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LAW ON AMENDMENTS TO THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

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NOTE: [Election Law of Bosnia and Herzegovina](#) was published in the “Official Gazette of Bosnia and Herzegovina”, 23/01.

Pursuant to Article IV 4.a) and e) of the Constitution of Bosnia and Herzegovina the Parliamentary Assembly of Bosnia and Herzegovina at the session of the House of Representatives held on April 23, 2004 and session of the House of Peoples held on April 26, 2004 adopted the

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, No: 23/01, 7/02, 9/02, 20/02 and 25/02), Article 1.2 shall be amended reading as follows:

“The cost and expense for the conduct of the elections shall be materials cost and expense and reimbursement costs for the operations of election implementation bodies.

The materials cost and expense shall be the cost for conduct of elections by the election implementation bodies within their scope of competence under Articles 2.9 and 2.13 of this Law and the Decision of the Election Commission of Bosnia and Herzegovina (hereinafter: the Election Commission of BiH) that regulates the scope of competence of entity election commissions, pursuant to Article 2.21 of this Law.

The reimbursement costs of the operations of election implementation bodies shall be the costs referred to in Article 2.12, Paragraph 7 and Article 2.19, Paragraph 3 of this Law”.

Article 2

A new Article 1.2a shall be added after Article 1.2 reading as follows:

“Article 1.2a

The Budget of the Institutions of Bosnia and Herzegovina and International Obligations of Bosnia and Herzegovina (hereinafter: the BiH budget) shall provide for the cost and expense for the conduct of elections by the Election Commission of BiH referred to in Article 2.9 of this Law.

The budgets of entities and cantons shall provide for the cost and expense for the conduct of elections of the election bodies referred to in Article 2.21 of this Law, pursuant to the Decision of the Election Commission of BiH that regulates their scope of competence as well as the provision of missing funds for obligations referred to in Paragraph 3 of this Article.

The budgets of municipalities and cities shall provide for the cost and expense for the conduct of elections by municipal election commissions referred to in Article 2.13 as well as reimbursement costs referred to in Article 2.12, Paragraph 7 and Article 2.19, Paragraph 3 of this Law.”

The Budget of the Brcko District of BiH shall provide for the cost and expense for exercise of the competencies of the Election Commission of the Brcko District and reimbursement costs for the Election Commission and polling stations committees of the Brcko District of BiH pursuant to the Election Law of the Brcko District of BiH.”

Article 3

In Article 1.8 paragraph 4 the words ”President of the Canton” shall be deleted.

Article 4

In Article 1.9 Paragraph 2 shall be added reading as follows:

“Should an elected office holder, during his/her term of office, withdraw from a political party, coalition or list of independent candidates that participated in the elections or nominated him/her on its candidates list, the elected office holder shall become an independent representative.”

Article 5

In Article 1.10, Paragraph 2, the words “no later than three (3) days” shall be replaced with the words “within maximum fifteen (15) days”.

Article 6

In Article 1.14, Paragraph 1, the word “Saturday” shall be replaced with the word “Sunday”.

Article 7

In Article 2.5, Paragraph 1, the word “Article 18.1” shall be replaced with the word “Article 19.1”.

Article 8

In Article 2.12, a new Paragraph 7 shall be added after Paragraph 6 reading as follows:

“Members of municipal election commissions shall be entitled to a permanent monthly remuneration. The decision on the amount shall be reached by the municipal council/assembly on yearly basis given that this amount may not be lower than the amount provided for the members of the municipal council/assembly. “

Article 9

In Article 2.15 a new Paragraph 2 shall be added reading as follows:

“The appointment of a new member of a municipal election commission shall be carried out no later than thirty (30) days of the date of expiration of the term of the previous member, and during the election year no later than seven (7) days of the date of expiration of the term of the previous member.”

Article 10

Article 2.16 shall be amended reading as follows:

“If a member of a municipal election commission has a prolonged absence without a valid reason, obstructs the work of the commission or violates the provisions of this Law or other regulations, the Election Commission of BiH may remove that member by a two-third (2/3) majority vote of the total number of members of the municipal election commission. According to Article 2.12, Paragraph 5, a new member of the municipal election commission shall be appointed.

If a member of a municipal election commission has a prolonged absence with a valid reason, a new member of the municipal election commission shall be appointed pursuant to Article 2.12, Paragraph 5 of this Law, as his/her replacement for the period of absence.

The valid reasons in terms of the preceding Paragraph shall include illness, education, professional training and other reasons regarded valid by the authority to appoint the municipal election commission. “

Article 11

In Article 2.19, Paragraph 1, the words “fifteen (15) days” shall be replaced with the words “thirty (30) days”.

In Article 2.19, after Paragraph 1, Paragraphs 2, 3, 4, 5 and 6 shall be added reading as follows:

“Polling Station Committees must consist of representatives of all political parties and independent candidates certified for participation in elections.

The provisions of this Article shall accordingly apply to the Deputy Members of a Polling Station Committee.

Only one representative of a political party can be a Member of a Polling Station Committee.

Polling Station Committees must consist of at least one member of a political party belonging to the opposition, including a representative of a political party, which does not participate in the work of municipal council/assembly.

Political parties shall deliver the nomination of candidates for members of Polling Station Committees to Municipal Election Commission at least thirty (30) days prior to the appointment of Polling Station Committees.

The previous Paragraph 2 shall become Paragraph 7.”

In Article 2.19, after the new Paragraph 7, Paragraph 8 shall be added reading as follows:

“Members of a Polling Station Committees shall be entitled to a salary. The decision on the amount of the salary shall be made by the Municipal Election Commission.”

Article 12

In Article 3.1, the full stop at the end of Paragraph 2 shall be replaced with a comma, and new words shall be added reading “and names of persons whose BiH citizenship has expired according to law”.

After Paragraph 2, a new Paragraph 3 shall be added reading as follows:

“The deletion of data from the Central Voters Register shall be carried out within the scope of competence of the Election Commission of BiH”.

The previous Paragraphs 3, 4, 5, 6, 7 and 8 shall become Paragraphs 4, 5, 6, 7, 8 and 9.

Article 13

In Article 3.8 Paragraph 1 shall be amended reading as follows:

“In order to maintain the credibility of the Central Voters Register, municipal registry offices shall be obliged to deliver data on deceased persons registered in the municipal registry to the municipal voters registration immediately or no later than seven (7) days of the date of entering the data in the death register.

In Paragraph 4 of the above mentioned Article, the word “court” shall be replaced with the word “body” and words “competent municipal body” shall be replaced with “the Election Commission of BiH”. The full stop at the end of the text shall be replaced with a comma, and the words “or his/her BiH citizenship” shall be added.

Article 14

In Article 4.3, the words “in either Entity” shall be deleted.

Article 15

In Article 4.4, Paragraph 5, Item 5 and in Article 4.8, Item 5 a new sentence shall be added reading as follows:

“6. fifty (50) signatures of voters registered for the election of Municipal Council/Assembly and for the direct election of the mayor in a municipality in which the number of registered voters in the Central Voters Register at the last elections did not exceed a thousand (1000) registered voters.”

Article 16

In Article 4.19, in the last sentence of Paragraph 4, the word “lower” shall be replaced with the word “higher”.

Article 17

In Article 4.22 a new Paragraph 2 shall be added reading as follows:

“All changes of data kept in the record of applications for certification for participation in the elections shall be reported to the Election Commission of BiH by a political party, coalition, independent candidate and list of independent candidates within ten (10) days of the date of the change.

Article 18

In Article 4.24, Paragraph 1, the full stop at the end shall be replaced with a comma, and new words shall be added reading: “within five (5) days of the date of certification of the candidates’ lists, as per Article 4.21 of this Law”.

Article 19

In Article 5.1, Paragraph 2, the words “fifteen (15)” shall be replaced with words “sixty five (65)”.

Article 20

In Article 5.22, Paragraph 2, the full stop at the end shall be replaced with a comma, and new words shall be added reading as follows:

“and the copies of voting results shall be delivered to accredited observers at the centralized counting upon their request.”

Article 21

In Article 5.26, Paragraph 2, the full stop shall be replaced with a comma and the new words shall be added reading as follows:

“and copies of voting results shall be delivered to accredited observers of activities of the Polling Station Committee, upon their request.”

Article 22

In Article 5.27, Paragraph 2, the full stop shall be replaced with a comma and the new words shall be added, reading as follows:

“and copies of comprehensive voting results shall be delivered to accredited observers of activities of the Municipal Election Commission, upon their request.”

Article 23

In Article 6.2, Paragraphs 2 and 3 shall be added and they shall read:

“The competent authority may, upon receiving information concerning the violations, initiate a procedure by virtue of its authority against a political entity and employees of the election administration because of the violations of the code of conduct stipulated by Article 7.3 of this Law.

The initiative for the procedure, in the terms of the previous Paragraph, may be launched by any person (a citizen, the police, a non-governmental organization) through the competent Municipal Election Commission, in a written form, where information on the place, the time, the content of the violation and the name of the perpetrator shall be mandatory information.”

Article 24

In Article 6.6, Paragraph 2 shall be amended reading as follows:

“The Election Complaints and Appeals Council shall be competent to adjudicate appeals against decisions of Municipal Election Commissions regarding violations of the code of conduct at a Polling Station stipulated by Chapter 7 of this Law.

In the same Article, new Paragraph 5 shall be added reading as follows:

“A complaint or an appeal shall be undoubtedly unfounded when allegations from the complaint or the appeal are obviously contradicting the facts.”

Article 25

Article 6.12 shall be amended reading as follows: the word “five (5)” shall be replaced with the word “ten (10)”; and the word “made by” shall be replaced with the word “received from.”

Article 26

Article 9.1 shall be amended reading as follows: the words “Article 18.16” shall be replaced with the words “Article 19.16.”

Article 27

Article 10.12 Paragraph 2 shall be amended as follows: In the fourth sentence, words “give three seats” shall be replaced with “give one seat.”

Article 28

Article 10.17 Paragraph 3 shall be amended reading as follows: the words “Article 5” shall be replaced with words “Article 10.16”

Article 29

In Article 11.11 Paragraph 1 and the second line of Paragraph 2, as well as Article 11.12, Paragraph 2 shall be amended reading as follows: the word “delegates” shall be replaced with the word “members.”

Article 30

In Article 11.12, Paragraph 1 shall be amended reading as follows: the words “Article 2, Paragraph 2” shall be replaced with words “Article 11.11, Paragraph 2”

Article 31

In Article 11.14 Paragraph 3 shall be amended reading as follows: the words “Articles 11.3 and 11.4” shall be replaced with the words “Articles 11.12 and 11.13”

Article 32

In Articles 13.1 and 13.6 shall be amended reading as follows: the words “Article 12.5” shall be replaced with the words “Article 13.5”.

Article 33

Articles 13.8 and 13.9 shall be deleted.

Article 34

In Article 13.10 Paragraph 2 shall be amended reading as follows: the words “Article 12.5” shall be replaced with the words “Article 13.5”; and in Paragraph 3 those same words shall be replaced with “Article 13.7”

Article 35

In Article 13.11, Paragraph 2 shall be deleted.

Article 36

Article 13.13 shall be amended reading as follows: the word “Government” shall be added after the word “President”.

Article 37

The new CHAPTER 13 A shall be added after CHAPTER 13 reading as follows:

“CHAPTER 13A

PARTICIPATION OF MEMBERS OF NATIONAL MINORITIES IN THE ELECTIONS FOR MUNICIPAL LEVEL

Article 13.14

Members of all national minorities in Bosnia and Herzegovina shall have the right to elect their representatives in Municipal Councils/Municipal Assemblies.

Members of all national minorities which make up to 3% of the total population of a municipality shall be guaranteed at least one seat in a Municipal Council/Municipal Assembly.

Members of all national minorities which make over 3% of the total population of a municipality shall be guaranteed at least two (2) seats in a Municipal Council/Municipal Assembly.

The number of members of national minorities elected in a Municipal Council/Municipal Assembly shall be established through the Municipal Statute on the basis of the last census conducted by the state of Bosnia and Herzegovina.

Political parties, coalitions, lists of independent candidates, independent candidates, national minorities associations and citizen groups consisting of at least forty (40) citizens who have a general right to vote shall have the right to nominate candidate members of national minorities to Municipal Councils/Municipal Assemblies.

Only those candidates representing a national minority shall be elected if their names are on the special list of national minority candidates stipulated by Paragraph 5 of this Article.

The candidate with a highest number of votes from the list of national minority’s candidates shall represent that national minority.

During the allocation of mandates, first the mandates guaranteed to national minorities, as stipulated by Paragraphs 2, 3, 4 and 7 of this Article, shall be allocated, and only then the regular mandates pursuant to

Article 9.6 of this Law.

If a mandate is not allocated to a member of a national minority, that mandate shall remain vacant.

The General Provisions of this Law shall apply to all matters not regulated by this Chapter.”

Article 38

In Article 15.1 words “coalitions, lists of independent candidates” shall be deleted.

Article 39

In Article 16.1, Paragraph 2 after the word “competent” the word “State” shall be added.

Article 40

Article 16.4 shall be amended reading as follows:

“Paid political advertisements in the electronic media are allowed in the period of sixty (60) days prior to elections. A political advertisement, in the sense of this Article, shall be defined as broadcasting of a political video clip.

Public electronic media shall provide equal conditions for paid political advertisements of political parties, coalitions, independent candidates and lists of independent candidates standing for elections up to three (3) minutes per week.

Private electronic media shall provide equal conditions for paid political advertisements of political parties, coalitions, independent candidates and lists of independent candidates standing for elections up to five (5) minutes per week.

The electronic media shall ensure that paid political advertisements are clearly separate from the rest of the program and they shall not be counted within the limit on the allowed time for commercials set by the BiH Communications Regulatory Agency. Prices of political advertisements must not be higher than the existing commercial price list of the electronic media.

The electronic media shall receive orders for paid political advertisements directly from political parties, coalitions, independent candidates and lists of independent candidates standing directly for elections, without intermediaries, i.e. through designated private or legal persons.”

Article 41

Article 16.7 shall be amended reading as follows: the word “may” shall be replaced with the word “shall.” Full stop at the end of that sentence shall be deleted and the following words shall be added: “by political entities”.

In the same Article, new Paragraph 2 shall be added reading as follows: “Complaints against violations of Article 16.1, Paragraph 2 of this Law shall be decided by the Election Complaints and Appeals Council.”

Article 42

In Article 17.7 the full stop at the end of the text shall be deleted and the following words shall be added:

“and the deadline concerning requests for the accreditation of observers.”

Article 43

In Article 17.8 after the word “may” the following words shall be added: “within three (3) days from the day of receipt of the decision.” The full stop at the end of the text shall be deleted and the following words shall be added:

“which will resolve it within seven (7) days from the day of the receipt.”

Article 44

In Article 18.1 a new Paragraph 2 shall be added reading as follows:

“The territory of the Brčko District shall be one constituency.”

Article 45

Articles 18.4 and 18.5 shall be deleted.

Article 46

In Article 19.16 A, Paragraph 1 shall be amended reading as follows: the words “Chapter A” shall be replaced with “Subchapter B.”

Article 47

Notwithstanding the provisions of Chapter IV of the Election Law of BiH the Election Commission of BiH shall define the deadlines for application of Article 13.14 of the Election Law of BiH (Article 37 of this Law).

Article 48

The Constitutional and Legal Commission of both Houses of Parliamentary Assembly of BiH shall be authorized to make a consolidated text of the Election Law of Bosnia and Herzegovina.

Article 49

The provisions of this Law shall directly be applied to the 2004 municipal elections.

Article 50

This Law shall enter into force immediately after its publication in the “Official Gazette of Bosnia and Herzegovina” and shall also be published in the Official Gazettes of the Entities and the “Official Gazette of the District of the Brčko of Bosnia and Herzegovina”.

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Sarajevo

Speaker
of the House of Representatives
of the Parliamentary Assembly of BiH
Martin Raguz

Speaker
of the House of Peoples
of the Parliamentary Assembly of BiH
Mustafa Pamuk