

# Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina

n. 17/24

*In the exercise* of the powers vested in the High Representative by Article V of Annex 10 (Agreement on Civilian Implementation of the Peace Settlement) to the General Framework Agreement for Peace in Bosnia and Herzegovina, according to which the High Representative is the final authority in theatre regarding interpretation of the said Agreement on the Civilian Implementation of the Peace Settlement; and considering in particular Article II.1. (d) of the last said Agreement, according to the terms of which the High Representative shall “Facilitate, as the High Representative judges necessary, the resolution of any difficulties arising in connection with civilian implementation”.

**Recalling** paragraph XI.2 of the Conclusions of the Peace Implementation Conference held in Bonn on 9 and 10 December 1997, in which the Peace Implementation Council welcomed the High Representative’s intention to use his final authority in theatre regarding interpretation of the Agreement on the Civilian Implementation of the Peace Settlement in order to facilitate the resolution of any difficulties as aforesaid “by making binding decisions, as he judges necessary” on certain issues including (under sub-paragraph (c) thereof) “measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities”;

**Recalling** further Paragraph 4 of Resolution 1174 (1998) of the United Nations Security Council of 15 June 1998, by which the Security Council, under Chapter VII of the United Nations

Charter "... reaffirms that the High Representative is the final authority in theatre regarding the interpretation of Annex 10 on civilian implementation of the Peace Agreement and that in case of dispute he may give his interpretation and make recommendations, and make binding decisions as he judges necessary on issues as elaborated by the Peace Implementation Council in Bonn on 9 and 10 December 1997";

**Noting** that the Constitution of Bosnia and Herzegovina states that Bosnia and Herzegovina shall be a democratic state, which shall operate under the rule of law and with free and democratic elections;

**Bearing in mind** the prominent place that elections have under the General Framework Agreement for Peace in Bosnia and Herzegovina and the need to guarantee that October 2024 local elections are free, fair and democratic;

**Reaffirming** that the citizens of Bosnia and Herzegovina must be able to exercise their democratic rights in free, fair and democratic elections and that the conditions for such elections exist in spite of the inability of their political leaders to reach a compromise on electoral reform;

**Convinced** of the need to ensure minimum standards of integrity of public officials in a country where public trust in institutions is fragile and is further eroded when persons convicted of crimes of genocide, crimes against humanity and war crimes may be appointed or elected to those institutions and **mindful** of the fact that this is particularly important for victims and for reconciliation which is of paramount importance for any true progress of the society as a whole, while taking note of the 18<sup>th</sup> July 2022 report of the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence which recommended to "Maintain and improve vetting processes to ensure that public institutions do not employ, or allow to run for office, convicted or indicted war criminals.

**Guided** by the need to strengthen the integrity of elections and improve the management of election process in a transparent manner by giving the Central Election Commission the tools to efficiently conduct the elections and enforce the highest possible standards, all with the aim to bring the election law in line with international standards and good practices for democratic elections as recommended by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and underlined in European Commission's Opinion on the EU membership application of BiH;

**Recalling** the efforts of the European Union and the United States of America to facilitate an agreement on electoral reform throughout 2021 and 2022 that would not only address the decisions of the European Court on Human Rights and of the BiH Constitutional Court but also the deficiencies related to the integrity of the electoral process that were identified by international institutions, including the OSCE Office for Democratic Institutions and Human Rights or the Venice Commission of the Council of Europe (Neum Process);

**Regretting** that, despite a high level of agreement between them, political parties were unable to use that process to reach agreement on the electoral reforms required by the European Commission's Opinion on Bosnia and Herzegovina's membership application and that these parties decided to use their disagreements on other needed reforms to prevent adoption of measures that could have, if adopted, helped restoring citizens' confidence in the democratic process;

**Aware** of the repeated recommendations made by the OSCE Office for Democratic Institutions and Human Rights or GRECO and the Venice Commission of the Council of Europe since 2008 and the fact that most of those requiring legislative changes have remained unimplemented;

**Noting** that the Steering Board of the Peace Implementation Council (PIC) repeatedly called for the adoption of amendments

to the Election Law of BiH that would follow these recommendations;

**Noting further** that, at its meeting held on 5-6 December 2023, the PIC Steering Board regretted “that the provisions related to election integrity in the BiH Election Law of have not yet been amended in line with international standards and good practices as recommended by the OSCE/ODIHR, GRECO, and Venice Commission and called upon BiH authorities to complete this task as soon as possible in order to ensure that the October 2024 local elections can take place in a framework of enhanced election transparency and integrity” and emphasized that “free and fair elections are essential to a functional democracy”;

**Noting** that a group of political parties decided to introduce the package of amendments prepared in the Neum process to address the integrity of the electoral process in parliamentary procedure which was defeated in the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina on 7 June 2022;

**Determined** to ensure proper consultations with the institutions in charge for the processes described in the Election Law of BiH and to ensure that the Central Election Commission receives all the resources they need to conduct the 2024 Local Elections October in a timely manner;

**Regretting** that past elections have been marked by numerous claims of fraud and irregularities, many of which relate directly or indirectly to the issues raised in the recommendations made by the OSCE Office for Democratic Institutions and Human Rights, and that such allegations directly affect the credibility of the electoral process and the confidence that citizens have in their democratic institutions;

**Singling out**, in particular, the method of appointment of the members of election administration bodies and the way

elections are conducted on election day;

**Noting** the recommendation made by the European Union Commission, on 8 November 2023 to the EU Council to open EU accession negotiations with BiH, once the necessary degree of compliance with the membership criteria is achieved;

**Further noting** the EU Council conclusions of 14 December 2023 which calls for the opening of negotiations with Bosnia and Herzegovina once the necessary degree of compliance with the membership criteria is reached and invites the Commission to report by March with a view to taking such a decision;

**Welcoming** the Conclusions of the European Union Council stating that “[b]uilding on the Commission’s recommendation of 12 March 2024, the European Council decides to open accession negotiations with Bosnia and Herzegovina” and that “the European Council invites the Commission to prepare the negotiating framework with a view to its adoption by the Council the moment all relevant steps set out in the Commission’s recommendation of 12 October 2022 are taken.”

**Convinced** that Bosnia and Herzegovina can only be credible in its bid for Euro-Atlantic integration with institutions that are compliant with the Copenhagen criteria set forth by the European Union Council in 1993;

**Recalling** my statement made on December 19, 2023 calling for the adoption of the package of amendments to the Election Law of BiH that strengthen the integrity of the election process within the shortest possible timeframe and announcing my readiness to substitute for the institutions of BiH in support of democracy and European integration;

**Recalling further** that I have highlighted on many occasions since December that ensuring electoral integrity is essential for creating a stable and secure political environment conducive for further development and progress of the country and that election integrity is fundamental for building trust

and confidence in the political system;

**Mindful therefore** of the requirement to find a balance between the need to ensure that Bosnia and Herzegovina's Election Law meets all international standards and the need to give the Parliamentary Assembly of BiH yet another opportunity to adopt the necessary amendments to the Election Law of BiH in time for these amendments to be applied to the 2024 local elections;

**Regretting** that many parties in power in Bosnia and Herzegovina have so far placed their short-term electoral interest above those of the country as a whole and its citizens and **affirming** the need to restore voters' confidence in the electoral process rather than building up political parties' control over this process;

**Persuaded** that the credibility of the electoral and democratic process needs to be restored urgently and that the electoral legislation must enable the voters to freely express their preferences and see that their votes count;

**Persuaded therefore** that whereas the choice of an electoral system belongs to the elected representatives, the standards for the conduct of elections must address the recommendations made by international institutions to make democracy a reality;

**Noting** that some of these recommendations are more more than ten years old and therefore must be taken into consideration immediately to fulfil the contract that elected representatives have with the voters;

**Noting further** that the civil society has consistently been soliciting the Parliamentary Assembly of BiH to adopt amendments to the Election Law of BiH that address the shortcomings identified by OSCE Office for Democratic Institutions and Human Rights and other organisations;

***Insisting*** on the need for the Parliamentary Assembly of BiH to continue implementing the recommendations made in respect to the Election Law of BiH and that the amendments included in this Decision are provisional in nature and can be subject to further changes by the Parliamentary Assembly of BiH to incorporate democratic standards;

***Having considered and borne in mind*** all the matters aforesaid, the High Representative hereby issues the following

## **DECISION**

### **Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina**

1. The Decision Enacting the Law on Amendments to Election Law of Bosnia and Herzegovina shall come into effect immediately and shall be published on the official website of the Office of the High Representative and in the “Official Gazette of Bosnia and Herzegovina” without delay.

2. The Law on Amendments to Election Law of Bosnia and Herzegovina, which forms an integral part of this Decision, shall enter into force as provided for under Article 114 thereof on an interim basis until such time as the Parliamentary Assembly of Bosnia and Herzegovina adopts or amends this Law.

Sarajevo, 26 March 2024

Christian Schmidt

High Representative

## **LAW ON AMENDMENTS TO THE ELECTION LAW OF BOSNIA AND HERZEGOVINA**

### **Article 1**

In the Election Law of Bosnia and Herzegovina (Official

Gazette of BiH, Nos. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 7/14, 31/16, 41/20, 38/22, 51/22 and 67/22), in Chapter 1 (General Provisions), Article 1.1a, in paragraph (1), after sub-paragraph 1) a new sub-paragraph 2) shall be added to read:

*“2) “Executive office”, shall mean a member of the Presidency of Bosnia and Herzegovina, of the Council of Ministers of Bosnia and Herzegovina and their deputies, the President and Vice Presidents of the Federation of Bosnia and Herzegovina, the President and Vice Presidents of Republika Srpska, a member of the Government of the Federation of Bosnia and Herzegovina, including the Prime Minister, a member of the Government of Republika Srpska, including the Prime Minister, a member of the Government of the Brčko District of Bosnia and Herzegovina, a member of a Cantonal Government, the City Mayor, the Deputy City Mayor, the Mayor of a municipality, the Deputy Mayor of a municipality.”*

Current sub-paragraphs 2) to 5) shall become sub-paragraphs 3) to 6).

Current sub-paragraph 6), which shall become sub-paragraph 7), shall be amended to read:

*“7) “Election campaign” shall mean actions and procedures in the period starting 30 days before election day and ending upon commencement of period of twenty-four (24) hours prior to opening of the Polling Stations during which a political entity informs the voters and the public, as prescribed by this Law, about their programs and candidates for the forthcoming elections.”*

After current sub-paragraph 6) which becomes sub-paragraph 7), new sub-paragraphs 8) and 9) shall be added to read:

*8) “Premature election campaign” shall mean all forms of campaign actions taken by political entities in the period*

between the announcement of elections and the period of the official start of the election campaign.

9) "*Permanent residence*" shall mean a municipality, city or district in which a citizen has settled with the intention of living there permanently."

Current sub-paragraph 7), which shall become sub-paragraph 10), shall be amended to read:

10) "*Compensatory mandate*" shall mean the mandate that serves to compensate for inadequate proportional representation, arrived at by summing up the results for the particular multimember electoral units.

After current sub-paragraph 7) which becomes sub-paragraph 10), new sub-paragraphs 11) and 12) shall be added to read:

"11) "*Candidate list*" is a list submitted by political entities and certified by the Central Election Commission of Bosnia and Herzegovina to participate in the elections.

12) "*Candidate list for compensatory mandates*" is a list submitted by political entities from which a compensatory mandate is awarded according to the order of candidates on the list, and which is submitted after the verification of the regular list."

Current sub-paragraph 8) shall become sub-paragraph 13) and shall be amended to read:

"13) "*Member of a national minority*" is a national of Bosnia and Herzegovina who falls within the definition included in the Law on the Protection of the Rights of National Minorities ("Official Gazette of Bosnia and Herzegovina", Nos. 12/03, 76/05 & 93/08)."

Current sub-paragraphs 9) to 15) shall become sub-paragraphs 14) to 20).

After current sub-paragraph 15) which becomes sub-paragraph 20), a new sub-paragraph 21) shall be added to read:

“21) *“Municipal election commission”* is the election commission that relates to a basic electoral unit referred to in Paragraph (1), sub-paragraph 3), item a) of this Article.”

Current sub-paragraphs 16) to 21) shall become sub-paragraphs 22) to 27).

After current sub-paragraph 21), which becomes sub-paragraph 27), new sub-paragraphs 28) to 33) shall be added to read:

“28) *“Election technologies”* shall include a set of information and communication programmes, information and communication devices, methods and procedures and other technical equipment used in the election process, which may include but shall not be limited to: equipment for electronic counting of ballots, equipment for electronic voter identification, equipment for polling stations’ and counting centres’ video surveillance and video-surveillance footage, etc, but shall exclude equipment for electronic voting.

29) *“Tendered ballot”* shall mean a ballot of identical design and contents as a regular ballot which is placed in a special envelope after voting and which is not counted at the regular polling station but is instead counted in the counting centre after verification of the voting right.

30) *“Election material”* shall mean the material used at the polling station and is divided into sensitive and non-sensitive material.

31) *“Child abuse for political purposes”* shall mean involving a child in activities that may be associated with political advocacy, canvassing or promotion.”

32) *“Donations and contributions”* shall mean occasional or regular payments or contributions by which natural or legal

persons give money to a political entity in an amount exceeding the amount of the membership fee, as well as providing services or giving products to a political entity without charge.”

33) “*Election campaign expenses*” include all expenses incurred for the purpose of public presentation of the participants and their election programs in the elections and inviting voters to vote for them, which include and is not limited to: organizing and holding rallies, promotion, production and distribution of advertising material, brochures and similar materials; political advertising; media, marketing, public relations and consulting services, conducting training for party activities as well as other activities whose purpose is unequivocally related to the election campaign.”

## **Article 2**

In Article 1.2a, paragraph (6), before the words “The total amount” the following sentence shall be added: “The budgetary funds necessary to finance elections shall be paid out at the time and in the amounts determined by the body responsible for conducting the elections.”

## **Article 3**

Before Article 1.2b, which shall become Article 1.2c, a new Article 1.2b shall be added to read:

### **“Article 1.2b**

(1) Notwithstanding the provisions of Article 6 of the Law on Financing of Institutions of Bosnia and Herzegovina, the Central Election Commission of BiH may submit a budget request in accordance with Article 1.2 of this Law, which exceeds the amount of expenditure ceiling determined by the Ministry of Finance and Treasury of BiH, if such request is in accordance with the approved Rulebook on Internal Organization, the necessary engagement of external staff and the introduction of

election technologies.

(2) The Ministry of Finance and Treasury of Bosnia and Herzegovina may provide its opinion on the budget request of the Central Election Commission of BiH, without possibility of its alteration, except in the case when the budget of the Central Election Commission of BiH is contrary to the obligations taken on limitations of expenditure and/or spending pursuant to international agreements entered into, or when the draft budget leads to budgetary imbalance the balancing of which would lead to decrease of the draft budget of any other budget user, individually or linearly at the aggregated level.”

#### **Article 4**

In Article 1.3, after the word “free”, the words “and periodic” shall be added.

#### **Article 5**

After Article 1.7a, the new Article 1.7b shall be added to read:

#### **“Article 1.7b**

No person who has been convicted by any international or domestic court of the crime of genocide, crimes against humanity or war crimes may stand as candidate for elections or hold any elective, appointive or other office.”

#### **Article 6**

In Article 1.8, paragraph (1) shall be amended to read:

“(1) Judges of ordinary and Constitutional courts, prosecutors and their deputies, public attorneys and their deputies, Ombudsmen and their deputies, public notaries, police officials, civil servants, auditors general and deputy auditors general in the institutions in Bosnia and

Herzegovina, and the Governor and Vice-Governors of the Central Bank of Bosnia and Herzegovina, members of the Armed Forces of Bosnia and Herzegovina, members of the Intelligence and Security Agency of Bosnia and Herzegovina, and diplomatic and consular representatives of Bosnia and Herzegovina abroad who enjoy a diplomatic status in accordance with the 1961 Vienna Convention on Diplomatic Relations, may stand as a candidate for public elected office only if they resign from their position or abide by the laws regulating their status. Should the Central Election Commission of Bosnia and Herzegovina determine that the person referred to in this paragraph has not resigned from the position or has failed to act in accordance with the law regulating his/her status during the period between the certification of candidacy and the printing of ballots, this person shall be removed from the certified list of candidates. Should the same also be determined after the printing of ballots, this person shall not receive the mandate even if he/she has won the mandate. In the procedure of establishing the factual situation referred to in this paragraph, the institutions must submit data from the records of candidates at the request of the Central Election Commission of Bosnia and Herzegovina, whereas the candidates must present the proof confirming that they have their status settled".

In paragraph (4), after the words "in an executive body of authority", a comma (,) and the words: "except in the period until the executive bodies of authority, elected at the regular elections in the same election cycle, are constituted" shall be deleted.

Paragraph (6) shall be deleted.

## **Article 7**

After Article 1.8, the new Articles 1.8a, 1.8b, and 1.8c shall be added to read:

## **“Article 1.8a**

(1) A person elected to a legislative body at any level of authority in Bosnia and Herzegovina can hold an executive office during the course of her/his mandate. The person's mandate at the legislative body shall remain dormant for the period she/he holds such executive office.

(2) A person elected to a legislative body at any level of authority in Bosnia and Herzegovina, which based on a prior mandate holds an executive office and decides to continue holding such office, shall be required to make her/his mandate in the legislative body dormant prior to the inaugural session of the legislative body to which she/he has been elected, until another person is appointed to the same executive office or until she/he submits a resignation.

(3) During the period in which the mandate is made dormant, the mandate shall be awarded to the next candidate from the same list from which the person with the dormant mandate has been elected.

(4) The mandate in the House of Peoples of the Federation of a person whose mandate in a cantonal assembly remains dormant shall also remain dormant pursuant to this Article.

(5) All rights and duties associated to the position made dormant pursuant to this Article shall be suspended for the period during which the mandate is made dormant. The candidate replacing a person whose mandate has been made dormant shall, during the period in which the mandate is made dormant, enjoy all the rights and duties attached to the position.

(6) The Central Election Commission of BiH shall further regulate the matters referred to in paragraphs (1) and (2) of this Article within 10 days following the adoption of this Law.

## **Article 1.8b**

(1) Once the executive office has been terminated in line with Article 1.8a, paragraphs (1) and (2) of this Law, the elected member of a legislative body who has made her/his mandate dormant shall be allowed to resume her/his mandate, provided she/he submits a written request to the Central Election Commission of Bosnia and Herzegovina no later than eight (8) days following the day of termination of his/her executive office.

(2) The dormancy of the mandate shall become effective on the fifth day following the date when the written request has been submitted.

### **Article 1.8c**

(1) During her/his mandate the person elected to a legislative body shall be allowed to make her/his mandate dormant no more than once (1 time). The request for making the mandate dormant shall be made in writing to the Central Election Commission of Bosnia and Herzegovina.

(2) Notwithstanding paragraph (1) of this Article, no person elected to a legislative body who has made her/his mandate dormant in line with provisions of Article 1.8a, paragraph (2) of this Law shall be allowed to make her/his mandate dormant more than twice (2 times).

(3) The dormancy of the mandate shall not last less than six (6) months, unless it is made on the basis of Article 1.8a paragraph (2) of this Law, when the dormancy lasts until another person is appointed to the same executive office or until a resignation is submitted.”

### **Article 8**

In Article 1.10, paragraph (1), sub-paragraph 5., the words: “(declared mentally incompetent)” shall be deleted.

After sub-paragraph 4. new sub-paragraphs 5. and 6. shall be

added to read:

“5. on the day when the court judgment becomes final and binding by which he/she has been imposed security measure of ban of carrying out a certain occupation, activity or duty which is the office of an elected member of a body of authority;

6. on the day when the court judgment becomes final and binding by which he/she has been imposed a sentence which entails a legal consequence incident to the conviction of cessation of such an official duty and termination of such an employment;”

Current sub-paragraphs 5. to 8. shall become sub-paragraphs 7. to 10.

After current sub-paragraph 8. which shall become sub-paragraph 10., the full stop shall be replaced with a semi-colon and a new sub-paragraph 11.) added to read:

“11. on the day when the decision of the Central Election Commission of Bosnia and Herzegovina has become final finding that the elected official did not act in accordance with the provisions of Article 1.8a, 1.8b or 1.8c of the Election Law of Bosnia and Herzegovina.”

## **Article 9**

Article 1.11 shall be amended to read:

### **“Article 1.11**

“All authorities at all levels and officials in Bosnia and Herzegovina and in the diplomatic and consular missions of Bosnia and Herzegovina shall be required to assist the bodies responsible for conducting elections.”

## **Article 10**

Article 1.13 shall be amended to read:

### **“Article 1.13**

The application for certification to participate in the elections shall include a statement signed by the President of a political party, coalition, the independent candidate(s), representative of the list of independent candidate(s), registered association, or other registered organised form of action of national minorities and a group of at least 40 citizens with the voting rights, stating that this political party, coalition, independent candidates, registered associations, other organised forms of action of national minorities shall adhere to the General Framework Agreement for Peace in Bosnia and Herzegovina in their activities.”

### **Article 11**

In Chapter 2 (Competent Authorities Responsible for the Conduct of Elections), Article 2.1, paragraph (3) shall be amended to read:

“(3) Before taking up office, each member of an election commission and Polling Station Committee shall sign individually the following oath:

“I hereby swear that I will faithfully, conscientiously and impartially discharge the duties assigned to me and implement and uphold the Constitution and the laws of Bosnia and Herzegovina.”

### **Article 12**

In Article 2.2 Paragraph (4) shall be deleted.

The current paragraphs (5) and (6) shall become paragraphs (4) and (5).

In paragraph (5), the numerical designation of paragraph (5) in the text shall become the numerical designation of

paragraph (4).

After paragraph (5), new paragraph (6) shall be added to read:

“(6) For the purpose of training the members of the competent authorities responsible for the conduct of elections, the Central Election Commission of Bosnia and Herzegovina shall establish a Center for Education.

### **Article 13**

Introductory part of Article 2.3 paragraph (1) shall be amended to read:

“No person can be appointed as a member of an Polling Station Committee or election commission other than the Central Election Commission of BiH who:”

In Article 2.3 paragraph (1), sub-paragraph 4. shall be amended to read:

“4. who currently stands as a candidate or has been a candidate at any level of authority in the last general and the last local elections; and”

### **Article 14**

Article 2.5 shall be amended to read:

#### **“Article 2.5**

(1) The Central Election Commission of Bosnia and Herzegovina shall consist of seven members: two Croats, two Bosniacs, two Serbs, and one member from among the group of Others. The gender representation shall be ensured within the Central Election Commission of Bosnia and Herzegovina in accordance with the Law on Gender Equality in Bosnia and Herzegovina “(Official Gazette of BiH, Nos. 16/03, 102/09, and 32/10)”.

(2) The nominees for the Central Election Commission of Bosnia and Herzegovina shall be jointly nominated by the members of

the Commission for Selection and Nomination which shall be established as a permanent Commission of the House of Representatives in line with the Rules of Procedure of the House of Representatives.

(3) The Commission for Selection and Nomination shall have seven members out of whom two shall be appointed by the President of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina from amongst the members of the High Judicial and Prosecutorial Council of Bosnia and Herzegovina, three members shall be appointed by the Joint Administrative Committee of the BiH Parliamentary Assembly from amongst members of that Joint Committee from the House of Representatives of the BiH Parliamentary Assembly and two members shall be appointed by the President of the Central Election Commission of Bosnia and Herzegovina from amongst members of the Central Election Commission of Bosnia and Herzegovina.

(4) The constituent peoples, two Bosniaks, two Serbs, and two Croats and one from amongst the group of Others must be represented in the Commission for Selection and Nomination.

(5) The Central Election Commission of Bosnia and Herzegovina shall notify the Collegium of the House of Representatives of the BiH Parliamentary Assembly no later than 180 days prior to the expiry of the mandate for a member of the Central Election Commission of Bosnia and Herzegovina. No later than 150 days prior to the expiry of mandates for the members of the Central Election Commission of Bosnia and Herzegovina, the Commission for Selection and Nomination shall advertise an open competition for the post(s). The funds required for the conduct of the open competition shall be provided from the budget of the Central Election Commission of Bosnia and Herzegovina.

(6) Candidates for the members of the Central Election Commission of Bosnia and Herzegovina must meet the following

general and special requirements:

to be a citizen of Bosnia and Herzegovina,

to have a registered place of permanent residence in BiH,

to have a University degree,

to be medically fit for duties envisaged under the post,

not to have been dismissed from civil service as a result of a disciplinary measure at any level of authority in Bosnia and Herzegovina within three years prior to the date of publishing the vacancy for the said post,

not to have an indictment confirmed against him/her,

not to have been convicted for a criminal offence,

not to have been subject to provisions of Articles 6, 1.7 and 1.7a of this Law,

to be an expert with at least five years of relevant experience in the fields directly related to the conduct of elections,

not to be performing a duty in the bodies of a political party, an association or a foundation related to a political party in organisational or financial terms, nor to have been performing such a duty for the past ten years prior to applying to stand as a candidate this post, and not to have been involved in any political party activities,

not to be holding an elected mandate or being a member of an executive body of authority except as provided for in Article 2.12 Paragraph (4) of this Law,

not to be standing as a candidate or not to have been a candidate at any level of authority in the last general and the last local elections, and

not to have been sanctioned for a serious violation of the electoral laws or regulations pursuant to Article 2.3. paragraph (2) of this Law where the person was found to be personally responsible for the violation, in the previous four (4) years, starting from the day the decision became final.

(7) No later than 90 days prior to the expiry of the mandate of a member of the Central Election Commission of Bosnia and Herzegovina, the Commission for Selection and Nomination shall establish a ranked list of candidates for the Central Election Commission of Bosnia and Herzegovina by two-thirds (2/3) majority vote, based on the requirements and the criteria stipulated in paragraph (6) of this article, and shall submit a short list of at least three (3) candidates to the House of Representatives of the Parliamentary Assembly of BiH.

(8) The Commission for Selection and Nomination shall adopt the Rules of Procedure in order to regulate the process of advertising the open competition, holding meetings and taking a decision on the ranking list of candidates.

(9) In line with their procedures, the House of Representatives of the Parliamentary Assembly of BiH shall elect the members of the Central Election Commission of Bosnia and Herzegovina from the list of candidates.

(10) In the event that the list of candidates for a member of the Central Election Commission of Bosnia and Herzegovina is not submitted to the House of Representatives of the BiH Parliamentary Assembly within 60 days prior to the expiry of the mandate of the members of the Central Election Commission of Bosnia and Herzegovina, then the House of Representatives of the BiH Parliamentary Assembly shall nominate and elect the members of the Central Election Commission of Bosnia and Herzegovina from the list of candidates who have applied for the open competition, based on the criteria listed in paragraph (6) of this Article, no later than 15 days prior to the expiry of the mandate of the members of the Central

Election Commission of Bosnia and Herzegovina. In the event that the Commission for Selection and Nomination fails to announce a call for the open competition as provided in Paragraph (5) of this Article, the decision to announce the call for the open competition shall be taken by the House of Representatives of the BiH Parliamentary Assembly.

(11) The current members of the Central Election Commission of Bosnia and Herzegovina shall continue to exercise their duties until such time as the new members of the Central Election Commission of Bosnia and Herzegovina have been appointed.

### **Article 15**

After Article 2.5, a new Article 2.5a shall be added to read:

#### **“Article 2.5a**

(1) In the event that a member of the Central Election Commission of Bosnia and Herzegovina voluntarily resigns, dies, becomes permanently incapacitated or meets requirements for age-based retirement, the Central Election Commission of Bosnia and Herzegovina shall notify the House of Representatives of the BiH Parliamentary Assembly. The House of Representatives of the BiH Parliamentary Assembly shall appoint a new member of the Central Election Commission of Bosnia and Herzegovina in accordance with the procedure provided for by Article 2.5 of this Law.

(2) If the mandate of a member of the Central Election Commission expires or he/she voluntarily resigns or meets requirements for age-based retirement during an election year, his/her term shall be extended until the end of the election period and a new member of the Central Election Commission shall thereafter be appointed under the procedure provided by this Law.

(3) A member of the Central Election Commission of Bosnia and Herzegovina shall resign with immediate effect or be

dismissed, including during an election year, if the conditions provided for in Article 2.5 paragraph (6) of this Law are no longer met.

(4) A member of the Central Election Commission of Bosnia and Herzegovina may only be dismissed as provided for in paragraph (3) of this Article.

(5) The decision to dismiss a member of the Central Election Commission shall be taken by the Commission for Selection and Nomination by a two-third majority and shall become final after confirmed by the House of Representatives of the BiH Parliamentary Assembly. The decision to dismiss taken by the Commission for Selection and Nomination may be appealed to the Court of BiH.

## **Article 16**

In Article 2.9, after sub-paragraph 7., new sub-paragraphs 8. and 9., shall be added to read:

“8. enact more detailed regulations and be responsible for a timely procurement, distribution and security of election technologies and other corresponding technical equipment for the direct elections at all levels of authority in BiH and adopts bylaws on the installation and use of election technologies;

9. carry out the selection and appointment, registration, training, certification, and evaluation of the presidents and deputy presidents of the Polling Station Committees according to the criteria established by this law and the regulations of the Central Election Commission of BiH;”

The current sub-paragraphs 8. to 17. shall become sub-paragraphs 10. to 19.

## **Article 17**

Article 2.10 shall be amended to read:

## **“Article 2.10**

The Central Election Commission of BiH shall annul elections in an electoral unit or at an individual Polling Station should it establish that irregularities occurred, during the voting, manual and/or electronic ballot counting, which may affect the allocation of mandates or the final positioning of the candidates on the candidate list or otherwise affect the election results.”

## **Article 18**

In Article 2.12, paragraph (4) after the words “a judge of a regular Court”, the word: “a public attorney” shall be added.

## **Article 19**

In Article 2.13, under sub-paragraph 3., before the words: “conduct the appointment procedure”, the words: “except as otherwise determined by this Law,” shall be added.

After sub-paragraph 3., new sub-paragraph 4. shall be added to read:

“4. appoint and train the election results controllers;”

The current sub-paragraphs 4. to 5. shall become sub-paragraphs 5. to 6.

After current sub-paragraph 5., which becomes sub-paragraph 6., new sub-paragraphs 7.to 9. shall be added to read:

“7. be responsible for the safety of the election material and election technologies from the date of their receipt;

8. be responsible for the technical arrangements at the Polling Station and any other technical preparations for the elections, including ensuring the conditions for implementation of election technologies at the Polling Station;

9. except as otherwise determined by the Central Election Commission of BiH in accordance with this Law, be responsible for the proper conduct of the ballot counting at the Polling Stations, proper consolidation of election results from the polling stations and entering of the election results in the relevant software application;"

The current sub-paragraphs 8. and 9. shall become sub-paragraphs 10. and 11.

## **Article 20**

In Article 2.14, under paragraph (1), the words: "Efforts shall be made to ensure the gender representation within the Election Commission" shall be replaced with the words: "The gender representation shall be ensured within the Election Commissions", and after the words: "the Law on Gender Equality in Bosnia and Herzegovina", the words: "(Official Gazette of BiH, Nos. 16/03, 102/09, and 32/10)" shall be added.

## **Article 21**

In Article 2.15, paragraph (1), the words "In the event a member of an election commission resigns" shall be replaced with the words: "In the event a member of a municipal election commission resigns".

In paragraph (4), the words "the mandate for the election commission member", shall be replaced with the words "the mandate for the municipal election commission member".

## **Article 22**

Article 2.19 shall be amended to read:

### **"Article 2.19**

(1) The Polling Station Committee shall consist of three (3) or five (5) members of whom one shall be appointed as the President.

(2) The President and members of the Polling Station Committee shall have deputies. In order to be appointed, the President, members of the Polling Station Committee and their deputies shall have to meet the requirements provided by Articles 2.2 and 2.3 of this Law. The President of the Polling Station Committee and his/her Deputy shall not be members of a political party nor be performing a duty in the bodies of a political party, an association or a foundation related to a political party in organizational or financial terms, nor be involved in any political party activities and must be able to exercise their duties in a non-partisan manner.

(3) The Central Election Commission of Bosnia and Herzegovina shall appoint, dismiss, register, train, certify and evaluate the President and his/her Deputy.

(4) The President of the Polling Station Committee and his/her Deputy shall be appointed once a public procedure has been completed and according to the criteria established by the law and the additional criteria established by the by-laws of the Central Election Commission of BiH. The list of candidates for the President of the Polling Station Committee and his/her Deputy shall be made by the Central Election Commission in consultation with the Municipal Election Commission(s) in the period between two election cycles through one or more open competition announcements, and it shall be updated every six months.

(5) The remaining members of the Polling Station Committee and their deputies shall be appointed by the Municipal Election Commission no later than 45 days prior to the date of conducting the elections.

(6) A complaint may be filed to the Central Election Commission against the decision appointing the President of the Polling Station Committee and his/her Deputy. Decision of the Central Election Commission of Bosnia and Herzegovina upon complaint shall be final and binding and no appeal shall be

allowed to be filed against this decision. A complaint may be filed to the Municipal Election Commission against the decision of the Municipal Election Commission appointing member(s) of the Polling Station Committees, and their deputies referred to in Paragraph (5) of this Article. 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. Decision of the Central Election Commission of Bosnia and Herzegovina shall be final and binding and no appeal shall be allowed to be filed against this decision.

(7) For the general elections, the posts of members and deputy members of the polling station committees referred to in paragraph (5) of this Article shall be filled at the proposal of political entities represented in the BiH Parliamentary Assembly, the FBiH Parliament, the Republika Srpska National Assembly, in the previous election cycle. In the election cycle for the local elections, the posts of members and deputy members of the polling station committees referred to in paragraph (5) of this Article for each of the basic electoral constituencies shall be filled at the proposal of political entities represented within the directly elected bodies of local self-government of that basic electoral constituency during the previous election cycle.

(8) The political entities referred to in paragraph (7) of this Article shall be entitled to participate in the lottery procedure for allocation of positions of the members/deputy members of the Polling Station Committee provided that they have a certified list for that level of authority.

(9) If the Municipal Election Commission fails to appoint the members of the Polling Station Committee and their deputies in accordance with Paragraph (5) of this Article, then the Central Election Commission of BiH shall appoint the members of the Polling Station Committee and their deputies.

(10) The lottery procedure referred to in paragraph (7) of this article shall be conducted by the Municipal Election Commission within the period of no less than sixty (60) days prior to the election day.

(11) Once the lottery procedure has been completed, but not longer than within seven days following the lottery, the political entity participating in the lottery procedure shall provide the Municipal Election Commission with the list containing the names of the candidates for members and deputy members of the Polling Station Committee in which they have won the positions through the lottery procedure.

(12) Should a political entity fail to provide the names of the candidates for the posts of Polling Station Committee members and deputy members within the period provided in paragraph (11) of this Article or should it deliver less candidates for the posts of members and deputy members than what is their required number, such failures shall be considered as a waiver from the position allocated in the Polling Station Committee. In that case the Municipal Election Commission shall appoint the missing Polling Station Committee members and their deputies from its own reserve list of the candidates trained for the membership in the Polling Station Committee, taking into account the multi-ethnic composition of the Polling Station Committee wherever possible.

(13) Efforts shall be made to ensure the gender representation within the Polling Station Committee in accordance with the Law on Gender Equality in Bosnia and Herzegovina (Official Gazette of BiH, Nos. 16/03, 102/09, and 32/10), unless the Polling Station Committee is made of three members when the equal representation exists in the case where one of the genders is represented with 1/3 of the total number of members.

(14) The abuse of the right to participate in the work of the Polling Station Committee by fictitious representation as

prescribed by Article 7.3, paragraph (2) of this Law shall be prohibited.

(15) The conducted lottery procedure shall be open to the public and be covered with audio-video recordings in line with the mandatory instructions issued by the Central Election Commission of Bosnia and Herzegovina.

(16) Only one member and one [his/her] deputy of a single political entity may be a member of one Polling Station Committee.

(17) The candidate appointed as President and the candidate appointed as Deputy President of the Polling Station Committee shall have the obligation to attend the special continuing training required for the work in a Polling Station Committee and organized by the Central Election Commission. Once the test of knowledge has been completed, the Central Election Commission shall award certificates to the successful presidents and their deputies.

(18) 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.

(19) Members of the Polling Station Committees shall be entitled to a remuneration for their work. The decision about the amount of remuneration for work of the members of the Polling Station Committees performed shall be made by Central Election Commission of Bosnia and Herzegovina.

## **Article 23**

In Chapter 3 (Voters Register) Article 3.1 shall be amended to

read:

### **"Article 3.1**

(1) The Central Voters Register constitutes the records of citizens of BiH who have the right to vote in accordance with this Law and shall be established, maintained and used for the following purposes: to organize and conduct elections in accordance with law, to conduct referendums, to conduct recalls of elected officials and to elect bodies of the local self-governance in accordance with Law.

(2) The Central Voters Register and excerpts from the Central Voters Register shall be public, which shall be ensured in accordance with the provisions of this Law and the provisions of bylaws adopted by the Central Election Commission of Bosnia and Herzegovina with the aim of ensuring accuracy and overall integrity of the Central Voters Register.

(3) The right to get access to the excerpt from the Central Voters Register shall be exercised in accordance with this Law and the Law on Protection of Personal Data ("Official Gazette of BiH", 49/06, 76/11 and 89/11).

(4) A voter shall exercise the right to get access to his/her personal data recorded in the excerpt from the Central Voters Register through direct access at the website of the Central Election Commission of Bosnia and Herzegovina by entering his/her relevant personal data and/or in another appropriate manner determined by the Central Election Commission of Bosnia and Herzegovina in a bylaw.

(5) The public shall exercise the right to get access to the excerpts from the Central Voters Register by getting access to temporary excerpts from the Central Voters Register shared at the website of the Central Election Commission of Bosnia and Herzegovina or in another appropriate manner determined by the Central Election Commission of Bosnia and Herzegovina in a bylaw, taking into account the principles of protection of

personal data.

(6) The political entities certified for participation in the elections, and whose candidate lists are certified for participation in the elections in accordance with this Law, shall be provided, at their own request, with an electronic or printed excerpt from the Central Voter Register for the level of authority or for the constituency in which they participate in the elections. The excerpt from the Central Voters Register contains the last name and first name of the voter, date of birth, the name of one parent of the voter, the name of the municipality or constituency where (for which) the voter is entitled to exercise his/her right to vote, the name and number of the polling station.”

## **Article 24**

Article 3.2 shall be amended to read:

### **“Article 3.2**

(1) The Central Voters Register shall be unique, permanent and shall be updated on a regular basis.

(2) Excerpts from the Central Voters Register shall be published twice a year in a non-election year for the purpose of their updating. The competent authorities shall be required to submit data about displaced persons in the election year no later than March 31.

(3) The following citizens of Bosnia and Herzegovina with the permanent residence registered in BiH shall be recorded in the Central Voter Register *ex officio*:

- a) those of age 18 or older;
- b) those who will become 18 years of age on the Election Day;
- c) those who have the right to vote in accordance with this Law, but are temporarily residing abroad; and
- d) those having the right to vote as provided by Article 20.8,

paragraph (6) of this Law.

(4) The Central Voters Register shall not contain the names of BiH citizens whose full legal capacity has been withdrawn by the final and binding decision of a competent authority. In the event that such a person has already been recorded, he/she shall be deleted from the Central Voters Register, whereas in the event that the competent authority has issued a final and binding decision fully restoring his/her full legal capacity, the person shall be recorded in the Central Voter Register."

## **Article 25**

In Article 3.4, paragraph (3), the words: "by the competent authority of BiH" shall be replaced with the words (in plural): "by the competent authorities of BiH".

## **Article 26**

In Article 3.6, paragraph (2), after sub-paragraph e) a new sub-paragraph f) shall be added to read:

"f) Keep special comparative records on the permanent residence and address of temporary residence of BiH citizens with the right to vote registered in the Central Voters Register of voters who vote outside Bosnia and Herzegovina.

After paragraph (3), a new paragraph (4) shall be added to read:

(4) The excerpts from the Central Voters Register for the voters referred to in paragraph (2), sub-paragraph c) of this Article shall be drawn up on the basis of:

a) data compiled and delivered to the Central Election Commission of Bosnia and Herzegovina by the diplomatic and consular missions of Bosnia and Herzegovina;

b) data delivered by the voters who vote outside Bosnia and Herzegovina; and

c) data maintained by the Central Election Commission of Bosnia and Herzegovina.

d) data received from other competent authorities in accordance with the law.

Current Paragraphs (4) to (6) shall become paragraphs (5) to (7).

In the current paragraph (5), which becomes paragraph (6), the number (4) shall be replaced by the number (5), and the words: "and timely delivery of data necessary to draw up the excerpts from the Central Voters Register", shall be replaced with the words "and timely delivery of data necessary for the Central Election Commission of Bosnia and Herzegovina in order to draw up the excerpts from the Central Voters Register".

## **Article 27**

In Article 3.7, paragraph (2) shall be amended to read:

"(2) The excerpt shall be made according to the last place of permanent residence of a citizen of BiH and by Polling Station and for voters referred to in Article 3.6, paragraph (2), sub-paragraphs b) and c) of this Law it shall be made with a note on correct address of temporary residence."

## **Article 28**

In Article 3.10, in paragraph (1), the current sub-paragraphs e) and f) shall be amended to read:

"e) Name of the Municipality where the voter has taken permanent residence and the name of the Municipality where the voter has taken temporary residence respectively,

f) Address of the permanent or temporary residence (town, street, street number),

In paragraph (3), after the words "shall be determined by the

Central Election Commission of Bosnia and Herzegovina” the words “taking into consideration the Law on Personal Data Protection” shall be added.

## **Article 29**

Article 3.11 shall be amended to read:

### **“Article 3.11**

The Central Election Commission of Bosnia and Herzegovina shall make the Excerpts from the Central Voters Register available to the public in accordance with Article 3.1 paragraph (5) of this Law in order to ensure the accuracy, recentness and overall integrity.”

## **Article 30**

Article 3.12 shall be deleted.

Current Article 3.12a shall become Article 3.12.

## **Article 31**

In Article 3.13, paragraph (2) shall be amended to read:

“(2) Any citizen of BiH shall have access to an excerpt from the Central Voters Register and shall be entitled to request its correction if it is the correction of his personal data. Any citizen with the right to vote who cannot be found on the Central Voters Register shall be entitled to request to have his/her personal data entered into the Central Voters Register. Such request shall be submitted in writing to the authority referred to in paragraph (4) of this Article.”

In paragraph (3), the current designation of sub-paragraphs “a), b), c), e), and j)” shall be replaced with the sub-paragraphs “a), c), d), f) and k)”.

## **Article 32**

In Article 3.14, sub-paragraph b) shall be amended to read:

“b) voters who serve the sentence of imprisonment in a penitentiary institution or those who are confined to such institutions and have the right to vote.

### **Article 33**

Article 3.15 shall be amended to read:

#### **“Article 3.15**

(1) A BiH citizen who has the right to vote under this Law and is temporarily residing abroad and is recorded in the Central Voters' Register, in order to be included in the excerpt from the Central Voters' Register for out-of-country voting, shall be required to file an electronic application with the Central Election Commission of Bosnia and Herzegovina for every elections. The application shall contain, *inter alia*, information containing the accurate details about the temporary residence address abroad.

(2) The applicant shall attach the following proofs to the electronic application referred to in paragraph (1) of this Article:

- a) a proof of the applicant's identity as prescribed by this Law;
- b) a proof issued by the competent authority of the country of temporary residence indicating the accurate address of the applicant's temporary residence taken in the respective country.

(3) Once he/she has filed the electronic application specified in paragraphs (1) and (2) of this Article, the applicant shall be required to sign a hard copy of the electronic application by affixing a signature that is identical to the one affixed in the identification document that is attached to the application and shall deliver it to the Central Election

Commission of Bosnia and Herzegovina within the period and in the manner determined by an implementing regulation of the Central Election Commission of Bosnia and Herzegovina.

(4) In order to be included in the excerpt from the Central Voters' Register for out-of-country voting, the BiH citizen who has the status of a refugee from BiH, has the right to vote under this Law and is recorded in the Central Voters Register, shall be required to file an electronic application with the Central Election Commission of Bosnia and Herzegovina for every elections.

(5) The applicant shall attach the following proofs to the electronic application referred to in paragraph (4) of this Article:

- a) a proof of the applicant's identity,
- b) in the event that the voting option under which the voter is registered in the Central Voters Register in line with Article 20.8 of this Law has been changed, the applicant shall also submit a proof confirming the change in the place of permanent residence in Bosnia and Herzegovina;
- c) a proof with the accurate details indicating the address of temporary residence taken abroad.

(6) Once he/she has filed the electronic application specified in paragraphs (4) and (5) of this Article, the applicant shall be required to sign a hard copy of the electronic application by affixing a signature that is identical to the one affixed in the identification document that is attached to the application and shall deliver it to the Central Election Commission of Bosnia and Herzegovina within the period and in the manner determined by an implementing regulation of the Central Election Commission of Bosnia and Herzegovina.

(7) A refugee from BiH who is not recorded in the Central Voters' Register shall be required to file an electronic application with the Central Election Commission of Bosnia and

Herzegovina in order to be recorded in the Central Voters Register for the purpose of out-of-country voting.

(8) The applicant shall attach the following proofs to the electronic application referred to in paragraph (7) of this Article:

- a) a proof of the applicant's identity,
- b) a proof of BiH citizenship,
- c) a proof of the permanent residence taken in BiH, in accordance with Article 20.8 of this Law; and
- d) a proof with the accurate details indicating the address of temporary residence taken abroad.

(9) For the purpose of sub-paragraph a) of paragraph (8) of this Article, the following documents shall be admissible as a valid proof of the applicant's identity:

- a) Passport
- b) Valid personal identity card issued by the host country; and
- c) Refugee card issued by the Government of the host country or another international organization.

(10) The applicant may send the completed and signed application and the required documents by e-mail, by postal mail or deliver them in person. The procedure and method of sending, receiving, processing, filing (archiving) and protection of electronic applications and documents shall be defined by the Central Election Commission of Bosnia and Herzegovina under a special regulation.

(11) In the event that he/she has met the requirements referred to in this article, the applicant shall be recorded in the excerpt from the Central Voters Register for voting outside Bosnia and Herzegovina, by-postal mail or at the diplomatic and consular missions of BiH abroad.

(12) The applicant referred to in paragraphs (1), (4) and (7)

of this Article shall be held responsible for the accuracy of the data presented in the application and authenticity of the proofs attached to the application.

(13) The Central Election Commission of Bosnia and Herzegovina shall prescribe the format and layout of the application form referred to in paragraphs (1), (4) and (7) of this Article, the manner and procedure used to verify the accuracy of data presented in the application and the authenticity of the proofs attached to the application.

(14) The Central Election Commission of Bosnia and Herzegovina shall issue the appropriate instructions regarding the procedure of registration of voters in the excerpt from the Central Voters register for voting outside Bosnia and Herzegovina, by postal mail or at the diplomatic-consular missions.

(15) Registration of nationals of Bosnia and Herzegovina in the Central Voters Register shall be a continuous process.”

### **Article 34**

Article 3.16 shall be amended to read:

#### **“Article 3.16**

(1) A BiH citizen referred to in Article 3.15, paragraphs (1), (4) and (7) of this Law shall be required to provide all changes affecting the data that he/she has previously delivered to the Central Election Commission of Bosnia and Herzegovina and based on which he/she is recorded in the excerpt from the Central Voters Register to vote outside of BiH by postal mail or at a diplomatic and consular mission abroad. The changes in the data must be provided no later than the deadline established for the submission of applications for out-of-country voting in the next elections.

(2) In the event that the BiH citizen referred to in paragraph

(1) of Article 3.15 of this Law has failed to file an application before the deadline established for out-of-country voting by postal mail or at the diplomatic and consular missions abroad in the next election, he/she shall be recorded in the excerpt from the Central Voters Register for voting in the appropriate Polling Station in the basic constituency of his/her permanent residence.

(3) In the event that the BiH citizen referred to in paragraph (2) of Article 3.15 of this Law has failed to submit the proof of his permanent residence in BiH in accordance with Article 20.8 of this Law, he/she shall be recorded in the excerpt from the Central Voters Register for voting outside Bosnia and Herzegovina by postal mail or at the diplomatic and consular mission abroad, with the right to vote for the basic constituency of his/her permanent residence.

(4) In the event that the BiH citizen who is recorded in the excerpt from the Central Voters Register for out-of-country voting has returned to BiH before the deadline established for the submission of applications for out-of-country voting in the next elections, he/she shall be allowed to exercise the right to vote by voting with a tendered/enveloped ballot.

(5) The Voters Register Centre shall deliver to the Central Election Commission all information about the BiH nationals referred to in paragraph (4) of this Article through the Municipal Election Commission for the purpose of recording the changes made in the excerpt from the Central Voters Register for out-of-country voting by postal mail and at the diplomatic-consular missions.

(6) In the event that the BiH citizen who is recorded in the excerpt of the Central Voters Register for out-of-country voting by postal mail or at the diplomatic consular missions abroad has returned to BiH after the expiry of the deadline established for the submission of applications for out-of-country voting in the next elections, he/she shall be allowed

to vote with the tender-ballot/enveloped ballot in the Polling Station in the basic constituency where he/she is entitled to vote.”

### **Article 35**

In Article 3.17, after paragraph (2), a new paragraph (3) shall be added to read:

(3) The right referred to in paragraph (1) of this article may be exercised by a voter who has reached the age of 18 after the closure of the Central Voters Register, who is not registered in the Central Voters Register, and by a voter who is registered in the Excerpt for voting outside Bosnia and Herzegovina, but who has returned to Bosnia and Herzegovina on the Election Day.

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

### **Article 36**

After Article 3.17, a new Article 3.18 shall be added to read:

#### **“Article 3.18**

The Central Election Commission of Bosnia and Herzegovina shall issue more detailed regulations on the conditions and procedure for the application of this Chapter.”

### **Article 37**

In Chapter 4 (Certification and Candidacy for the Elections) in Article 4.2, after sub-paragraph 2., a new sub-paragraph 3. shall be added to read:

“3. The candidate has submitted to the Central Election Commission of Bosnia and Herzegovina a proof that he/she has had his/her status settled if he/she performs any of the functions referred to in Article 1.8, paragraph (1) of this Law.”

## **Article 38**

In Article 4.4, paragraph (2) shall be amended to read:

“(2) The application shall be filed electronically. Once he/she has filed the electronic application specified under paragraph (1) of this Article, the applicant shall be required to deliver a hard copy of the electronic application to the Central Election Commission of BiH within the deadline and in the manner determined by the Central Election Commission of Bosnia and Herzegovina.”

In the same Article, in paragraph (4) at the end of the sentence, after the words “supporter’s signatures” the following words shall be added: “and which shall be responsible for the authenticity of the collected supporter’s signatures”.

## **Article 39**

In Article 4.5 after paragraph (2), a new paragraph (3) shall be added to read:

“In the cases referred to in paragraphs (1) and (2) of this Article, the political party shall submit a statement signed by the elected official confirming that he was a member of that political party at the time of receiving the mandate and that he is still a member of that political party.”

## **Article 40**

In Article 4.6, paragraphs (3) shall be amended to read:

“In the event that the data provided in the application is inaccurate or the application contains some other shortcomings within the meaning of this Law or a bylaw of the Central Election Commission of Bosnia and Herzegovina, the Central Election Commission of Bosnia and Herzegovina shall notify the applicant thereof, and the applicant shall be required to eliminate the shortcomings within two days of receiving the

notification. If the political party fails to eliminate the shortcoming referred to in this paragraph within the given deadline, the Central Election Commission of Bosnia and Herzegovina shall not certify the application of the political party to participate in the elections.”

After paragraph (3), new paragraph (4) shall be added to read:

“(4) The Central Election Commission of Bosnia and Herzegovina shall decide whether to confirm or reject the application for participation in the elections.”

### **Article 41**

In Article 4.18, before the first paragraph, the (1) numeration mark shall be added.

After paragraph (1), a new paragraph (2) shall be added to read:

“(2) The Central Election Commission of Bosnia and Herzegovina shall not accept any changes in the first and last name of the candidate after the verification of the candidates’ list, unless a technical error has been found with regard to the recorded first and last name.”

### **Article 42**

Article 4.20 shall be amended to read:

#### **“Article 4.20**

The name of a candidate on a political party, coalition or independent candidates list may not be withdrawn after the candidates list is certified by the Central Election Commission of Bosnia and Herzegovina. If the candidate if fully legally incapacitated of rejects the mandate after the election results are certified by the Central Election Commission of Bosnia and Herzegovina, the name of the candidate shall be deleted from the candidates list and the

mandate shall be allocated in accordance with Article 9.10, except for the lists in cantons and municipalities which shall be allocated in accordance with Article 13.5. The candidate, or, in the event that the candidate is fully legally incapacitated, his or her representative must submit a statement of rejection of the mandate in writing to the Central Election Commission of Bosnia and Herzegovina. “

### **Article 43**

In Article 4.21, paragraph (1) shall be amended to read:

(1) Political parties, lists of independent candidates and coalition's candidates lists shall be filed electronically, and a hard copy of the electronically filed candidates lists must be submitted by the applicant to the Central Election Commission of BiH no later than ninety (90) days prior to the elections.

In paragraph (2), at the end of the text the following sentence shall be added:

“Certification or rejection of the candidates' lists must be completed no later than 65 days prior to the Election Day.”

### **Article 44**

In Chapter 5 (Conduct of the Elections), Article 5.1, paragraph (2) the words: “The Polling Stations shall be designated by the Municipal Election Commission no later than sixty five (65) days before the election day.” shall be replaced with the words: “The Polling Stations shall be designated by the Municipal Election Commission no later than (65) days before the election day, taking into consideration accessibility of the polling stations for voters with disabilities and the technical pre-requisites necessary for operating the election technology required during the conduct of elections.”

## **Article 45**

Article 5.2, paragraph (1) shall be amended to read:

“(1) A Polling Station shall be designated taking into consideration the distance of voters from the Polling Station and in accordance with the number of voters, which should generally be between three hundred (300) and one thousand (1000), except in justified cases as determined by the regulations issued by the Central Election Commission of Bosnia and Herzegovina.”

## **Article 46**

After Article 5.2, a new Article 5.2a shall be added to read:

### **Article 5.2a**

(1) The Polling Stations specifically designated by the Central Election Commission of BiH after consultation with the Municipal Election Commission, including the room designated for polling and/or for counting of ballots, may be covered by video surveillance equipment in a manner which does not jeopardize the secrecy of voting.

(2) The Central Election Commission of BiH shall adopt binding Instruction on the installation, use of— equipment for video surveillance, transmission and storage of video-surveillance footage and responsibilities of competent authorities responsible for the conduct of election in this respect, and on minor offences for violations of such rules.

## **Article 47**

In Article 5.3, the words “polling material” shall be replaced by the words “election material” throughout the entire Article, in the appropriate case.

In paragraph (1), after the words: “shall deliver, no later than twelve (12) hours prior to the opening of polling

stations on election day, the election material to the Polling Station Committee”, the words “at the polling station,” shall be added. At the end of the paragraph, a new sentence shall be added to read: “On the night before the opening of the polling station, the election material shall be stored in locked rooms at the polling station location.”

In paragraph (2), after the words: “In the event that the election material referred to in Paragraph 1 of this Article is not delivered as complete and correct, the Polling Station Committee shall”, the following word shall be added: “immediately”.

In paragraph (3), at the beginning of the sentence, after the words “The Polling Station Committee”, the words: “shall be required to lock the election materials referred to in paragraph (1) of this Article at the polling station in presence of the police immediately upon its receipt and ”shall be added”.

After paragraph (3), a new paragraph (4) shall be added to read:

“(4) The police shall provide assistance in safekeeping of the election materials referred to in paragraph (1) of this Article.”

## **Article 48**

After Article 5.3, a new Article 5.3.a shall be added to read:

### **“Article 5.3a**

(1) The Municipal Election Commission, as directed by the Central Election Commission of Bosnia and Herzegovina, shall deliver at the polling stations relevant election technologies for each Polling Station no later than 48 hours prior to the opening of the polling stations on the election day.

(2) The Polling Station Committee shall be required to lock

the election technologies referred to in paragraph (1) of this Article at the polling station in presence of the police immediately upon its receipt and shall be responsible for its safety (safekeeping) from the moment of its receipt until the Polling Station Committee has completed all its duties."

#### **Article 49**

In Article 5.4, paragraph (3), the words: "shall issue the Regulations for the control of ballots", shall be replaced with the words: "shall issue the Regulations governing the matters of the design, content, paper properties and characteristics, and the print and control of the issued ballots."

#### **Article 50**

Article 5.5 shall be amended to read:

#### **"Article 5.5**

(1) The President and all members of the Polling Station Committee must be present during entire process of voting and ballot counting.

(2) The President and members of the Polling Station Committee shall be replaced by their deputies in the event of their absence during the process of voting or ballot counting.

(3) At a polling station where more than 350 voters have voted, the deputy presidents and deputy members of the Polling Station Committee shall be required to participate in the entire process of ballot counting.

(4) The President of the Polling Station Committee may authorize the deputy president and deputy members of the Polling Station Committee to be present in the entire process of ballot counting at a polling station where less than 350 voters have voted.

## **Article 51**

In Article 5.6, paragraph (1), in the second sentence, the words: "may require" shall be replaced with the words "shall require".

## **Article 52**

In Article 5.7, paragraph (1), after the first sentence a new sentence shall be added to read: "The Poll Book shall be kept continuously, in detail and legibly".

## **Article 53**

In Article 5.8, sub-paragraph 2., at the end of the sentence the word "and" shall be replaced with the semi-colon (;) punctuation mark.

In sub-paragraph 3. the full-stop (.) punctuation mark shall be replaced with the semi-colon (;) punctuation mark.

After sub-paragraph 3. new sub-paragraphs 4. and 5. shall be added to read:

"4. verify functionality and proper working order of the election technologies;

5. display in a visible place the list of members of the polling station committee with the name of the political entity that nominated them."

## **Article 54**

In Article 5.9, paragraph (3), the words "If the polling was interrupted because of the disturbance of public order for three (3) hours or less" shall be replaced with the words: "If the polling was interrupted because of the disturbance of public order or due to malfunction of the election technologies for less than three (3) hours".

## **Article 55**

In Article 5.12, paragraph (3) shall be amended to read:

“(3) The member of the Polling Station Committee shall establish the identity of the voter on the basis of a valid personal identification document and by way of electronic voter identification which includes use of relevant biometric data of the voter transmitted through the safe electronic transfer of data between the Polling Station Committees, the IDDEEA and the Central Election Commission of Bosnia and Herzegovina, taking into account the Law on the Personal Data Protection.

After paragraph (3), a new paragraph (4) shall be added to read:

“(4) The identity of the person that cannot be established by way of electronic voter identification due to the persons disability or any other justified reason provided for in a bylaw to be adopted by the Central Election Commission of BiH, shall be established solely on the basis of a valid personal identification document.”

Current paragraphs (4) and (5) shall become paragraph (5) and (6).

## **Article 56**

Article 5.13 shall be amended to read:

### **“Article 5.13**

(1) A member of the Polling Station Committee shall be obliged to identify the voter in accordance with Article 5.12 of this Law.

(2) A member of the Polling Station Committee shall be obliged to mark the voter's name and surname in the excerpt from the Central Voters Register, after which the voter shall sign the excerpt from the Central Voters Register and a member of the Polling Station Committee shall issue the appropriate

ballot(s).

(3) A member of the Polling Station Committee shall have the responsibility and duty to warn each voter that his/her signature affixed to the excerpt from the Central Voters Register must correspond to the signature affixed to the personal identification document that is presented by the voter to the member of the Polling Station Committee for identification purposes referred to in paragraph (1) of this Article.

(4) A member of the Polling Station Committee shall be responsible and have a duty to warn each voter of the fact that the identification of voters by way of electronic identification shall be verified only if it corresponds to the information maintained by the competent state authority."

#### **Article 57**

After Article 5.13, a new Article 5.13a shall be added to read:

#### **"Article 5.13a**

(1) The Central Election Commission of Bosnia and Herzegovina shall adopt binding Instruction on the manner and procedure of the identification of the voters foreseen by Article 5.12 and Article 5.13 of this Law.

(2) The Central Election Commission of Bosnia and Herzegovina adopts the regulations to ensure the safe electronic transfer of data between the Polling Station Committees, the IDDEEA and the Central Election Commission of Bosnia and Herzegovina with the aim of maintaining the electronic systems for the exchange of information on voter identification, taking into account the Law on the Personal Data Protection."

#### **Article 58**

In Article 5.14, paragraph (1) the words "form and contents"

shall be replaced with the words “design, content, properties and characteristics”.

In paragraph (2), sub-paragraph 3. shall be amended to read:

“3. within the list of candidates of one political party, coalition, or list of independent candidates, the opportunity to mark one or a maximum of three candidates on the one list chosen by the voter. Where a voter has validly marked more than three candidates on one list, the list shall be considered to have received one valid vote for the purpose of allocating the mandates, while the preferential votes shall be considered invalid.”

Paragraph (3) shall be amended to read:

“(3) A voter may cast his or her vote only as provided in this Article, which shall be regulated in greater detail in a bylaw adopted by the Central Election Commission of Bosnia and Herzegovina.”

## **Article 59**

In Article 5.15, paragraph (1), sub-paragraph 4., the words: “using and” shall be deleted.

After sub-paragraph 4. a new sub-paragraph 5. shall be added to read:

“5. instructions issued to the voter about the use of election technologies affecting the manner of voting.”

## **Article 60**

In Article 5.17. new sub-paragraph 6. and 7. shall be added to read:

“6. it does not contain a stamp affixed, or

7. it is not signed by a member of the Polling Station Committee.”

## **Article 61**

In Article 5.19, paragraph (1), the words "bodily incapacitated" shall be replaced with the words "persons with disability".

In paragraph (3), after the words "print his or her name", a comma (,) and the words: "indicate his/her personal identity number (JMBG number)" shall be added".

In paragraph (4), at the end of the text, after the words "help only one eligible voter", the words "on the Election Day" shall be added.

After paragraph (4), new paragraphs (5) and (6) shall be added to read:

"(5) In the event that the Polling Station is provided with election technologies enabling a person with disability to cast his or her vote independently, the assistance of another person shall be excluded in order to protect the secrecy of voting.

(6) The Central Election Commission of Bosnia and Herzegovina shall regulate the method of implementation of this Article with a bylaw."

## **Article 62**

In Article 5.22, paragraph (1), the words: "shall adopt the Regulations for counting ballots" shall be replaced with the words: "shall adopt the Regulations for manual counting and electronic counting of ballots." In the same paragraph, after the word "prisoners" the following words shall be added: "and detainees".

Paragraph (2) shall be amended to read:

"(2) All ballots shall be counted at the Polling Stations, except where the Central Election Commission of Bosnia and

Herzegovina has established that the ballots should be counted at one or more centralised counting centres. The Central Election Commission of Bosnia and Herzegovina shall adopt the Regulations for ballot vote counting at one or more centralised counting centres. The Central Election Commission shall adopt the regulations for manual and electronic counting of votes and establishing the voting results in the Centralised Counting Centre, including the instances where the voting results cannot be established at a specific polling station due to a malfunction of the election technology. The voting results at a Centralised Counting Centre shall be posted publicly at the counting centre so that the results can be viewed by the public, while the copies of the voting results shall be delivered to accredited observers at the Centralized Counting Centre upon their request.”

### **Article 63**

In Article 5.23, paragraph (1), the words “establishing the voting results”, shall be replaced by the following words “counting the votes”.

After paragraph (1), a new paragraph (2) shall be added to read:

“(2) In the event that the counting is carried out by using election technologies that counts the ballots automatically, the automatic counting of results and transfer of voting results shall be conducted immediately after the Polling Station has been closed. Upon completion of said procedure, the Polling Station Committee shall carry out manual counting.”

Current paragraphs (2) and (3) shall become paragraphs (3) and (4).

After current paragraph (3), which becomes paragraph (4), new paragraph(5) shall be added to read:

“(5) All members of the Polling Station Committee shall collectively, in the presence of each other, perform manual counting of voters, ballots, tendered ballot envelopes and votes referred to in paragraphs (3) and (4) of this Article and shall not be absent during the process of counting, except in justified cases as determined by the regulations issued by the Central Election Commission of Bosnia and Herzegovina. The process of manual counting shall stop during absence of a member of the Polling Station Committee.

#### **Article 64**

In Article 5.25, under paragraph (1), the words: “Except in the case in which the Central Election Commission of Bosnia and Herzegovina determines that the count shall be”, shall be replaced with the words: “Except in the case in which the Central Election Commission of Bosnia and Herzegovina determines that the manual and/or electronic counting shall be”.

#### **Article 65**

In Article 5.26, paragraph (1), the words: “After the establishment of the voting results”, shall be replaced with the words: “Once the process of counting has been completed”.

After paragraph (3), a new paragraph (4) shall be added to read:

“(4) The Central Election Commission of Bosnia and Herzegovina shall adopt the regulations to ensure a secure, real-time electronic transmission of relevant statistical information before and after closing of the polls and of the voting results after closing of the polls to the municipal election commission and the Central Election Commission of Bosnia and Herzegovina.”

#### **Article 66**

In Article 5.27, paragraph (1), in the first sentence, the words "which shall be submitted to the Central Election Commission of BiH within twenty-four (24) hours after closing of the polls." shall be replaced by the following words: "which shall be submitted immediately to the Central Election Commission of BiH, and no later than twenty-four (24) hours after closing of the polls." In the same paragraph, after the second sentence, a new sentence shall be added to read: "The controllers of the voting results shall be required to enter the voting results from the voting result forms at the Polling Stations' and from the forms used for the proper consolidation of the established voting results."

After paragraph (2), a new paragraph (3) shall be added to read:

(3) In the event that the results are entered at a Polling Station, the controllers shall verify the accuracy of the entered results.

## **Article 67**

In Article 5.29, after the words: "the deadline for filing the appeals/complaints" the following words shall be added: "and/or after the repeated control count has been completed".

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

"(3) Preliminary election results shall, as a rule, be registered on the basis of electronic counting of ballots.

(4) Should a discrepancy be found to exist between the results of the manual and electronic counting, the Central Election Commission of Bosnia and Herzegovina shall conduct a repeated manual counting and a repeated electronic counting at the Centralised Counting Centre and determine the result of voting at the Polling Station.

## **Article 68**

In Article 5.30, paragraph (4) sub-paragraph 5. shall be amended to read:

5. the request is presented to the Central Election Commission of BiH within 72 hours of the date the Central Election Commission of BiH announced the established election results.

Paragraph (5) shall be amended to read:

“(5) The Central Election Commission of Bosnia and Herzegovina shall order a recount if it is established that the number of ballots exceeds the number of voters who have voted at the Polling Station by more than 2%.”

After paragraph (6), a new paragraph (7) shall be added to read:

“(7) The Central Election Commission of Bosnia and Herzegovina may *ex officio* order a recount even if no request for the recount has been made under paragraph (1) of this Article, notwithstanding the requirements specified in paragraphs (2), (3), (4), (5) and (6) of this article.”

## **Article 69**

In Article 5.32, paragraph (1), the words: “for the bodies of authority at each individual level within 30 days after the elections are held”, shall be replaced with the words: “for the bodies of authority at each individual level, as a rule (i.e. generally) within 30 days after the elections are held”.

At the end of the same paragraph, a new sentence shall be added which shall read: “Exceptionally, for reasons spelled out in the regulations provided under paragraph (3) of this Article, the verification of the results can be postponed for up to 15 days.”

After paragraph (1), a new paragraph (2) shall be added to

read:

“(2) The decision of the Central Election Commission of Bosnia and Herzegovina on verification of the election results shall be final and binding, and no appeal shall be allowed to be filed against the decision.”

The current paragraph (2) shall become paragraph (3) and shall read:

“(3) The Central Election Commission of Bosnia and Herzegovina shall adopt the regulations governing the verification of the election results.”

### **Article 70**

In Chapter 6 (Protection of the Electoral Right), in Article 6.2, paragraph (1) shall be amended to read:

“(1) Any voter and any political entity whose right established by this law is violated, may file a complaint with the election commission not later than within 72 hours after the violation occurred, unless otherwise specified by this Law.”

In Paragraph (2), the word “may” shall be replaced with the word “shall”.

### **Article 71**

In Article 6.3, paragraph (1), after the words “by the Central Election Commission of Bosnia and Herzegovina”, the words: “or through the electronic application” shall be added.

### **Article 72**

In Article 6.4, paragraph (1), before the words “7.3 paragraph 1. sub-paragraphs 3 and 7,” the words “Article 7.2a,” shall be added.

### **Article 73**

In Article 6.5, paragraph (1), before the words "Municipal Election Commission", the words "Central Election Commission of BiH and the" shall be added and after the words "Article 6.4" the words "and Article 6.6" shall be added.

#### **Article 74**

In Article 6.6., paragraph (1), before the words "Article 7.3, paragraph (1)" the words "Article 7.2a," shall be added.

In paragraph (2), the words: "48 hours" shall be replaced with the words "72 hours".

After paragraph (3), a new paragraph (4) shall be added to read:

"(4) Exceptionally, in highly complex cases, where the establishment of the facts and circumstances of relevance for the resolution of the matter related to the complaint would require to hear the parties and witnesses, gain access to and read a great number of material evidence exhibits, the Central Election Commission of Bosnia and Herzegovina shall conduct the procedure within a period ranging from three to five days after the deadline referred to in Article 6.3 paragraph (2) of this Law."

The current paragraphs (4) and (5) shall become paragraphs (5) and (6).

After current paragraph (5) which shall become paragraph (6) new paragraphs (7) and (8) shall be added to read:

"(7) The Central Election Commission of Bosnia and Herzegovina shall disclose to the public in a timely manner the information regarding the filed complaints and appeals including the decisions taken and shall keep a separate register of filed complaints, appeals and the decisions taken.

(8) The methods for keeping the register shall be regulated in a bylaw adopted by the Central Election Commission of Bosnia

and Herzegovina.”

## **Article 75**

In Article 6.9, paragraph (1), a comma (,) and the words: “by which the decision is taken on implementation of this Law” shall be deleted, and the full-stop (.) shall be added at the end of the text.

After paragraph (3), a new paragraph (4) shall be added to read: “The Court of BiH shall be required to disclose to the public the information regarding the decisions and its reasoning referred to in paragraph (3) hereof and shall do so in a timely manner.”

## **Article 76**

In the title of Chapter 7 the word “Campaign” shall be replaced by the word “Period”.

Article 7.1 shall be amended to read:

### **“Article 7.1**

During the period of premature election campaign, the conduct of election campaign through the use of electronic, online and print media including through social networks, or any form of public advertising, shall be prohibited. These prohibitions shall not be applicable to organising of lawful official gatherings of the bodies and events of political entities for purposes other than campaigning.”

## **Article 77**

After Article 7.1 of the Law, new Articles 7.1a, 7.1b and 7.1c shall be added to read:

### **“Article 7.1a**

Candidates of political parties, coalitions, lists of independent candidates and independent candidates and other

participants in the election process shall be free to conduct election activities in the entire territory of Bosnia and Herzegovina throughout the election campaign. The competent authorities shall ensure the freedom of movement for the candidates, supporters and eligible voters throughout the election process.

### **Article 7.1b**

(1) Political parties, coalitions, lists of independent candidates and independent candidates shall be entitled to:

1. conduct the election campaign in a peaceful environment;
2. organise and hold public gatherings in which they can freely express their positions in order to gain support from the voters; and
3. publish and distribute placards, posters and other materials related to the election campaign.

(2) For the purposes of public gatherings referred to in point b) of paragraph (1) hereof, no permits shall be required to be granted by the competent body; however, the organiser shall notify the competent authority responsible for keeping public peace and order twenty-four (24) hours prior to holding such an event.

(3) In case that two or more organisers have announced to the competent body holding of their public gatherings at the same time and place, the holding of a public gathering at that time and place shall be permitted to the organiser who was the first who notified the competent body in writing of the holding of the public gathering, whereas the competent authority shall inform the applicants thereof within no longer than 12 hours following the receipt of the notification about the public gathering.

### **Article 7.1c**

During the election campaign, political entities shall ensure equal promotion of candidates of both genders in media appearances, at public gatherings and other forms of election campaigning, in order to ensure equality of candidates of both genders."

### **Article 78**

In Article 7.2, after paragraph (3), a new paragraph (4) shall be added to read:

"(4) Within the period of 15 days following the election day, a political entity shall be required to ensure that all advertisements, notices, placards, posters and other similar materials that were used for the purposes of conducting the election campaign for the respective political entity are removed from the space designated for the campaigning."

### **Article 79**

In Article 7.2a, paragraph (2) shall be amended to read:

"(2) The following actions shall constitute abuse of public resources referred to in paragraph (1) of this Article:

- a) use the position of manager of an authority or institution for the public promotion of a candidate and/or the public promotion of a political entity he/she is affiliated with, through public promotion of the authority or institution;"
- b) involvement of the civil servants who are subordinate to a candidate in the performance of work during the working hours in order to promote the candidate or political entities;
- c) use of premises occupied by public institutions, authorities or public companies for pre-election campaigning activities where the use of the same premises is not guaranteed to other candidates and political entities under the same terms and conditions;
- d) use of means of communication, information services, office equipment of public institutions, authorities and public

companies for election campaigning;

e) use of a means of transportation owned by state, entity, city, cantonal or municipal authorities and organizations free of charge or at reduced charges for campaigning activities. This provision shall not be applicable to transport of individuals who under a regime of special protection defined by law which is provided as part of security measures applicable in respect of high-ranking officials subject to official protection provided by competent authorities during the course of performance of their official duties or when acting in line of their official duty;

f) promotion of political entities or candidates at public events or manifestations financed by public institutions or public companies;

g) collection of signatures or election campaigning carried out by persons who hold elected offices or are civil servants, during the official activities or events organized by a public institution, authority or public company;

h) use of public funds and resources for the purpose of a direct or indirect buying of voter support during the election campaign, which includes but is not limited to the provision of one-time monetary or non-monetary aid to citizens or categories of citizens, unless the provision of that aid is planned as part of the regular budgetary subsidies."

## **Article 80**

In Article 7.3, in paragraph (1), after sub-paragraph 7), a new sub-paragraph 8) shall be added to read:

"8) abuse a child for political purposes."

In Article 7.3. a new paragraph (3) shall be added to read:

"(3) The provisions of paragraphs (1) and (2) apply accordingly to the period of the premature election campaign."

## **Article 81**

In Article 7.4, after paragraph (2), new paragraph (3) shall be added to read:

“(3) All activities that hinder or obstruct the electoral process during the period specified in paragraph (1) of this Article are prohibited.”

## **Article 82**

In Chapter 14 (Repeated, Postponed and Early Elections), Article 14.1, before the first paragraph numeration mark (1) shall be added, whereas the words: “which shall be no later than fourteen (14) days from the date when the decision of the Central Election Commission of Bosnia and Herzegovina to annul the elections became final.”, shall be deleted.

In the same Article, a new paragraph (2) shall be added to read:

“(2) The Central Election Commission of Bosnia and Herzegovina shall announce the repeated elections, as a rule, within 15 days following the date when the decision of the Central Election Commission of Bosnia and Herzegovina to annul the elections became final.”

## **Article 83**

In Article 14.2, paragraph (4), at the end of the sentence after words “in the regular elections” a comma (,) and the words “unless otherwise prescribed by this Law” shall be added.

## **Article 84**

Article 15.1 shall be added to read:

### **“Article 15.1**

Funds for financing the expenses of election campaigns shall be provided by a political party and independent candidates

participating in elections for the authorities of Bosnia and Herzegovina at all levels from the sources prescribed by the Law on Political Party Financing and in the manner prescribed by this Law.”

## **Article 85**

In the existing Article 15.1, which shall become Article 15.1a, in paragraph (1), after words “at all levels in BiH shall”, the words “have one account for election campaign financing and shall”, shall be added.

In the same Article, paragraph (1), sub-paragraph 1) shall be amended to read:

“1. All cash transactions and cash at hand;”

In the same Article, paragraph (1), in sub-paragraph 2., after the words: “All income and disbursements based on: memberships;” the words: “contributions from individual and legal entities;” shall be added.

In the same Article, paragraph (1), in sub-paragraph 3. words “in excess of one hundred (100) convertible marks,” shall be deleted.

In the same Article, paragraph (1), in sub-paragraph 4., after words “in the public”, the words “and online” shall be added.

## **Article 86**

After Article 15.1a, new Articles 15.1b, 15.1c, 15.1d and 15.1e shall be added to read:

### **“Article 15.1b**

(1) A political party and an independent candidate participating in the elections for the authorities of Bosnia and Herzegovina at all levels shall open a special account for financing the election campaign expenses, in accordance with

Article 4.4 paragraph (1) of this Law.

(2) The account for financing the election campaign shall be opened by the person or a body authorized by the political party or by the independent candidate as appropriate.

(3) The special account for financing the election campaign expenditures shall be opened by the political party and the independent candidate no later than on the day of submission of the application for certification for participation in the elections, but not earlier than three months prior to the date of submission of the application for certification.

(4) The funds that the political party and the independent candidate participating in the elections for the authorities of Bosnia and Herzegovina at all levels intend to spend for the election campaign must be paid credit to the special account for financing the election campaign.

(5) No payments may be received on the special account for financing the election campaign, other than those intended for financing the election campaign, nor may the funds from that account be used for any purpose other than coverage of the costs of the election campaign.

(6) If, once the payment of all transactions has been made, in accordance with this Law, there remain any unspent funds on the special account for financing the election campaign of the political party, these funds shall be paid to the transaction account of the political party head office.

(7) If the funds held on the special account for financing the election campaign are not sufficient to cover the expenses, the political party shall pay the outstanding liabilities based of the election campaign expenses from the account of the political party head office.

(8) If, once all transactions have been completed, in accordance with this Law, there remain any unspent funds on

the special account for financing the election campaign of the independent candidate, these funds shall be returned to all sources or donors. The return of the remaining funds shall be proportional to the amounts of payments or donations given.

#### **Article 15.1c**

(1) When two or more political parties operate within a coalition, they may use the special account for financing the campaign expenses to finance the election campaign expenses of one of the political parties, members of the coalition, which shall be regulated by a mutual agreement of the political parties that is to be submitted and deposited with the Central Election Commission of Bosnia and Herzegovina. Funds that an individual political party is obligated to pay to the special account for financing of the election campaign expenses in accordance with the concluded mutual agreement shall not be considered a donation or income of the political party that has opened the special account for financing of the election campaign.

(2) A political party may give a loan to another political party for financing of the election campaign based on a mutual agreement, by making payment to the special account for financing of the election campaign. The loan given by the political party to another political party on the basis of the mutual agreement and the repayment of the loan to the central account of the political party that has granted the loan shall not be considered a donation.

(3) The loan agreement with a clearly defined loan repayment period shall be submitted to the Central Election Commission of Bosnia and Herzegovina.

#### **Article 15.1d**

(1) A political party and an independent candidate participating in the elections for the authorities of Bosnia and Herzegovina at all levels shall, at the time of submitting

the application for certification for participation in the elections, submit to the Central Election Commission of Bosnia and Herzegovina a report on the transactions completed through the special account for the period from its opening until the day of submitting the application for election certification.

(2) The application for participation in the elections of the political party and the independent candidate shall not be certified if the political party and the independent candidate fail to submit the report on the transactions completed through the special account for financing election campaign expenses for the period from its opening to the day of submitting the application for election certification.

(3) Three days before the election day, the report on the transactions completed through the special account for financing the election campaign shall be submitted by entering it in the electronic application. The report shall include all sources of monetary and non-monetary donations, the date and amount of such payment; report on all costs (expenditures) of the election campaign, as well as the accounts of suppliers and service providers, with updated data until the date of the report submission.

(4) Within 30 days following the date of publication of the election results in the Official Gazette of Bosnia and Herzegovina, the financial report on the transactions completed through the special account for election campaign financing shall be submitted by entering it in the electronic application. The report shall include all sources of election campaign funding, election campaign expenses (expenditures) for the period between the date of submission of the application for certification for the elections and the date of the report, as well as on the amounts and type of outstanding debts for election campaign expenses and time necessary for their payment.

(5) A political party and an independent candidate

participating in the elections for the authorities of Bosnia and Herzegovina at all levels shall inform the Central Election Commission on closing the special account.”

## **Article 87**

Article 15.3 shall be amended to read:

### **“Article 15.3**

(1) A Political party shall appoint a competent person who shall be responsible for filing reports and record-keeping.

(2) Independent candidate may appoint a person or be personally responsible for filing reports, record-keeping and receiving communications from the Central Election Commission of Bosnia and Herzegovina.

(3) A person appointed pursuant to paragraph (1) and (2) of this Article, authorized to keep business records, file reports in accordance with this and the Law on Financing of Political Parties, and to communicate with the Central Election Commission of Bosnia and Herzegovina shall be obliged to permanent education in accordance with the education and training plan and program established by the Central Election Commission of Bosnia and Herzegovina.

(4) The political party and independent candidate is obliged to submit information about the person appointed in accordance with the provisions of paragraph (1) of this Article furnished with the contact details, no later than 15 days after his/her appointment or 15 days after the change of the authorized person in accordance with the provision of this Article.

(5) The competent person shall sign each such report and shall be responsible for keeping records that support the reports and must make such reports available to the Central Election Commission of Bosnia and Herzegovina upon request.

## **Article 88**

Article 15.4 shall be amended to read:

#### **“Article 15.4**

A person appointed in accordance with article 15.3 of this Law shall be directly responsible for filing reports and their contents to the Central Election Commission of BiH.”

#### **Article 89**

In Article 15.6 a new paragraph (2) shall be added to read:

“(2) All state, entities, cantonal and local self-government units’ institutions as well as the institutions of Brcko District of Bosnia and Herzegovina shall be obliged to cooperate with the Central Election Commission of Bosnia and Herzegovina and shall be obliged, upon the written request of the Central Election Commission of Bosnia and Herzegovina, to provide all required data, information and documents relevant for the effective verification of data accuracy contained in the reports on the election campaign donations, in-rem contributions and expenditures, including the data on the income of individual donors in accordance with the provisions of this Chapter. The same obligation applies to all public and commercial banks having opened bank accounts on behalf of political entity, either for political entity financing or special account for financing election campaign and to all legal and individual entities that made donations to political entity.”

In Article 15.6 current paragraphs (2) and (3) shall become paragraphs (3) and (4).

#### **Article 90**

Introductory part of Article 15.7 paragraph (1) shall be amended to read:

“The candidates elected at all levels of authority shall be obligated to submit to the Central Election Commission of

Bosnia and Herzegovina, within thirty (30) days from the publication of the verification of mandates in the Official Gazette of BiH, in the manner determined by the Central Election Commission of Bosnia and Herzegovina, a signed statement on his or her total property situation, containing:"

In the same Article, paragraph (1), in sub-paragraph 1, reference to Article 15.1 shall be amended into "Article 15.1a."

### **Article 91**

In Article 15.8 paragraph (1) shall be deleted.

Current paragraphs (2) and (3) shall become paragraphs (1) and (2).

New paragraph (1) shall be amended to read:

"(1) Candidates elected to a body of authority at all levels shall be required to submit a statement of their property situation to the Central Election Commission of Bosnia and Herzegovina thirty (30) days after the expiration of the mandate for which they have been elected, as well as in the case of termination of the mandate in the situations described by Article 1.10, Paragraph 1, except sub-paragraph 3 of this Law, within 30 days from the cessation of the mandate."

### **Article 92**

The title of the Chapter 16 shall be amended to read: "Media in the Election Period".

### **Article 93**

In Article 16.1, before the first paragraph, the numeration mark (1) shall be added.

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

“Online media that decide to report about the election campaign shall be required to ensure public and transparent information about its ownership and shall observe the principles provided for in Article 16.2 paragraph (1) of this law.”

## **Article 94**

Article 16.2 shall be amended to read:

### **“Article 16.2**

(1) Electronic media covering election campaign shall observe the principles of balance, equal access, fairness and impartiality.

(2) In the event of a failure by the media to comply with paragraph (1) of this Article, the report may be submitted to the Communications Regulatory Agency for its further procedure.”

## **Article 95**

In Article 16.3, paragraph (3) after words “with no”, words “direct or indirect” shall be added.

In Article 16.3, after paragraph (3) the new paragraph (4) shall be added to read:

“(4) In the event of any violation of the provisions of this Article, the political entity or any other interested person may report the matter to the Communications Regulatory Agency of Bosnia and Herzegovina for its further procedure.

## **Article 96**

In Article 16.4, after the words: “the principles of balance” the words “equal access” shall be added.

In the same Article, after the words “such as round tables” a comma (,) and the words “other debate shows” shall be added.

## **Article 97**

In Article 16.5, paragraph (2), the words: “during the election campaign” shall be replaced with the words: “during the election period”.

## **Article 98**

In Article 16.11, paragraph (1), after the words: “Polling Stations”, the words: “when the campaign silence period begins” shall be added.

## **Article 99**

In Article 16.12 new paragraphs (6) and (7) shall be added to read:

“(6) Paid political advertising shall be clearly defined as such and shall not be broadcast for a period of at least 15 minutes prior, during or after the news broadcast.

(7) The price and conditions of broadcast of ordered political advertising shall be unified for all political entities participating in the elections.”

## **Article 100**

In Article 16.13, before the first paragraph the numeration mark (1) shall be added and the words: “have the right to” shall be replaced by the word “may”.

In the same Article, paragraph (1), sub-paragraph c) shall be amended to read:

“c) the advertisement includes any form of discrimination or prejudice based on gender, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social background, including also any other contents whose purpose or outcome is to prevent and affect the recognition, enjoyment or exercise of the rights and freedoms

on an equal basis for any person;"

After sub-paragraph c), the new sub-paragraphs d), e) and f) shall be added to read:

"d) the advertisement humiliates, intimidates, provokes and incites hatred, violence or discrimination against one person or a group of persons on account of their gender, race, ethnicity, nationality, religion or belief, disability, special needs, age, sexual orientation, social background, or based on any other circumstances whose purpose or outcome are to prevent and affect the recognition, enjoyment or exercise of the rights and freedoms on an equal basis for any person;

e) the advertisement involves the participation of children; and

f) the advertisement contravenes any regulations of the Communications Regulatory Agency of Bosnia and Herzegovina."

In the same Article, after paragraph (1), new paragraphs (2), (3), (4) and (5) shall be added to read:

(2) In the event that electronic media believe that the contents of paid political advertising falls under the scope of paragraph (1) sub-paragraphs c), d), e) and f) of this Article, it may submit a request to the Communications Regulatory Agency of Bosnia and Herzegovina, which shall issue a binding opinion with regard to forwarded report in an urgent procedure.

(3) In the event that electronic media refuse to broadcast paid political advertising, by referring to the reasons under paragraph (1) sub-paragraphs c), d), e) and f) of this Article, contrary to the binding opinion of the Communication Regulatory Agency of Bosnia and Herzegovina, the political entity whose advertisement was refused shall have the right to submit the report to the Communications Regulatory Agency, which shall issue a decision with regard to submitted report.

(4) In the event that electronic media broadcast paid political advertising contrary to the provisions of paragraph (1) of this Article, any interested person has the right to submit a report to the Communication Regulatory Agency of Bosnia and Herzegovina.

(5) The Communications Regulatory Agency of Bosnia and Herzegovina shall issue a decision referred to in paragraphs (3) and (4) of this Article in urgent procedure and shall deliver this decision to the Central Election Commission of Bosnia and Herzegovina for their reference and information."

### **Article 101**

In Article 16.14, paragraph (1), the words: "during the period of 30 days prior to the Election Day", shall be replaced with the words: "during the election campaign".

In the same article, paragraph (2), the words: "during the period of 30 days prior to the Election Day", shall be replaced with the words: "during the election campaign".

In the same article, paragraph (3), the sentence: "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 behaviour on the grounds of gender or any humiliating attitude against the members of different genders.", shall be deleted.

In the paragraph (5) the words "during the period of 30 days prior to the Election Day", shall be replaced with the words: "during the election campaign".

### **Article 102**

After Article 16.14, the new Articles 16.14a and 16.14b shall be added to read:

#### **"Article 16.14a**

The provisions of Article 16.14, paragraphs (3) shall apply accordingly to private electronic media, online media, social media or any other form of public advertising.

#### **Article 16.14b**

During the election campaign, the political entities may also conduct the campaign through the internet in accordance with the provisions of this Law”.

#### **Article 103**

Article 16.16 shall be amended to read:

#### **“Article 16.16**

(1) In the event of violations of the provisions of this chapter by electronic media, the competent authority shall be the Communication Regulatory Agency of Bosnia and Herzegovina.

(2) In the event of violations of the provisions of this chapter by political entities, the competent authority shall be the Central Election Commission of Bosnia and Herzegovina.

#### **Article 104**

Article 16.17 shall be amended to read:

#### **“Article 16.17**

The political entities shall refer to the Press and Online Media Council with their complaints about the contents released in the print and online media concerning the coverage of the election campaign.”

#### **Article 105**

After Article 16.17, the new Article 16.17a and 16.17b shall be added to read:

#### **“Article 16.17a**

“(1) The political entities shall not spread false information by way of media that could compromise the integrity of the election process and misinform the voters.

(2) In case of violation of the provisions of paragraph (1) of this Article, the Central Election Commission of BiH shall be authorized to conduct the procedure.

#### **Article 16.17b**

During the election campaign, the political entities shall make their best efforts to ensure equal representation to female and male candidates running in the elections for the presentation of their political program and the program of their respective political entities, through both the public and the private electronic media.”

#### **Article 106**

In Chapter 17 (Election Observers), in Article 17.1, after paragraph (2), a new paragraph (3) and (4) shall be added to read:

“(3) Observers must be enabled to exercise their right to conducting effective observations, including by having direct access to all election activities referred to in paragraph (2) of this Article, and in particular by having access to the ballot counting stage.

(4) In the event that during the course of observation an observer has established the existence of irregularities concerning the process observed by him or her, he or she may ask for a clarification from an authorized person; however, in the event that the observer is not satisfied with the clarification, he or she shall take make a comment thereof in the Poll Book.”

#### **Article 107**

Article 17.2, paragraph (1) shall be amended to read:

“(1) Observers shall not in any way interfere with the election activities and they shall respect the secrecy of voting and shall only disclose the identity of voters as necessary to perform their duty under paragraph (4) of Article 17.1. There may be only one representative of the accredited entities present at a time at a public election commission meeting, Voter Registration Centre, Polling Station, or any other relevant location, as specified by the Central Election Commission of Bosnia and Herzegovina.”

After paragraph (2), a new paragraph (3) shall be added to read:

“(3) Observation of ballot counting in the counting centre shall be organised in such a way that at each table where the ballots are counted, each of the accredited entities may have one observer throughout the counting process as well as throughout all other election activities in the counting centre.”

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

### **Article 108**

In Article 17.8, the words “submit a complaint” shall be replaced with the words: “file an appeal”, whereas the words: “which will resolve it”, shall be replaced with the words: “which will resolve the appeal”.

### **Article 109**

In Article 17.9, paragraph (1) after the words: “in writing”, the words: “or electronically” shall be added.

### **Article 110**

In Chapter 18 (Brcko District of Bosnia and Herzegovina) Article 18.3 shall be deleted.

### **Article 111**

In Chapter 19.A (Penalty Provisions) Article 19.8 shall be amended to read:

“(1) A natural person employed or hired in the election administration shall be punished for a minor offence by a fine in an amount of 600 to 3.000 KM, if he/she:

1. participates in the decision which may raise doubt as to his/her ability to act impartially in violation of Article 2.1. or in a different way violates the oath from Article 2.1, paragraph (3);

2. fails to designate polling stations in the territory of the municipality for voting at all levels of authority in BiH in violation of Article 2.13 paragraph (1) sub-paragraph 2);

3. fails to provide the election materials for voting at all levels of the elections in BiH in violation of Article 2.13 paragraph (1) sub-paragraph 5);

4. fails to notify voters of information necessary for the administration of elections as directed by the Central Election Commission of Bosnia and Herzegovina as prescribed by Article 2.13 paragraph (1) sub-paragraph 6);

5. conducts the counting of ballots at the polling station and in the counting centre or consolidates election results from the polling stations in an inappropriate manner or does not enter the election results in the relevant software application or in a proper manner in violation of Article 2.13, paragraph (1) sub-paragraph 9);

6. appoints the president and a member of a polling station or a deputy in violation of Article 2.19;

7. violates the prohibition of the abuse of the right to participate in the work of the Polling Station Committee by fictitious representation from Article 2.19 paragraph (14);

8. fails to update data in line with the changes in the number

of voters and regulations of the Central Election Commission of Bosnia and Herzegovina as prescribed by Article 3.8, paragraph (3) sub-paragraph b);

9. fails to provide access to the excerpt from the Central Voters Register in the territory of its municipality as prescribed by Article 3.8, paragraph (3) sub-paragraph c);

10. fails to provide data for the Central Voters Register established by the regulations of the Central Election Commission of Bosnia and Herzegovina as prescribed by Article 3.8, paragraph (3) sub-paragraph d);

11. fails to keep the records of requests and complaints and fails to keep the supporting documentation as prescribed by Article 3.8 paragraph (4);

12. designates the polling stations contrary to Article 5.1, paragraph (2), including the functioning of technical equipment;

13. fails to ensure video surveillance in line with Article 5.2.a, paragraph (1);

14. fails to lock and secure the election material including respective election technologies as prescribed by Article 5.3, paragraph (3);

15. fails to deliver at the polling station relevant election technologies as prescribed by Article 5.3a, paragraph (1) or fails to lock the election technologies as prescribed by and Article 5.3a, paragraph (2);

16. is unjustifiably absent during the process of voting and ballot counting in line with Article 5.5 or is unjustifiably absent from collective manual counting of voters, ballots, tendered ballots envelopes and votes in violation of Article 5.23 paragraph (5);

17. fails to assign duties to the members of the Polling

Station Committee or register them as prescribed by Article 5.6, paragraph (2);

18. fails to remove an individual disturbing the Polling Station as prescribed by Article 5.6 paragraph (3);

19. allows bringing into the Polling Station political insignia or a symbol in violation of Article 5.6 paragraph (5);

20. fails to keep the Poll Book on the operation of the polling committee continuously, in detail and legibly, in the regulated form and with the information as prescribed by Article 5.7, paragraph (1);

21. fails to display at a visible place the list of members of the polling station committee with the names of the political entities that nominated them in line with Article 5.8, paragraph (1), sub-paragraph 5);

22. fails to explain to the voter the manner of polling or fails to secure secrecy of the voting as prescribed by Article 5.11, paragraph (1);

23. fails to identify the voter in line with Article 5.13, paragraph (1) or fails to ascertain that the signature of a voter in the excerpt from the Central Voter Register corresponds to the signature affixed on the identification document establishing the identity of the voter in line with Article 5.13, paragraph (2) and (3);

24. issues a ballot contrary to the provisions governing the issuance of ballots from Article 5.13;

25. helps an individual with voting in the manner which is not in accordance with this Article 5.19;

26. fails to record information or complete the forms in line with Article 5.25; or

27. fails to ensure that the data of the consolidated summary of voting results for the municipality are in accordance with Article 5.27 of this Law.

(2) For the minor offence from paragraph (1) sub-paragraphs 1, 7, 14 to 27 of this Article, the members of the Polling Station Committee shall be punished by a fine in an amount of 600 to 10.000 KM.

(3) For the minor offences from paragraph (1) sub-paragraphs 1, 7, 14 to 27 of this Article, the political entity on whose behalf the member of the Polling Station Committee is appointed shall be punished by a fine in an amount of 3.000 to 10.000 KM.”

## **Article 112**

Article 19.9. of the Law shall be amended to read:

### **“Article 19.9**

(1) A political entity shall be punished for a minor offence in an amount of 3.000 to 30.000 KM if it or its candidate:

1. fails to resign from office, or fails to comply with the law governing his/her status in violation of Article 1.8 paragraph (4);

2. fails to submit changes of data within 10 days in line with Article 4.22;

3. in violation of Article 7.1, during the period of premature election campaign, performs an act that is viewed as a conduct of the election campaign;

4. removes, covers, destroys, or alters a printed notice, a placard, a poster, or other material, which is in accordance with law used for the purposes of election campaigning by political party, coalition, list of independent candidates or independent candidates, in violation of Article 7.2, paragraph

(2);

5. displays a notice, a placard or a poster, or places its name or a slogan related to the election campaign in or on the building of government authority at any level, public enterprise, public institution or local community, or on a religious facility, on a public road and in a public area, except for the places designated for distribution of posters and advertising; [Article 7.2, paragraph (3)];

6. fails to, within 15 days from the Election Day, remove all notices, placards, posters, and other similar material used for campaign purposes as prescribed by Article 7.2, paragraph (4);

7. abuses public resources for his/her own and for the promotion of the political entity he/she is a member of in violation of Article 7.2a, paragraph (2);

8. carries or displays a weapon at political meeting, polling station or their surroundings, or during a gathering related to the activity of a political party, coalition, independent candidates' list, or independent candidates in the election process, in violation of Article 7.3 paragraph (1) sub-paragraph 1);

9. disturbs a gathering of other political party, coalition, or independent candidate, or incites another to conduct such activities in violation of Article 7.3 paragraph (1) sub-paragraph 2);

10. prevents a journalist from conducting their work in accordance with their professional rules and election rules in violation of Article 7.3 paragraph (1) sub-paragraph 3);

11. promises a financial reward or other material benefit with the purpose of gaining the support of voters or threatens the supporter of other political party, coalition, independent candidates' list, or independent candidate in violation of

Article 7.3 paragraph (1) sub-paragraph 4);

12. induces a person to vote who is not entitled to vote in violation of Article 7.3 paragraph (1) sub-paragraph 5);

13. induces a person to vote more than once in the same election, or to vote in the name of another person in violation of Article 7.3 paragraph (1) sub-paragraph 6) if it does not constitute a criminal offence;

14. uses language which could provoke or incite someone to violence or spreading of hatred, or publishes or uses a picture, a symbol, audio or video recordings, a text message, internet communication or other material that can have such an effect [Article 7.3 paragraph (1) sub-paragraph 7)] if it does not constitute a criminal offence;

15. abuses a child for a political purpose in violation of Article 7.3 paragraph (1) sub-paragraph 8) if it does not constitute a criminal offence;

16. impersonates a political party, coalition, independent candidates' list or independent candidate, or fictitiously represents a political entity to which a seat in the Polling Station Committee was allocated so as to favour another political entity to which that seat in the Polling Station Committee was not allocated in violation of Article 7.3 paragraph (2);

17. holds a meeting for the purpose of election campaigning in violation of Article 7.4 paragraph (1) sub-paragraph 1)];

18. presents any kind of material for the purpose of influencing voters at a polling station or the surrounding area in violation of Article 7.4 paragraph (1) sub-paragraph 2);

19. uses national and international means of communication intended to influence voters in violation of Article 7.4

paragraph (1) sub-paragraph 3);

20. uses a megaphone or other public address systems for the purpose of influencing voters in violation of Article 7.4 paragraph (1) sub-paragraph 4);

21. conducts any activity that interferes with or obstructs the election process [Article 7.4 paragraph (3)];

22. exceeds the maximum amount allowed to be spent for financing the election campaign from Article 15.10;

23. conducts the election campaign in the period from the day when the elections have been announced to the day of official start of the election campaign [Article 16.14, paragraph (3)];

24. by way of media spreads false information that could undermine the integrity of the election process or misinform the voters in violation of Article 16.17a of this Law.

(2) For the minor offence from paragraph (1) of this Article committed by a follower of a political entity, that political entity shall be sanctioned.

(3) For the minor offence from paragraph (1) sub-paragraph 2. of this Article, the responsible person in the political party, coalition or list of independent candidates shall also be punished by a fine in an amount of 600 to 15.000 KM.

(4) For the minor offence from paragraph (1) of this Article the candidate of the political subject shall also be punished by a fine in an amount of 3.000 to 15.000 KM.

(5) For the minor offence from paragraph (1) sub-paragraphs 8, 12 and 13 of this Article, persons employed or hired in the election administration shall also be punished by a fine in an amount of 600 to 3.000 KM.

(6) For the minor offences from this Article, the Central Election Commission of Bosnia and Herzegovina may, together

with the fine, impose other sanctions prescribed in Article 6.7 of this Law.”

### **Article 113**

In Chapter 20 (Transitional and Final Provisions), after Article 20.16a, a new articles: Article 20.16b, Article 20.16c, Article 20.16d and Article 20.16e, shall be added to read:

#### **“Article 20.16b**

Current members of the Central Election Commission of BiH shall not be obliged to resign or be dismissed for not meeting the conditions provided for in Article 2.5, paragraph (6) if these conditions did not exist at the time of their appointment. This shall not apply to the conditions provided for in Article 2.5. Paragraph (6), sub-paragraphs 6) and 7) of this Law.”

[\(Please see: CORRIGENDA OF THE HIGH REPRESENTATIVE DECISION ENACTING THE LAW ON AMENDMENTS TO THE ELECTION LAW OF BOSNIA AND HERZEGOVINA \(No. 17/24\)\)](#)

#### **Article 20.16c**

(1) In the period starting 15 days as of the entry into force of Law on Amendments to the Election Law until 45 days prior to holding 2024 Local Elections, the Central Election Commission of BiH shall make its best efforts to implement its duties concerning the selection and appointment, registration, training, certification and evaluation of the presidents and deputy presidents of the Polling Station Committees in accordance with the Law.

(2) The Central Election Commission of Bosnia and Herzegovina shall adopt regulations within the period of 15 days from the entry into force of this Law which shall determine criteria and the procedure of appointment of the presidents and deputy

presidents of the Polling Station Committees in accordance with paragraph (1) of this Article.

(3) Following the expiry of the deadline referred to in Paragraph (1) of this Article, should some of the positions of presidents and deputy presidents of the Polling Station Committees remain unfilled, such positions shall exceptionally be appointed pursuant to the procedure provided for under Article 2.19. paragraph (5) through (16) of this Law.

(4) The Central Election Commission of Bosnia and Herzegovina shall adopt temporary regulations applicable exclusively for the 2024 Local Elections which shall determine criteria and the procedure of appointment of the presidents and deputy presidents of the Polling Station Committees in accordance with Paragraph (3) of this Article.

#### **Article 20.16.d**

(1) As of the date of entry into force of these amendments to the Election Law of Bosnia and Herzegovina, the Central Election Commission of Bosnia and Herzegovina shall, in accordance with relevant provisions of this Law, define the scope of the pilot projects for the introduction of specific election technologies and identify the locations where these pilot projects shall be implemented in the territory of Bosnia and Herzegovina.

(2) The Central Election Commission of Bosnia and Herzegovina shall be responsible for the implementation of the pilot projects referred to in paragraph (1) of this Article, including the distribution, installation, security and use of the specific election technologies and other corresponding equipment required for implementation of the pilot projects, as well as all other additional activities aimed at ensuring the security, integrity and functionality of selected election technologies in the conduct of the pilot projects.

(3) Within the period of 30 days from the entry into force of

this Law, the Central Election Commission shall issue more detailed regulations regarding the implementation of provisions of paragraph (1) and (2) of this Article. This shall include the determination of responsibilities of the competent authorities in charge for the conduct of elections and other competent authorities in Bosnia and Herzegovina.

(4) The Central Election Commission of Bosnia and Herzegovina shall submit periodic report(s) to the Parliamentary Assembly of Bosnia and Herzegovina about the procedures and measures taken to implement the pilot projects.

### **Article 20.16e**

(1) Except in respect to the provisions necessary to conduct pilot projects for the introduction of specific election technologies, the application of the provisions of this Law relating to the introduction of specific election technologies shall commence once the technical requirements have been met for their application.

(2) The technical requirements referred to in paragraph (1) of this Article shall include the development of a feasibility study, procurement of the necessary equipment and implementation of the pilot process, including all other additional activities aimed at ensuring the integrity and functionality of the selected technologies in the election process.

(3) After consultation with IDDEEA and the BiH Agency for Personal Data Protection, the Central Election Commission shall issue a special legal act in order to confirm whether these technical requirements have been met.

(4) The Central Election Commission shall on a regular basis provide comprehensive reports on its activities concerning the introduction of specific election technologies to the Parliamentary Assembly of Bosnia and Herzegovina.

## **Article 114**

1. This Law shall enter into force on the eighth day after its publication on the official website of the Office of the High Representative or the day following its publication in the "Official Gazette of Bosnia and Herzegovina", whichever comes first.

2. Notwithstanding paragraph (1) of this Article, Article 76 through Article 81, Article 84 through Article 105 and articles 111 and 112 of this Law shall enter into force on 19 April 2024, provided that the Parliamentary Assembly of Bosnia and Herzegovina fails to adopt amendments to the to the Election Law of Bosnia and Herzegovina concerning matters referred to in this paragraph before that date.