



Emerika Bluma 1, 71000 Sarajevo
Tel. 28 35 00 Fax. 28 35 01

Department for Legal Affairs



ELECTION LAW OF REPUBLIKA SRPSKA

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NOTE:

- **Amendments to the Election Law of Republika Srpska, published in the “Official Gazette of Republika Srpska”, 35/03, 24/04 and 19/05 are not included in this translation.**
- **On the day of entry into force of the Law on Local Self-Government, published in the “Official Gazette of Republika Srpska” 101/04, the provisions of articles 54 through 62 of the Election Law of the Republika Srpska shall case to apply.**

Pursuant to Amendment XL, Point 2 to the RS Constitution ("The RS Official Gazette", No 29/94), I bring

DECREE ON ANNOUNCEMENT OF THE ELECTION LAW OF REPUBLIKA SRPSKA

I announce the Election Law of Republika Srpska, which the National Assembly of Republika Srpska adopted at the session held on 30 May 2002.

No: 01-020-406/02
4 May, 2002
Banja Luka

The RS President
Mirko Sarovic

ELECTION LAW OF REPUBLIKA SRPSKA

CHAPTER I MAIN PROVISIONS

Article 1

This Law regulates the election of the President and Vice President of RS, deputies in the RS National Assembly and delegates in the Council of Peoples, councillors in city assembly, councillors in municipal assembly, city mayor, mayor of municipality, members of the council of local community, appointment of the bodies for conducting elections and financing elections and election campaign.

Article 2

Means for conducting elections are provided by the RS budget, budget of city or of municipality, depending on the level of elections.

Article 3

Election of the bodies of authority is done on the basis of general and equal voting rights by direct and secret ballots, unless otherwise stipulated by the BiH Election Law.

Article 4

Each citizen of the Republika Srpska and Bosnia and Herzegovina who has attained 18 years of age has the right to vote and to be elected (hereinafter: voting right) in accordance with the provisions of the BiH Election Law and this law.

In order to exercise his right to vote, a citizen has to be registered as a voter, in accordance with the BiH Election Law.

The same person can be registered in the central voter register only for one municipality.

Article 5

The mandate belongs to the elected holder of the mandate and not to the political party, coalition or a list of independent candidates, which has put him forward as the candidate on the list of candidates. The mandate cannot be terminated unless in the case or under the conditions determined by this law and the BiH Election Law.

Article 6

The mandate of the elected member of the body mentioned in the article 1 of this Law will terminate before the regular expiration of the mandate for which he/she has been elected if:

1. he/she resigns;
2. he/she dies;
3. there has been a valid court decision he/she has been sentenced to a prison term of more than six (6) months or if he/she has been severely punished;
4. there has been a valid court decision he/she has been deprived of the ability to engage in business activities;
5. if he/she is elected or appointed to the position that is incompatible with the position of the elected member of a certain body;
6. if in the period of at least 2 years he/she was not registered to vote in the constituency unit in which he/she was elected;
7. if he/she loses the right to be elected due to legally determined reasons.

The mandate of the elected member of the body from the article 1 of this law does not expire before the regular expiration of the mandate if during the mandate his membership in the party that has put him forward as the candidate stops.

The mandate of the elected member of the body from the article 1 of this Law stops when the Election Commission of BiH determines it.

Article 7

Candidates of all political parties, coalitions, lists of independent candidates and independent candidates, as well as other participants in the election process, have the full freedom of movement and during the election campaign they can organise their activities on the territory of the entire RS. Competent bodies will provide the freedom of movement for candidates, supporters and voters during the whole election process.

CHAPTER II BODIES FOR CONDUCTING ELECTIONS

Article 8

Bodies for conducting elections are:

1. Republic Election Commission;
2. City Election Commission;
3. Municipal Election Commission;
4. Polling Station Committees.

Article 9

Bodies for conducting elections are independent and impartial in their work. The member of the body for conducting elections will not participate in decision-making when he/she or the member of his/her closer family has financial or some other personal interest in that field, and if there is some other conflict of interest that can put into question his impartiality.

Article 10

The composition of the bodies for conducting election has to be multiethnic, reflecting the representation of constitutive peoples, including the others, taking into consideration the last census conducted on the state level.

Article 11

The following persons cannot be appointed as members of election commission or polling station committee:

1. the person who cannot stand as the candidate in terms of the provisions of the article 1.6 and 1.7 of the BiH Election Law;
2. the person who is the member of the highest executive–political body of the political party or coalition (president, vice president, general secretary, secretary or the member of the Executive Board or Main Board);
3. the person who is the holder of the elected mandate or is the member of the executive body of authority, except in cases envisaged by the Article 2.12 of the BiH Election Law;
4. the person who is the candidate for the elections at any level of authority.
5. the person who is sanctioned for the action which signifies serious violation of election laws or regulations and for which he/she is personally responsible in the period of the last four years counting from the day the decision came into effect.

The BiH EC shall decide whether the level of violation and personal responsibility in sense of point 5 of this article make the person inappropriate for membership in election commission or PS committee.

REPUBLIC ELECTION COMMISSION

Article 12

Republic Election Commission comprises of seven members.

Members of the Election Commission are appointed by the RS National Assembly at the proposal of the Commission for the Election and Appointment, in accordance with the Article 2.2 of the BiH Election Law and the Decision on additional qualifications necessary for the members of the election commissions and polling station committees adopted by the BiH Election Commission, from amongst the experts in the field of election law.

Members of the Election Commission are appointed for the period of five years and are getting certain compensation for that period.

Article 13

The BiH Election Commission in accordance with the Article 2.21 of the BiH Election Law stipulates competence of the Republic Election Commission.

CITY ELECTION COMMISSION

Article 14

In the cities not consisting of several municipalities, the City Election Commission shall conduct the election for the city bodies.

Accordingly, the provisions of the articles 17 and 18 of this Law shall be applied to the composition, election and competence of the Commission from the paragraph 1 of this Article.

Article 15

In the cities consisting of more than one municipality, the City Election Commission shall conduct the election for the city bodies.

The Commission from paragraph 1 of this article consists of five members who shall be appointed by the City Assembly with the consent of the Republic Election Commission.

The President of the City Election Commission shall be elected by the commission members.

Article 16

The Commission from the article 15 of this law performs the following activities:

1. co-ordinates the work of the municipal election commissions with regard to the election of the city bodies;
2. submits the election results to the Republic Election Commission;
3. performs the other activities determined by this Law and by the Regulations of the BiH Election Commission.

MUNICIPAL ELECTION COMMISSION

Article 17

The Municipal Election Commission consists of either 3 or 5 members depending on the number of registered voters and the size of a municipality.

A member of the Municipal Election Commission may be the President of the regular court, the secretary of a municipal assembly, a person professionally employed in the municipal administrative body and other persons meeting the requirements determined by the BiH Election Law and the Decision of the BiH Election Commission.

The Municipal Election Commission members and its President shall be appointed by the Municipal Assembly with the consent of the BiH Election Commission.

Article 18

The Municipal Election Commission performs the following activities:

1. ensures that all the lists of candidates for a municipal assembly be composed in accordance with the BiH Election Law and submits them to the BiH Election Commission for approval;
2. supervises the work of the municipal bodies in the process of conducting the elections, especially the process of voters' registration;
3. conducts and supervises the election for the members of the local community councils;
4. determines the polling stations in the area of the municipality for polling at all levels of the authority in BiH;
5. nominates and trains the members of the Polling Station Committees;
6. takes care of the security and delivery of election material to the Polling Station Committees, at all levels of the elections in BiH;
7. informs the voters on all information necessary for conducting the elections in accordance with the Regulations of the BiH Election Commission;
8. is responsible for setting of the polling stations and for the other technical preparations for the elections;
9. is responsible for correct counting of the ballots at the polling stations and in the municipal counting centers;
10. unites the election results from all polling stations in a municipality, individually for each body for which the election was conducted, and submits them to the BiH Election Commission and the Republic Election Commission;
11. performs other activities in accordance with this Law and the BiH Election law.

POLLING STATION COMMITTEES

Article 19

Polling Station Committee consist of the President and of either 2 or 4 members. The President and the members of the Polling Station Committee nominate their deputies. Appointment of the members of the Polling Station Committee and their deputies shall be conducted by the Municipal Election Commission at the latest, 15 days prior to the Election Day. If the Municipal Election Commission does not appoint the members of the Polling Station Committee and their deputies, the BiH Election Commission will appoint

them in accordance with the BiH Election Law.

The composition of PSCs reflects the structure of municipal councillors, respecting the multiethnic principle in accordance with Article 10 of this Law.

The President governs the work of the Polling Station Committee and is responsible for the legality of its work.

Article 20

The Polling Station Committee directly governs the work of the polling station, ensures regularity and continuity of voting and records the results of voting at the polling station.

The President of the Polling Station Committee ensures that the process of voting at the polling station shall not be disturbed, in accordance with the provisions of the chapters 5 and 7 of the BiH Election law.

CHAPTER III

PRE- ELECTION ACTIVITY OF POLITICAL PARTIES AND INDEPENDENT CANDIDATES AND FINANCING OF THE ELECTION CAMPAIGN

CODE OF CONDUCT FOR POLITICAL PARTIES, COALITIONS, LISTS OF INDEPENDENT CANDIDATES AND INDEPENDENT CANDIDATES

Article 21

Political parties, coalitions, lists of independent candidates and independent candidates are entitled to:

1. run election campaign in peaceful environment;
2. organize and hold public rallies, at which they can freely express their views in order to get the voters' support;
3. print and disseminate posters, placards and other material in connection to the election campaign.

For a public rally from the point 2 of the previous paragraph, the permission of the competent body is not required, however, the organizer is obliged to notify the body responsible for public peace and order about the event 24 hours prior to the event.

Article 22

The competent municipal bodies shall be obliged to ensure equal treatment towards the political parties, coalitions, lists of independent candidates and independent candidates upon their requests to use public places and facilities for the purpose of campaign, including holding of rallies, displaying announcements, placards, posters and other similar material.

It is forbidden to remove, cover, damage or change printed announcements, placards, posters and other materials which are, in accordance with the Law, used for the purpose of the election campaign of the political parties, coalitions, lists of independent candidates or independent candidates.

Competent bodies shall not permit to the political parties, coalitions, lists of independent candidates and independent candidates to display announcements, placards, posters, i.e. to present their names or slogans related to the election campaign, in or on the buildings in which the bodies of the state authority are placed, on the public roads or above them, as well as on the traffic signs.

Appropriate municipal bodies are obliged to determine public places and facilities where rallies can be held, slogans, placards, posters and other campaign materials, including movable cartboards, could be displayed.

Article 23

Candidates and supporters of the political parties, lists of independent candidates and coalitions, as well as independent candidates and their supporters, and those employed in the election administration, are

not allowed:

1. to carry and/or display weapons at the political rallies, polling stations and in the vicinity of the polling stations, during the gatherings linked to the activities of the political parties, coalitions, lists of independent candidates and independent candidates, during the election process;
2. to disturb gatherings of other political parties, coalitions and independent candidates as well as to encourage others to such activities;
3. to prevent journalists to perform their work in accordance with rules of their profession and Election Rules;
4. to promise money awards aiming at getting the voters' support or to threaten the supporters of other political parties, coalitions, list of independent candidates and independent candidates;
5. to encourage a person who is not eligible to vote;
6. to encourage persons to vote several times at the same elections or to vote on behalf of other persons;
7. to use the language which could encourage and inspire others to the violent behavior or to the promotion of hatred, or to publish or use the pictures, symbols or other resources which could cause such an effect;

It is forbidden to falsely present themselves on behalf of any political party, coalition, lists of independent candidates or independent candidate.

Article 24

In the period which starts 24 hours prior to the opening of the polling stations and lasts until their closing, political parties, coalitions, list of independent candidates and independent candidates are banned to participate in public political activities, which includes, but is not limited to the following:

1. holding gatherings for the purpose of election campaign;
2. displaying any material at a polling station or in its vicinity, aiming at influencing the voters;
3. using the local and international media aiming at influencing the voters;
4. using the megaphone or other public address devices aiming at influencing the voters;
5. every activity which disturbs and obstructs electoral process.

CERTIFICATION AND CANDIDACY FOR THE ELECTIONS

Article 25

In order to participate at the elections, political parties, independent candidates, coalitions and the list of independent candidates have to certify their lists with the BiH Election Commission.

Article 26

In order to be certified for the elections for all bodies of authority at all levels in Bosnia and Herzegovina, an independent candidate or a candidate on a political party list, list of independent candidates or a coalition's candidates list, has to meet the following requirements:

1. the candidate must be registered to vote for the municipality within the boundaries of the electoral unit in which he / she is standing for office;
2. the candidate may only run for office in one electoral unit at any level of authority and may appear only on one list of a political party, coalition or a list of independent candidates;

The electoral unit indicates a multimember constituency, determined by this Law and by the BiH Election Law.

Article 27

In order to participate in the elections, a political party must be registered with the competent authority body in accordance with the law. The application for certification must be accompanied by

evidence that the political party is registered with the competent authority. The political party must apply for certification under the same name that is registered with the competent authority.

Article 28

The application for certification of a political party or an independent candidate consists of a list setting out the name and last name, original signature and National Identity [unique ID personal number] number of each registered voter who supports the application of the political party or independent candidate.

The signature form shall be determined by the Election Commission of Bosnia and Herzegovina. These forms shall be pre-printed forms and shall contain a space for the name of the political party or the name and surname of an independent candidate as well as the sequential serial numbers.

Political parties or independent candidates are obliged to collect signatures only on the forms assigned to them by the BiH Election Commission. Other forms submitted by a political party or independent candidate shall not be accepted.

The signature form shall also include the name and surname, original signature and National Identity number of the person being responsible for collecting the supporters' signatures.

In order to be certified for participation in the elections, except for the elections for a member of the BiH Presidency and the House of Representatives of the BiH Parliamentary Assembly, a political party must present to the Republic Election Commission its application for participation in the elections which contains at least:

1. three thousand (3000) signatures of registered voters for the elections of the members of the BiH Presidency;
2. three thousand (3000) signatures of registered voters for the elections for the members of the House of Representatives of the Parliamentary Assembly of BiH;
3. two thousand signatures (2000)) signatures of registered voters for the elections for the member of the National Assembly of the Republika Srpska;
4. one hundred (100) signatures of registered voters for the elections for the municipal assembly and for the mayor in a municipality in which the number of registered voters in the central voters' register at the last election did not exceed 10 000 voters or two hundred (200) signatures for the elections in a municipality in which this number exceeded ten thousand (10 000) of registered voters.

Article 29

A political party whose member is a holder of mandate in the same body for which the political party submits the application for certification of candidacy shall not be obliged to collect signatures from the article 28 of this Law, except for the elections for the members of the BiH Presidency.

In respect to this article, a political party is obliged to submit the statement signed by the elected official as well as confirmation form proving that he was a member of that political party at the time he won the mandate, and that he is still a member of that political party.

Article 30

A political party, coalition, list of independent candidates and independent candidates shall submit the application for certification, except for the election of a member of the BiH Presidency and of the House of Representatives of the BiH Parliamentary Assembly, with the Republic Election Commission at latest 140 days prior to the Election Day.

After the Republic Election Commission determines that the application for certification was submitted in accordance with the BiH Election Law, the Republic Election Commission submits it to the BiH Election Commission for verification, at latest 110 days prior to the Election Day.

LISTS OF CANDIDATES

Article 31

The certified political party, coalition, list of independent candidates shall submit to the BiH Election

Commission the candidates' lists for the election of members to the House of Representatives of the Parliamentary Assembly of BiH, and the candidates for the election of the members of the Presidency of BiH.

Candidates' lists for elections for all other levels of authority shall be submitted by the political parties, coalitions, or lists of independent candidates to the competent election commission in the electoral unit where the political party, coalition or list of independent candidates are certified for candidacy. After the confirmation that the list of candidates was submitted in accordance with the law, the competent election commission submits the candidates' list to the BiH Election Commission for certification.

Article 32

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

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

For the multimember constituencies established by this law and by the BiH Election Law, the number of candidates on the candidates' list of a political party or coalition may be 2 candidates higher than the number of mandates that are to be allocated in that multimember constituency.

Every list of candidates includes both male and female candidates. Candidates of gender which is less represented are deployed to lists of candidates in the following manner: at least one candidate of the less represented gender between the first two candidates, two candidates of the less represented gender among the first five candidates and three candidates of the less represented gender among the first eight and so forth. Number of candidates of the less represented gender must be at least equal to the total number of candidates on the list divided by three, circled to the first lower integer.

The list of candidates contains name, surname, address of residence, unique personal number and signature of each candidate, signature of the president of a political party i.e. the president of political parties in a coalition.

Article 33

The name of a candidate on the list of a political party, coalition or on the list of independent candidates cannot be withdrawn after the list of candidates has been verified by the Election Commission of Bosnia and Herzegovina. If a candidate was deprived of working capacity or rejects the mandate after the BiH Election Commission has verified the election results, the name of that candidate shall be removed from the list of candidates and the mandate shall be allocated in accordance with Article 9.11* of the Election Law of Bosnia and Herzegovina, except for the lists of candidates for municipalities when the mandate is to be allocated in accordance with Article 12.5* of the Election Law of BiH. In a case of incapacity, a candidate or his/her legal representative has to submit the written statement on rejecting the mandate to the BiH Election

* 9.11 If an elected political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the mandate shall be given to the next candidate from the same constituency list in accordance with Article 9.9 paragraph 2 of this law. A vacancy in a compensatory mandate shall be filled from the party's compensatory mandate list.

If there are no more candidates on the same constituency list, then the mandate shall be given to the same political party or coalition's list in another constituency in accordance with Article 9.9 paragraph 3 of this law. If there are no more candidates remaining on any list for the political party or coalition, then the mandate shall remain vacant until the next regularly scheduled elections.

* 12.5 Allocation of mandates for the Cantonal Assembly and the Municipal Council/Assembly shall be conducted in accordance with Article 9.6 of this law.

If a political party, coalition, or list of independent candidates is distributed mandates equal to the number of candidates on its list and there are still mandates to be distributed, then the remaining quotients of that political party, coalition, or list of independent candidates shall be ignored in distributing the remaining mandates. If an independent candidate wins a mandate, then the remaining quotients of that independent candidate shall be ignored in distributing the remaining mandates.

If a tie occurs because the quotients are identical, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed first amongst candidates on the list who individually received at least five percent (5%) of the total number of valid votes received by that list, these mandates being awarded in the order of the highest number of votes to the lowest number of votes. If there are still mandates to be distributed to a list and the candidates remaining are those who received less than five percent (5%) of the total valid votes received by that list, then distribution of the mandates among the remaining candidates from the list will be done according to their order on the list.

Commission. A candidate cannot withdraw his/her candidacy before verification of election results.

Article 34

Lists of candidates, political parties, lists of independent candidates and coalitions have to be submitted to the competent election commission at latest 95 days prior to the Election Day.

The competent election commission submits the lists of political parties, coalitions and independent candidates to the Election Commission of Bosnia and Herzegovina at latest 85 days prior to the Election Day.

FINANCING ELECTION CAMPAIGN

Article 35

In accordance with principles determined by the Election Law of BiH, the following criteria are determined for financing of election campaign:

A part of the funds for covering the expenditures of election campaign for election of deputies i.e. councilors is provided in the budget of the Republic i.e. municipality.

Allocation of the funds from the Paragraph 2 of this Article is made in the way in order to provide:

1. one third of the funds to the parties which have their deputies i.e. councilors in the assemblies, and out of which 50% is to be allocated in equal amounts to all parties, while the remaining funds will be distributed proportionally to the number of deputy i.e. councilor mandates;
2. one third of the funds to the political parties whose election lists have been verified;
3. one third of the funds to the political parties which win deputy i.e. councilor mandates proportionally to the number of gained mandates in the National Assembly, municipal assembly respectively.

Applications for getting the funds for election of deputies into the National Assembly/ councilors into city assembly/ municipal assembly are to be submitted to the Republic Election Commission/ Municipal Election Commission.

In the case that a political party illegally uses budgetary funds determined by this law, the Minister of Finance, the mayor of a municipality respectively, can withhold further payment of those funds upon the proposal of the main office for audit of public sector of the Republika Srpska.

Article 36

The funds for covering the part of expenditures for election campaign of independent candidates and the list of independent candidates are to be provided in the budget of the Republic, city and municipality.

Allocation of the funds from the Paragraph 1 of this Article shall be made in the way and according to criteria determined by the Republic Election Commission.

Article 37

Financing of campaign for election of the President and two Vice Presidents of the Republika Srpska shall be conducted as per article 14.10* of the Election Law of Bosnia and Herzegovina.

* 14.10 The Election Commission of Bosnia and Herzegovina shall announce, ninety (90) days before the election, the number of voters entered on the Central Voters Register for each electoral race. No political party, coalition, list of independent candidates or independent candidate shall, based on the number of voters announced by the Election Commission of Bosnia and Herzegovina, spend more than one (1) convertible mark per voter in each electoral race for the purposes of the election campaign.

For the purpose of applying the previous paragraph, each of the following is an electoral race: a municipality election, a canton election, the election for a multi-member constituency of the National Assembly of the Republika Srpska, the election for the President and Vice President of the Republika Srpska, the election for a multi-member constituency of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, the election for a multi-member constituency of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, and the election for the members of the Presidency of Bosnia and Herzegovina from each entity.

CHAPTER IV
MULTIMEMBER CONSTITUENCIES AND THE ELECTION OF NATIONAL DEPUTIES

Article 38

The National Assembly consists of 83 national deputies, who are directly elected by the voters registered to vote for the Republika Srpska.

At least four members of one constitutive people shall be represented in the National Assembly.

Out of 83 deputy mandates for the National Assembly, 62 deputy mandates are elected in multimember constituencies in compliance with the provision of Article 9.6* of the Election Law of BiH, and the remaining 21 seats i.e. 25,30% are compensatory mandates, which are allocated in accordance with Article 9.7* of the Election Law of BiH.

Article 39

For election of 62 deputy mandates into the National Assembly, the six (6) multimember constituencies are determined as follows:

- Constituency 1 consists of the municipalities: Bosanska Krupa/ Krupa na Uni, Bosanski Novi/ Novi Grad, Bosanska Dubica/ Kozarska Dubica, Prijedor, Bosanska Gradiska/ Gradiska, Laktasi, Srbac, Prnjavor, Sanski Most/ Srpski Sanski Most and Kostajnica.
This constituency elects 13 deputy mandates.
- Constituency 2 consists of the municipalities: Bosanski Petrovac/ Petrovac, Banja Luka, Celinac, Drvar/ Srpski Drvar, Klju/ Ribnik, Mrkonjic Grad, Jajce/ Jezero, Skender Vakuf/ Knezevo, Kotor Varos, Sipovo and Kupres/ Srpski Kupres.
This constituency elects 12 deputy mandates.
- Constituency 3 consists of the municipalities: Derventa, Bosanski Brod/ Srpski Brod, Odzak/ Vukosavlje, Modrica, Doboje, Gracanica/ Petrovo and Teslic.
This constituency elects 10 deputy mandates.
- Constituency 4 consists of the municipalities: Bosanski Samac/ Samac, Orasje/ Srpsko Orasje, Gradacac/ Pelagicevo, Bijeljina, Lopare, Ugljevik, voters from Brcko District being registered for voting in Republika Srpska.
This constituency elects 9 deputy mandates.
- Constituency 5 consists of the municipalities: Kalesija/ Osmaci, Zvornik, Sekovici, Vlasenica, Bratunac, Srebrenica, Sokolac, Han Pijesak, Ilidza/ Srpska Ilidza, Stari Grad/ Srpski Stari Grad, Novo Sarajevo/ Srpsko Novo Sarajevo, Trnovo, Pale, Rogatica and Milici.

* 9.6 Mandates are allocated in each constituency in the following manner: For each political party and coalition, the total number of valid votes received by that political party or coalition shall be divided by 1, 3, 5, 7, 9, 11, et seq., as long as necessary for the allocation in question. The numbers resulting from this series of divisions shall be the "quotients". The number of votes for an independent candidate is the quotient for that candidate. The quotients shall be arranged in order from the highest quotient to the lowest quotient. Mandates shall be distributed, in order, to the highest quotient until all the constituency mandates for the body have been distributed.

Political parties, coalitions, lists of independent candidates and independent candidates cannot participate in the allocation of mandates if they do not win more than 3% of the total number of valid ballots in an electoral unit.

* 9.7 Compensatory mandates shall be allocated in the following manner:

Only political parties and coalitions may take part in the distribution of compensatory mandates. First, the total number of mandates for the legislative body to be allocated for the territory of the respective Entity, reduced by the number of mandates won by independent candidates, is distributed according to the formula set forth in Article 9.6 of this law.

From the number of mandates a list of a political party or coalition has won according to this procedure, the number of mandates won by the same party or coalition, according to the procedure set forth in Article 9.6 of this law, is deducted. The remaining number is the number of compensatory mandates the list wins.

If a political party or coalition receives a negative number of mandates according to the procedure in the previous paragraph, the political party or coalition keeps the mandates won in the constituencies, but does not receive any compensatory mandates. In case one or more lists get a negative number of mandates, the mandates to be distributed according to the procedure of this article is decreased correspondingly to preserve the correct number of mandates in the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina elected from the territory of the respective Entity.

This constituency elects 11 deputy mandates.

- Constituency 6 consists of the municipalities: Visegrad, Mostar/ Srpski Mostar, Nevesinje, Kalinovik, Gacko, Foca/ Srbinje, Gorazde/ Srpsko Gorazde, Cajnice, Rudo, Stolac/ Berkovic, Ljubinje, Bileca and Trebinje.

This constituency elects 7 deputy mandates.

ELECTION OF THE COUNCIL OF PEOPLES

Article 40

The Council of Peoples shall be composed on the parity basis, so that every constitutive people will have the same number of deputies.

The Council of Peoples consists of eight members from each constitutive people and four members from amongst the others.

The members of the Council of Peoples shall be elected by an appropriate Deputies' Club in the National Assembly.

In case that the number of members of one Delegates' Club in the Council of Peoples is bigger than number of representatives in appropriate Caucus of the National Assembly, the additional number of delegates shall be elected by a Club which will be formed for that purpose from amongst the councilors in the Municipal Assemblies in the Republika Srpska.

No deputy in the National Assembly/ Municipal Assembly can perform the function of the delegate in the Council of Peoples.

ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF REPUBLIKA SRPSKA

Article 41

The President has two Vice Presidents from amongst different constitutive peoples.

The President and the Vice Presidents of the Republic shall be directly elected from the list of candidates for the President of the Republika Srpska, so that the candidate with the most votes is elected President, and the candidates from the two other constitutive peoples who subsequently win the biggest number of votes are elected the Vice Presidents.

CHAPTER V ELECTION OF LOCAL BODIES

COUNCILLORS OF MUNICIPAL ASSEMBLY

Article 42

The election of councilors to municipal assemblies is conducted according to the provisions of the Election Law of BiH.

MUNICIPAL MAYOR

Article 43

The Municipal Mayor is elected by citizens at the general and direct elections for the period of 4 years with simple majority of registered voters.

If the Municipal Mayor is not elected in the first round, the second round will be conducted.

In the second round candidates for the mayor are the two candidates with the highest number of votes from the first round.

The elected mayor in the second round is the candidate who gets the most votes from the turnout of voters.

Article 44

A Republika Srpska and Bosnia and Herzegovina citizen can be elected Mayor in accordance with the Article 4 of this law.

The mandate of the mayor begins on the day of the mandate verification by the BiH Election Commission.

DISMISSAL OF THE MAYOR

Article 45

In case the mayor does not perform his/her duty in line with the Law or does not implement the decisions of the municipal assembly, at least one third of councilors can initiate the procedure for his/her dismissal.

The dismissal procedure may be initiated by ten percent of voters registered in municipal voter register.

The dismissal initiative may be started by citizens associations under the condition from Paragraph 2 of this Article.

The municipal assembly is obliged to put all the initiatives for dismissal on the Agenda.

In cases from Paragraphs 1 and 2 of this Article the assembly brings the decision by simple majority of the total number of councilors.

Article 46

In case the assembly brings the decision on initiation of the dismissal procedure for the mayor, the procedure is being conducted, where the citizens directly decide by secret vote within 30 days from the day the decision was made.

If the citizens who are registered for voting, in simple majority decide in favour of the dismissal, mayor's mandate ceases.

In case of Paragraph 2 of this Article, new elections are scheduled within 60 days from the day of the mayor's dismissal.

CHAPTER VI ELECTION OF CITY BODIES

Article 47

The city assembly comprises of 31 councillors.

Article 48

In the cities which consist of only one municipality, election of city assembly councillors and of the city mayor as well as dismissal of the city mayor are conducted according to procedure envisaged by this law for election of municipal assembly councillors i.e. election and dismissal of the municipal mayor.

Article 49

In the cities consisting of more than one municipality, municipal assemblies elect councillors to the city assembly in accordance with Paragraph 2 of the Article 12.10* of the BiH Election Law.

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

Mandates for the City Council/Assembly shall be allocated to candidate lists according to the system of proportional representation of political parties, coalitions, lists of independent candidates or groups of members as set forth in Article 12.5 of this law. Distribution of mandates amongst the candidates from the same list shall be done according to the order on the list of candidates for this election.

Each City Council/Assembly shall elect a Mayor and a President of the City Council/Assembly as set forth in Article 12.7 paragraph 3 of this law.

Article 50

The municipal assemblies from the Article 48 of this Law elect the following number of councillors to the city assembly:

1. Municipal assemblies with 17 and less councillors elect four to six councillors;
2. Municipal assemblies with up to 25 councillors elect six to eight councillors;

The City Statute determines the number of councillors that municipal assemblies elect to the city assembly based on the criteria from the previous Paragraph and number of voters.

Article 51

Election of the city mayor from the Article 48 of this law is conducted with majority vote of the total number of the city assembly councillors. Every councillor of the city assembly can propose a candidate for the city mayor. If the candidate does not win majority of votes out of the total number of councillors, the second round of election is conducted. If none of the candidates receives majority of votes out of the total number of councillors, the third round of elections is conducted. In the third round of election, the member who gets the most votes shall be elected. In the case that the result is tied (the same number of votes), the youngest candidate with the same result will be the elected city mayor.

In case that the mayor resigns, dies or is dismissed, the city assembly elects new city mayor in compliance with Paragraphs 1 and 2 of this Article.

Article 52

If the city mayor does not perform his/her duty in line with the law or does not implement the decisions of the city assembly, at least one third of councillors can initiate the procedure for his/her dismissal.

The dismissal procedure may be initiated by ten percent of voters registered in city voters' register.

The dismissal initiative may be commenced by citizens associations under the condition from Paragraph 2 of this Article.

The assembly is obliged to put all the initiatives for dismissal on the Agenda.

The city mayor is considered dismissed if simple majority of the total number of councillors votes in favour of his dismissal.

Article 53

Provisions from the Article 50 of this law shall be applied for election of the Speaker of the city assembly.

CHAPTER VII ELECTION OF THE LOCAL COMMUNITY COUNCIL

Article 54

The local community body is Local Community Council (hereinafter: the Council).

The Council's mandate is four years.

The Council has its Chairman who is elected by the members of the Council with two-third-majority vote.

Article 55

The Constitutive Assembly of the Council is scheduled by the Municipal Election Commission.

Article 56

The members of the Council are elected at the citizens' gathering by secret ballot.

Article 57

Number of the members of the Council is as follows:

1. For local communities with up to 1000 registered voters – three members.
2. For local communities with 1000 to 5000 registered voters – five members.
3. For local communities with 5000 to 10000 registered voters – seven members.
4. For local communities with over 10000 registered voters – nine members.

Article 58

The municipal assembly schedules elections for members of the Council.

Article 59

The municipal Statute determines the number of citizens required to be present on citizens' gathering for election of the Council.

Article 60

Elections for the Council are to be held at latest 90 days from the day of constituting the local bodies of authority.

Article 61

The body to conduct the election for the Council is municipal, or city election commission and polling station committees.

Article 62

Elections for the Council are conducted according to the provisions of this Law and instructions issued by the Republic Election Commission.

CHAPTER VIII FINAL PROVISIONS

Article 63

No person may stand as a candidate, hold an elected mandate or an appointive office, if he/she fails to vacate real estate property which is owned by a refugee or displaced person, or fails to leave an apartment where a refugee or displaced person has an occupancy right, or failed to leave an apartment which is under the administration of the municipal administrative authority responsible for housing affairs or responsible body of the RS Ministry of Refugees and Displaced Persons for use of alternative accommodation, within a deadline specified by:

1. an administrative decision;
2. an enforcement decision issued pursuant to a Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) certificate;
3. a court decision whereby the property is to be returned to the owner or when the said decision is in favour of the request for the return of possession of an apartment to the occupancy right holder.

No person may stand as a candidate, hold an elected mandate or an appointive office, if he/she fails to vacate real estate property which is owned by a refugee or displaced person, or fails to leave an apartment where a refugee or displaced person has an occupancy right, within 120 days of the filing a request with the competent administrative body for enforcement of a decision – a CRPC certificate which confirms the ownership or occupancy right of that displaced person or refugee.

In no case will a person be in violation of this article unless he/she has received 30 days notice from

the BiH Election Commission on the existence of a request for enforcement of a decision - a CRPC certificate.

Article 64

The provisions of the BiH Election Law will be applied to all the issues not having been stipulated by this law and referring to the election of the President and Vice President of Republika Srpska, deputies of the RS National Assembly, councillors of municipal assemblies and councillors of city assemblies, city mayors, mayor of municipality, financing election campaign and the rights of citizens on the basis of the election right.

Article 65

On the day of entering into force of this law, the provisions of the articles 19, 22, 23, 53, 66 of the Law on Local Self-Governance ("RS Official Gazette" number 35/99) and the provisions of the articles 5, 6 and 7 of the Law on Financing Political Parties for the Budget of the Republic, Municipality and City ("RS Official Gazette" number 17/00) cease to be valid.

Article 66

On the day this law comes into force, the following laws will cease to be valid: The Law on Election of National Deputies and Councillors ("RS Official Gazette", number 11/94), the Law on Election and Dismissal of the President and the Vice President of the RS ("RS Official Gazette", number 16/96) and the Law on Constituencies for Election of Deputies to the RS National Assembly ("RS Official Gazette" number 19/96 and 3/98)

Article 67

The Republika Srpska Election Commission will adopt Guidelines on Election of Local Community Councils within 30 days from the day of its establishment.

Article 68

This Law shall enter into force eight (8) days after its publication in the RS Official Gazette.

No. 02/1-020-460/02
30 May 2002-06-26
Banja Luka

The President
of the Government
Mladen Ivanic