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LAW AMENDING THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

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Pursuant to Article IV.4a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 75th session of the House of Representatives, held on 7 April 2010, and at the 45th session of the House of Peoples, held on 19 April 2010, enacted the following

LAW AMENDING THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

CHAPTER I – GENERAL PROVISIONS

Article 1

In the Election Law of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, nos. 23/01, 7/02, 9/02, 20/02, 24/02, 25/02, 4/04, 20/04, 25/05, 77/05, 11/06, 24/06, 33/08, 37/08) in Article 1.1.a in paragraph (1) in sub-paragraph 6), the words “period established” shall be replaced with the words “*actions and procedures in the period established*”.

In the same Article and paragraph (1), in sub-paragraph 10) the words “enjoying the status” shall be replaced with the words “having the status”.

In the same Article in paragraph (1) after sub-paragraph 11), new sub-paragraphs 12), 13), 14) and 15) shall be added to read as follows:

“12) “Election period” shall mean the period from the day the elections are announced to the day when the election results are validated.

13) “Election year” shall mean the period that corresponds to a calendar year in which elections are planned to be held.

14) “Eligible voter (loc. *birač*)”, for the purpose of this Law, shall mean a national of Bosnia and Herzegovina registered in the Central Voters Register.

15) “Active voter (loc. *glasac*)”, for the purpose of this Law, shall mean a national of Bosnia and Herzegovina who is registered in the Central Voters Register and who has exercised the right to vote (i.e. the active voting right).”

Article 2

In Article 1.2. in paragraph (3) the words “paragraph 7” shall be replaced with the words “paragraph 9”.

Article 3

In Article 1.2a in paragraph (3) the words „paragraph 7“ shall be replaced with the words „paragraph (9)“.

In the same Article in paragraph (5), after the words “The costs and expense (i.e. funds) for” the words “exercise of the competencies and“ shall be added, whereas after the words “the conduct of the elections shall be” the word “independently”, and after the word “administered” the words “within the approved budget,” shall be added.

CHAPTER 2. BODIES FOR THE CONDUCT OF THE ELECTIONS

Article 4

In Article 2.2, paragraph (6), the words “paragraph (4) of this Article” shall be replaced with the words “paragraph (5) of this Article”.

Article 5

In Article 2.3 in paragraph (1) in sub-paragraph 1, the words ”1.6 and 1.7” shall be replaced with the words “1.6, 1.7 and 1.7a”.

Article 6

In Article 2.6 the words “for one fifteen (15) month rotation in a five (5) year period”, shall be replaced with the words “for one twenty-one (21) month rotation in a seven (7) year period.”

Article 7

In Article 2.6a in paragraph (1) at the end of the text, the words “, in accordance with the law.” shall be added.

In the same Article, paragraphs (3) and (5) shall be deleted.

In the same Article in paragraph (4), which as a result of these amendments has become paragraph (3) the words “designated for the members of the Parliamentary Assembly of BOSNIA AND HERZEGOVINA” shall be replaced with the words “determined by the Law on Salaries and Compensations in the Institutions of Bosnia and Herzegovina.”

Article 8

In Article 2.9, paragraph (1) in sub-paragraph 6, after the words "the list of candidates" the words "and the candidates" shall be added.

Article 9

In Article 2.12 in paragraph (8) the words „the previous paragraph“ shall be replaced with the words „paragraph (5) of this Article“.

In the same Article, paragraph (9) shall be amended to read as follows:

“(9) Members of election commissions of the basic election unit shall be entitled to a permanent monthly remuneration. The decision on the amount shall be reached by the Central Election Commission of Bosnia and Herzegovina in its regulation, so that in the election period it is paid out in the maximum amount of a lump sum paid for the councilor in that basic election unit, while out of the election period it will be 30% of that amount.

Article 10

In Article 2.14 in paragraph (1) the words “should be” shall be replaced with the word ”shall be.”

In the same Article and in the same paragraph, a new sentence shall be added to read as follows:

“The composition of an election commission shall in general reflect the equal representation of both genders.”

Article 11

In Article 2.15, paragraph (2,) the words “the election year” shall be replaced with the words “the election period, the Municipal Council or the Municipal Assembly shall appoint a replacing member of the Municipal Election Commission, without conducting the election procedure provided in Article 2.12, paragraph (5) of this Law,”.

In the same Article, after paragraph (2), new paragraphs (3) and (4) shall be added to read as follows:

“(3) The mandate of the replacing member referred to in paragraph (2) of this Article, shall run until such time as the regular member has returned, or until a new member has been elected as under the procedure provided by Article 2.12 paragraph (5) of this Law.

(4) In the event that the mandate for the election commission member ends in the election period, the mandate of the same member shall be renewed to last until the end of the election period, or until such time as the election results have been validated, after which a new member of the election commission shall be appointed under the procedure provided by this Law.”

Article 12

In Article 2.19, after paragraph (3), new paragraphs (4), (5) and (6) shall be added to read as follows:

“(4) A complaint may be filed to the Municipal Election Commission against the decision of the Municipal Election Commission appointing the President, members of the Polling Station Committees, and their deputies. An appeal may be filed to the Central Election Commission of Bosnia and Herzegovina against the decision of the Municipal Election Commission deciding the complaint.

(5) A political party that is a coalition member or an independent candidate that is a member of the list of independent candidates shall not be entitled in that election unit to participate independently in the lottery procedure and the procedure of appointment as members of the Polling Station Committee.

(6) A political party that is a member of several certified coalitions for different government authorities shall be entitled to participate in the lottery procedure as part of a coalition that is certified as the highest authority comprising the election units of a lower level government authority.”

The current paragraphs (4) through (10) shall become paragraphs (7) through (13).

In the same Article, paragraph (5), which as a result of these amendments has become paragraph (8), shall be amended to read as follows:

“(8) The political stakeholder in that election unit, which has a certified candidate list or a candidate for participation in the elections in accordance with this Law shall be entitled to participate in the lottery procedure for allocation of positions in the Polling Station Committee.”

In the same Article in paragraph (6), which by virtue of these amendments has become paragraph (9), number “(5)” shall be replaced with number „(8)“, whereas the words ”shall be conducted” shall be replaced with the words ”shall be conducted by the Municipal Election Commission”.

In the same Article in paragraph (7), which by virtue of these amendments has become paragraph (10), the words “the political parties and independent candidates” shall be replaced with the words “the political stakeholders”.

In the same Article in paragraph (8), which by virtue of these amendments has become paragraph (11) the words “a political party and an independent candidate” shall be replaced with the words “a political stakeholder” and the number „(7)“ shall be replaced with the number „(10)“.

In the same Article in paragraph (10), which by virtue of these amendments has become paragraph (13), the words “of a political party” shall be replaced with the words “of a political stakeholder”.

In the same Article, after paragraph (10), which by virtue of these amendments has become paragraph (13), new paragraphs (14) and (15) shall be added to read as follows:

„(14) Candidates appointed as presidents and deputy presidents of the Polling Station Committees shall have the obligation to attend the training required for the work in a Polling Station Committee and organized by the Municipal Election Commission. Once the test of knowledge has been completed, the Municipal Election Commission shall award certificates to the successful presidents and their deputies.

(15) The presidents and deputy presidents of the Polling Station Committees who have received the certificate shall have the obligation to participate in the training of the Polling Station Committee members, which is organized by the Municipal Election Commission. Once the test of knowledge has been completed, the Municipal Election Commission shall award certificates to the successful Polling Station Committee members and their deputies.“

The current paragraphs (11) and (12) shall now become paragraphs (16) and (17).

CHAPTER 3. VOTERS REGISTER

Article 13

In Article 3.15 in paragraph (3), the second sentence “The application must be received before the deadline set by the Central Election Commission of BiH in the period after the elections are announced” shall be deleted.

CHAPTER 4. CERTIFICATION AND CANDIDACY FOR THE ELECTIONS

Article 14

In Article 4.2, paragraph (2) shall be deleted.

Article 15

In Article 4.6, paragraph (4) shall be deleted.

Article 16

In Article 4.10, paragraph (5) shall be deleted.

The current paragraphs (6) and (7) shall become paragraphs (5) and (6).

Article 17

In Article 4.12, paragraph (5) shall be deleted.

Article 18

In Article 4.13, in paragraph (1) words “in the same electoral unit” shall be deleted.

Article 19

In Article 4.15, paragraph (4) shall be deleted.

Article 20

In Article 4.21, paragraph (3) shall be deleted.

The current paragraph (4) shall become paragraph (3).

CHAPTER 5. CONDUCT OF THE ELECTIONS

Article 21

In Article 5.6, after paragraph (1), new paragraph (2) shall be added to read:

“(2) When opening the Polling Station, the President of the Polling Station Committee shall have the obligation to assign duties, in accordance with the regulation of the Central Election Commission of Bosnia and Herzegovina, to each member of the Polling Station Committee and to register them in the section of the Polling Station Poll Book designated for the entry of the said data. ”

The current paragraphs (2), (3) and (4) shall become paragraphs (3) (4) and (5).

Article 22

In Article 5.13, in paragraph (2) after the words “to the Polling Station Committee member” the words “about which the Polling Station Committee member shall have the obligation to warn him, and” shall be added.

Article 23

In Article 5.29a, paragraph (1), in subparagraph a), the words “the first results at 00:00 hours on the first Sunday in October” shall be replaced with words “24:00 hours on the election day”.

Article 24

In Article 5.31, after the words “independent candidates”, the words “and the candidate from the list of members of national minorities” shall be added.

CHAPTER 6. PROTECTION OF THE ELECTORAL RIGHT

Article 25

In Article 6.2, in paragraph (1), after the words “48 hours” the words “, or within 24 hours in the election period” shall be added, whereas after the words “violation occurred” the words “, unless otherwise specified by this Law.” shall be added.

In the same Article, in paragraph (2), after the words “violations” the words “from the scope of their competence” shall be added and words “code of conduct set out in Article 7.3 of this Law” shall be replaced with words “provisions of this Law”.

In the same Article, in paragraph (3), words “through the competent Municipal Election Commission” shall be replaced with words “to the competent Election Commission”.

Article 26

In Article 6.3, paragraph (1), after the words “a political party or coalition” the words “or a list of independent candidates” shall be added, whereas after the words “the political party or coalition” the words “or the list of independent candidates or a person authorized by them” shall be added.

In the end of the same paragraph, a new sentence shall be added to read: “The data about the authorized representative shall be deposited with the Municipal Election Commission.”

In the same Article, paragraph (2) shall be deleted.

The current paragraphs (3) through (6) shall become paragraphs (2) through (5).

CHAPTER 7. RULES OF CONDUCT IN THE ELECTION CAMPAIGN

Article 27

In Article 7.2, in paragraph (2), at the end of the text, a new sentence shall be added to read as follows:

“The Central Election Commission shall forbid the posting, printing and dissemination of notices, placards, posters or other materials, which are used for the purpose of election campaigning by political parties, coalitions, list of independent candidates, or independent candidates, on which women or men are presented in stereotype and offensive or humiliating ways and shall order the political party, coalition, list of independent candidates, or independent candidate to remove the posted materials. The decision of the Central Election Commission shall be final in the administrative procedure; however, an administrative dispute may be initiated against the decision.”

In Article 7.2, in paragraph (3), words “in or on government buildings” shall be replaced with words “in or on the buildings of government authorities at all levels, public enterprises, public institutions and local communities, on religious facilities,”.

Article 28

In Article 7.3, in paragraph (1), after the words “lists of independent candidates” the words: “, list of members of national minorities” shall be added.

In the same Article and paragraph in subparagraph 4, after the words “financial reward” the words “or other material gain” shall be added.

Article 29

In Article 7.4, in paragraph (1), after the words “and independent candidates” the words “and candidates on the lists of members of national minorities” shall be added.

CHAPTER 10. PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

Subchapter A

HOUSE OF REPRESENTATIVES OF THE PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

Article 30

In Article 10.13, reference number “5.29” shall be replaced with reference number “5.32”.

CHAPTER 11. NATIONAL ASSEMBLY OF THE REPUBLICKA SRSPKA

Article 31

In Article 11.15, reference number “5.29” shall be replaced with reference number “5.32”.

CHAPTER 16. MEDIA IN THE ELECTION CAMPAIGN

Article 32

In Article 16.14, in paragraph (3), a new sentence shall be added to read as follows:

“No conduct of an election campaign shall be allowed by way of electronic and printed media where the contents are stereotype and offensive against men and/or women or which encourages any stereotype and offensive behavior on the grounds of gender or any humiliating attitude against the members of different genders.”

CHAPTER 19A. PENALTY PROVISIONS

Article 33

In Article 19.8, in paragraph (1) in subparagraph b), the words “Article 2.13 paragraph (1) subparagraph 3” shall be replaced with words “Article 2.13 paragraph (1) subparagraph 2.”

In the same Article and paragraph in subparagraph c), the words “Article 2.13 paragraph (1) subparagraph 5” shall be replaced with words “Article 2.13 paragraph (1) subparagraph 4.”

In the same Article and paragraph in subparagraph d), the words “Article 2.13 paragraph (1) subparagraph 6” shall be replaced with words “Article 2.13 paragraph (1) subparagraph 5.”

In the same Article and paragraph in subparagraph e), the words “Article 2.13 paragraph (1) subparagraph 8” shall be replaced with words “Article 2.13 paragraph (1) subparagraph 7.”

In the same Article and paragraph, after the subparagraph “l)”, a new subparagraph “m)” shall be added to read:

“m) fails to assign duties to the members of the Polling Station Committee (Article 5.6, paragraph (2);”

The current subparagraphs “m)” through “o)” shall become subparagraphs “n)” through “p)”.

In the same Article and paragraph, after the subparagraph “o)”, which has become subparagraph “p)” by these amendments, a new subparagraph “r)” shall be added to read:

“r) issues ballot(s) contrary to the regulations governing the issuance of ballot (Article 5.13);”

The current subparagraphs “p)” through “t)” shall become subparagraphs “r)” through “u)”.

Article 34

In Article 19.9, paragraph (1) in subparagraph c), the words “on state government buildings, in public areas, on public roads, along or above them, as well as on traffic signs” shall be replaced with words “in or on the buildings of government authorities at all levels, public enterprises, public institutions and local communities, and on religious facilities, on public roads and in public areas, except for the places designated for distribution of posters and advertising.”

In the same Article and paragraph, in subparagraph t), words “Article 17.2 paragraph (2)” shall be replaced with words “Article 17.2 paragraph (1)”.

In the same Article and paragraph in subparagraph u), words “Article 17.2 paragraph (2)” shall be replaced with words “Article 17.2 paragraph (3)”.

Article 35

The Constitutional and Legal Affairs Commissions of both houses of the Parliamentary Assembly of Bosnia and Herzegovina have hereby been authorized to prepare a consolidated version of the Election Law of Bosnia and Herzegovina of Bosnia and Herzegovina within 30 days following the entry into force of this Law.

Article 36

This Law shall enter into force on the day following the day of its publication in the “Official Gazette of Bosnia and Herzegovina”.

PA BiH no. 507/10
19 April 2010
Sarajevo

Speaker
House of Representatives
Parliamentary Assembly of BiH
Dr. **Milorad Živković**, *manu propria*

Speaker
House of Peoples
Parliamentary Assembly of BiH
Sulejman Tihić, *manu propria*