP and/or councillor in the manner set out in this Article.

If the same or a larger number of candidates than the number of MPs and/or councillors whose term of office has been terminated remains in the candidate list from which the MP and/or councillor was elected, the candidate who is next in order in the candidate list shall be elected instead.

By way of exception to paragraph 2 of this Article, if the term of office of an MP and/or a councillor of an underrepresented gender is terminated, the first next candidate on the candidate list of the underrepresented gender shall be elected instead.

If there are no more candidates of the underrepresented gender in the candidate list from which an MP and/or a councillor is elected, the candidate who is next in order in the list shall be elected.

If the term of office of an MP and/or a councillor elected from the coalition list for the reasons specified in Article 128 of this Law is terminated, the candidate shall be elected according to the order of the list of the constituent that he belongs to.

If there are no more candidates for election in the candidate list from which an MP and/or a councillor was elected, the candidate from the list with the largest next quotient shall be considered.

The term of office of a new MP and/or councillor shall last until the expiration of the term of office of an MP and/or a councillor whose term of office had expired.

Prior to the confirmation of seats, a written consent that he accepts the seat shall be obtained from the candidate referred to in paragraphs 2 and 3 of this Article.

The procedure for filling vacant seats of MPs and councillors shall be carried out by the responsible election commission.

4. Early elections

Article 132

Early elections for MPs, and/or councillors shall be called and held in the event of the dissolution of the parliament/assembly or the decision on shortening the term of office of the parliament/assembly.

Early elections shall be called and conducted in the manner and according to the procedure established by this Law for the administering of elections.

XI – PROTECTION OF THE RIGHT TO VOTE

Article 133

Election procedure shall be special and urgent legal procedure.

Article 134

Election administration bodies shall inform voters during the election process about their voting rights and the manner in which they can protect those rights.

Article 135

Each voter, candidate and submitter of the candidate list shall have the right to file an objection with the responsible election commission for violation of the right to vote during the election.

The objection referred to in paragraph 1 of this Article shall be submitted within 72 hours from the moment the decision and/or action was taken.

The objection referred to in paragraph 1 of this Article shall be submitted directly to the responsible election commission.

Article 136

The objection against a decision, action or omission of the polling board shall be submitted to the municipal election commission.

The objection against a decision, action or omission of a municipal election commission shall be submitted to the Central Election Commission.

Article 137

The responsible election commission shall issue a ruling within 48 hours of receipt of the objection and submit it to the complainant.

If the election commission accepts the objection, it shall overturn that decision or action.

If the municipal election commission fails to issue a ruling based on the objection within the deadlines provided by this Law (administrative silence), the Central Election Commission shall act on the objection.

Article 138

A complaint may be lodged against the decision of the municipal election commission to the Central Election Commission.

An appeal may be lodged against the decision of the Central Election Commission to the Constitutional Court of Montenegro.

An appeal may be lodged with the Constitutional Court even in the case when the municipal election commission has not adopted the decision within the deadline referred to in Article 137 of this Law (administrative silence).

Article 139

All actions related to the delivery of decisions, conclusions, as well as other acts, files, documents, petitions and the like shall be subject to the rules prescribed for submission in the administrative procedure, unless otherwise provided by this Law.

XII – ELECTION OBSERVERS**Article 140**

Authorised representatives of non-governmental organisations registered to monitor the exercise of political freedoms and rights may monitor the course of elections and the work of the election administration bodies and have access to all relevant documents, in accordance with this Law.

Article 141

Non-governmental organisations interested in election monitoring shall submit an application to the Central Election Commission, which shall issue official authorisations or refuse to issue authorisations by decision, within 48 hours of receipt of the application.

The application referred to in paragraph 1 of this Article shall include the name of the organisation, evidence of registration, the number and composition of the observer's representatives.

Applications shall be submitted not later than five days before the day of voting.

The official authorisation for election observers referred to in paragraph 1 of this Article shall contain clear instructions to the observers that they must follow the established order and rules at the polling station and in the meetings of the Municipal and Central Election Commission, respectively, which are defined by special acts of the Central Election Commission.

Article 142

The European Union, other international organisations, foreign non-governmental organisations and authorised representatives of foreign countries may monitor the course of elections, which includes the work of bodies for administration of elections and other state bodies, monitoring of the election campaign by the media, the exercise of voting rights and other related political and civil rights in the election process.

The observation period shall run from the day the elections are called and end with the publication of the final election results.

The observers referred to in paragraph 1 of this Article shall report during the election process in accordance with their established procedures.

Article 143

Interested foreign observers referred to in Article 142 of this Law shall submit their application for election observation to the Ministry responsible for foreign affairs not later than ten days before the election day.

The application referred to in paragraph 1 of this Article shall include: the name of the country from which the observer comes, the name of the organisation, the proof of entry into the register, the number and composition of the representatives and the period of their stay.

The Ministry responsible for foreign affairs shall submit the application to the Central Election Commission on the day following the day of receipt of the application.

The Central Election Commission shall issue official authorisation to observe the election, or refuse to issue an authorisation by its decision, within 48 hours from the day of receipt of the application.

Article 144

The Central Election Commission shall issue to the persons referred to in Articles 140 and 142 of this Law an identification card which shall contain the name and surname of the person, name of the country from which he comes and the name of the organisation and institution to which he belongs.

The person to whom the ID card has been issued shall carry it so that it is visible.

Article 145

The election administration bodies shall enable the foreign and domestic observer to monitor the course of the elections and the work of the election administration bodies.

The polling board shall note in the minutes the presence of observers at the polling station.

Article 146

The Central Election Commission may revoke the authorisation or identification card of the person to whom it was issued, if the person fails to adhere to the rules on maintaining order at the polling station, i.e. the rules of work of the election administration body.

Article 147

Authorised representatives of the domestic organisations registered for public opinion polling may conduct a public opinion poll with the voters who have voted and agree to it.

The organisation referred to in paragraph 1 of this Article shall submit a request to the Central Election Commission, which shall issue official authorisations or refuse to issue authorisations by a decision, within 48 hours from the receipt of the request.

The request referred to in paragraph 2 of this Article shall include: the name of the organisation, evidence of entry into the register for the public opinion polling activity, number and composition of representatives of the public opinion polling organisation.

The request shall be submitted not later than five days before the election day.

Public opinion polls shall not be conducted at a polling station or within 100 meters of a polling station.

XIII – COST OF ADMINISTERING ELECTIONS AND ELECTION PROMOTION

Article 148

The Central Election Commission shall establish the criteria, benchmarks and allocate funds to municipal election commissions to carry out appropriate tasks in administering elections for MPs and/or councillors.

The Central Election Commission shall determine the manner and control the use of resources referred to in paragraph 2 of this Article.

Article 149

State bodies and local self-government bodies shall make available their premises, other devices, assets and equipment for conducting election propaganda and shall ensure equal conditions of use to all submitters of candidate lists.

The bodies referred to in paragraph 1 of this Article shall, together with the submitters of candidate lists, within 10 days from the day of calling the elections, determine the conditions and manner of using the financial resources referred to in paragraph 1 of this Article.

XIV – PENALTY PROVISIONS

Article 150

A fine ranging from EUR 2,000.00 to EUR 20,000.00 shall be imposed on a legal person for the misdemeanour offence, if it:

1. Posts symbols of political parties, coalitions, and/or groups of voters and other promotional material at the polling station and 100 meters from the polling station, which may influence the voters' choice (Article 92 (6));
2. Conducts public opinion polls contrary to Article 147 (1) and (5) of this Law.

For the misdemeanour offence referred to in paragraph 1 of this Article, a responsible person in a legal person shall also be sanctioned with a fine ranging from EUR 500.00 to EUR 2,000.00.

For the misdemeanour offence referred to in item 1 of paragraph 1 of this Article, a physical person shall be sanctioned with a fine ranging from EUR 250.00 to EUR 2,000.00.

Article 151

A fine ranging from EUR 500.00 to EUR 2,000.00 shall be imposed on a physical person for the misdemeanour offence, if he:

1. Holds the voter accountable for voting (Article 2 (2));
2. Accepts the candidature contrary to Article 58 (1) and (2) of this Law;
3. Conducts in any form the identification of voters, and, in particular by loud address, announces the name and surname of the voter, as well as his ordinal number at the polling station (Article 92 (9));
4. Disrupts the order at the polling station resulting in the interruption of voting (Article 95 (2));
5. Accesses the polling station in a uniform during the voting (Article 95 (4));
6. Uses an electronic communication device in the voting premises (Article 96 (1));
7. Keeps records of voters who voted, and uses copies of the voter's register or any other supporting voter records (Article 96 (3));
8. Stays at the polling station, without having rights and duties in connection with the administration of elections, established by this Law (Article 97 (4)).

Article 152

A fine ranging from EUR 500.00 to EUR 2,000.00 shall be imposed on a physical person who is a member of the election administration body for a misdemeanour offence, if he:

1. Fails to inform the media representatives about meetings and the agenda thereof in due time (Article 23 (3));
2. Fails to allow access to the polling station for persons with disabilities (Article 86 (5));
3. Fails to ensure the security of the election material (Article 101 (6));
4. Fails to allow access to the election material to the submitter of the candidate list who filed a request (Article 103 (8));
5. Influences the decision of the voter (Article 108 (1));
6. Fails to make sure that no one interferes with the voter when filling out the ballot paper and/or fails to ensure fully the confidentiality of the voting (Article 108 (3));
7. Prevents the monitoring of the course of elections and the work of election administration bodies (Article 145 (1)).

XV – TRANSITIONAL AND FINAL PROVISIONS

Article 153

The Parliament of Montenegro shall elect the Central Election Commission in line with this Law, within 90 days from the date of entry into force of this Law.

The Act on internal organisation and systematisation of the Service shall be adopted by the Central Election Commission within 30 days from the Election Day.

Until the Central Election Commission is appointed in accordance with this Law, the State Election Commission appointed in accordance with the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro 4/98, 17/98, 14/00, 9/01, 41/02, 46/02, 45/04, 48/06 and 56/06 and Official Gazette of Montenegro 46/11, 14/14, 47/14, 12/16 and 60/17), shall continue to operate.

Article 154

The Central Election Commission shall elect municipal election commissions within 6 months of the date of appointment thereof.

Until the appointment of municipal election commissions in accordance with this Law, municipal election commissions appointed in accordance with the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro 4/98, 17/98, 14/00, 9/01, 41/02, 46/02, 45/04, 48/06 and 56/06 and Official Gazette of Montenegro 46/11, 14/14, 47/14, 12/16 and 60/17), shall continue to operate.

Article 155

The secondary legislation for the implementation of this Law shall be adopted by the Central Election Commission within 60 days of the appointment thereof.

Article 156

The date of holding of local elections in all local self-government units, duration of the office and other issues related to the holding of local elections in one day shall be regulated by a separate law.

Article 157

The Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro 4/98, 17/98, 14/00, 9/01, 41/02, 46/02, 45/04, 48/06 and 56/06 and Official Gazette of Montenegro 46/11, 14/14, 47/14, 12/16 and 60/17) shall be repealed with effect from the date of entry into force of this Law.

Article 158

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