



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

Department for Legal Affairs



LAW AMENDING THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

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Pursuant to Article IV.4a) of the Constitution of Bosnia and Herzegovina, the Parliamentary Assembly of Bosnia and Herzegovina, at the 27th session of the House of Representatives, held on 10 April 2008, and at the 16th session of the House of Peoples, held on 16 April 2008, passed the following

LAW AMENDING THE ELECTION LAW OF BOSNIA AND HERZEGOVINA

Chapter 1 - General Provisions

Article 1

In the Election Law of Bosnia and Herzegovina (“Official Gazette of Bosnia and Herzegovina”, nos. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 37/02, 32/07 and 33/08) in Article 1.1a, paragraph (1), after sub-paragraph 7), the new sub-paragraphs 8), 9), 10) and 11) shall be added to read as follows:

“(8) “Member of a national minority” shall mean a national of Bosnia and Herzegovina who does not belong to any of the three constituent peoples. A national minority is made of people of the same or similar ethnic background, same or similar tradition, customs, faith, language, culture and spirituality and close or related history and other features.

9) “Displaced person” shall mean a national of Bosnia and Herzegovina whose status of a displaced person has been established by a competent administration authority responsible for the displaced persons affairs as provided by law.

10) “Refugee” shall mean a national of Bosnia and Herzegovina who has the voting rights and has taken up his/her residence abroad, enjoying the status as refugee from Bosnia and Herzegovina.

11) “Parliamentary party” shall mean a political party represented in representative or legislative government authorities. ”

Article 2

In Article 1.2a, new paragraph (6) shall be added to read as follows:

“Funds for the conduct of the elections must be provided by the institutions referred to in paragraphs 1, 2, 3 and 4 of this Article within 15 days from the day the decision to announce the elections is issued by the Central Election Commission of Bosnia and Herzegovina”

Article 3

In Article 1.3, after the words “basis of”, the following words shall be added: “free elections,”, whereas the words: “by direct” shall be replaced with the words: “directly by voters”.

Article 4

In Article 1.3.a, in paragraph (2), the words: “the representative body has been constituted”, shall be replaced with the words: “the election results have been published in the Official Gazette of Bosnia and Herzegovina”.

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

“(3) The elected holder of the mandate that has been elected in the direct and indirect elections shall have the obligation to sign a declaration by which he/she shall refuse or accept the mandate on the form prescribed by the Central Election Commission of BiH.”

Article 5

In Article 1.5, paragraph (2) shall be amended to read as follows:

“A citizen of Bosnia and Herzegovina who is temporarily residing abroad and has the right to vote, shall be entitled to vote in person (by appearing at an appropriate polling station in BiH or at a diplomatic and consular representation office of Bosnia and Herzegovina abroad) or by mail (by sending the voting ballot by mail) for the municipality where the person had the permanent place of residence prior to his or her departure abroad, provided that he or she is registered as a permanent resident in that municipality at the moment of submitting his or her application for out-of-country vote.”

New paragraphs (3), (4) and (5) shall be added to read as follows:

“(3) The Central Election Commission of Bosnia and Herzegovina shall issue a separate regulation, in accordance with this Law, in order to regulate the complete procedure of voting in the diplomatic and consular representation offices of Bosnia and Herzegovina (the voting application procedure and deadlines, the appointment of polling station committees, the determination of number and distribution of polling stations and the procedure of conducting the elections).

(4) The Central Election Commission of BiH shall determine the number and distribution of polling stations in the diplomatic and consular representation offices of BiH according to the criteria referred to in Article 5.2 of this Law.

(5) The Central Election Commission of BiH shall appoint the polling station committees for voting in the diplomatic and consular representation offices of Bosnia and

Herzegovina by ensuring the representation of members from among each constituent people in each polling station committee.

Article 6

In Article 1.8, paragraph (1), after the words: “of the Human Rights Courts/Chambers/Councils,”, the word “notaries” shall be added.

Article 7

In Article 1.10, in paragraph (1), sub-paragraph 1 shall be amended to read as follows:

“1. on the day when he/she resigns;”

In the same Article and paragraph, after sub-paragraph 1, new sub-paragraph 2 shall be added to read as follows:

“2. if he/she has been recalled in accordance with law;

In the same Article and paragraph, sub-paragraphs 2, 3, and 4, which has hereunder been enumerated to become sub-paragraphs 3, 4, and 5, shall be amended to read as follows:

“3. on the day when he/she dies;”

4. on the day when a court judgment becomes final and binding by which he/she has been sentenced to a sentence of six (6) months or longer;

5. on the day when a court decision becomes final and binding by which he or she has been deprived of legal capacity (declared mentally incompetent).

In the same Article and paragraph, in sub-paragraph 5, which has hereunder been enumerated to become sub-paragraph 6, the words: “if he or she is elected” shall be replaced with the words: “on the day when he or she is elected”.

In the same Article, paragraph (2), the second sentence: “The competent body shall, within maximum fifteen (15) days after the reason for termination of the mandate has occurred or become known, confirm the termination of the mandate.”, shall be replaced with the following wording: “The Central Election Commission of Bosnia and Herzegovina shall, within maximum fifteen (15) days after the reasons for termination have occurred or become known, take the decision to terminate the mandate of an elected member of a government authority and shall notify thereof the government authority in which the elected member had the mandate.”

In the same Article, in paragraph (2), the third sentence: “If the member resigns, the resignation shall be completed on a form produced by the Central Election Commission

of Bosnia and Herzegovina”, shall now become paragraph (3).

Chapter 2 - Competent Authorities Responsible for the Conduct of Elections

Article 8

In Article 2.2. the words: “members of the election commissions and polling station committees” shall be replaced with the words: “member of the election commission and polling station” in the appropriate grammar case, whereas the words: “are persons”, shall be replaced with the words: “is a person”.

In the same Article, paragraph (3), the words: “in the previous paragraph”, shall be replaced with the words: “in paragraph (2) of this Article”.

In the same Article, new paragraph (4) shall be added to read as follows:

“(4) Efforts shall be made to ensure that the number of members of the sex that is less represented within the Municipal Election Commission and Polling Station Committee reaches a minimum of 1/3 of the total number of members.”

The current paragraph (4) shall now become paragraph (5).

In the same Article, after paragraph (4), which has hereunder been enumerated to become paragraph (5), new paragraph (6) shall be added to read as follows:

“If a member of the election commission or polling station committee fails to undergo the training referred to in paragraph (4) of this Article, he/she shall be released from his/her duty.”

Article 9

In Article 2.4, the words: “members”, “shall be appointed (plural)” and “five (5) years”, shall be replaced with the words: “member”, “shall be appointed (singular)”, and seven (7) years, in the appropriate grammar case, whereas the words “and members may only be appointed to the same election commission for two (2) consecutive terms of office” shall be deleted.

Article 10

In Article 2. 5, in paragraph (3), after the words:” the Administrative Commission”, the words: “the House of Representatives” shall be deleted, whereas after the words:” amongst members of the Commission”, the following words shall be added:“ from the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.”

In the same Article in paragraph (5), the words: “in its full composition” and “In accordance with the provisions of this Law” shall be deleted, whereas the words: ”The announcement and nomination procedure” shall be replaced with the words: ”The procedure of announcement and determination of proposed candidates.”

Article 11

In Article 2.9, paragraph (1), in Item 4a, after the words: “classified by gender”, shall be added the words: ”age, classified by polling stations.”

In the same Article and paragraph, sub-paragraph 9, before the words “verify” the following words shall be added: “determine and”.

In the same Article and paragraph 14 shall be amended to read as follows:

“14. take the decision to terminate the mandate of an elected official at all levels of direct and indirect elections in Bosnia and Herzegovina covered by this Law, but also where necessary conduct the preliminary fact-finding procedure (in the case where a member resigns, that it is done of his or her own volition)”

In the same Article and paragraph after sub-paragraph 14, new sub-paragraph 15 shall be added to read as follows:

“15. review the decision taken by the competent authority to terminate the mandate of an elected official by recall, in order to ensure that the elected official’s mandate was terminated in accordance with this Law;”

Current sub-paragraphs 15 and 16 shall now be enumerated as sub-paragraphs 16 and 17.

Article 12

In Article 2.12, in paragraph (1) the words: “of between three (3) or five (5) members” shall be replaced by the words: “of three (3), five (5) or seven (7) members”, and a new sentence shall be added to read as follows:

“A municipal election commission may appoint the municipal election commission Secretary, who shall perform administrative and technical duties.”

In the same Article in paragraph (5) the words: “and dismissed” shall be deleted, whereas after the words: “the Central Election Commission of Bosnia and Herzegovina”, the following words shall be added: “based on a public advertisement according to the procedure established by the Central Election Commission of BiH under a separate regulation.”

In the same Article, new paragraphs (6) and (7) shall be added to read as follows:

“(6) Members of the Municipal Election Commissions shall be dismissed by the Municipal Council, or the Municipal Assembly, with the consent of the Central Election Commission of Bosnia and Herzegovina.

(7) A member of the Municipal Election Commission may be neither a representative or attorney of the political subject participating in the elections, nor a person sentenced to an imprisonment sentence of six (6) months or longer under a final and binding court decision.”

Current paragraph (6) and (7) shall now become paragraphs (8) and (9).

Article 13

In Article 2.13, paragraph (1), sub-paragraph 1 shall be deleted.

Current sub-paragraphs 2, 3, 4, 5, 6, 7, 8, 9, and 10 shall now be enumerated as sub-paragraphs 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Article 14

In Article 2.14, in paragraph (2), the words: “seven (7)” shall be replaced with the number “15” and the words: “in the previous paragraph” shall be replaced with the words “in paragraph (1) of this Article.”

Chapter 3 – Voters Register

Article 15

In Article 3.1, in paragraph (4), after the words “participation in elections”, the following words shall be added: “and whose candidate lists are certified for participation in elections”.

Article 16

Article 3.5 shall be amended to read as follows:

“The Central Voters Register shall be maintained ex-officio.

The Central Election Commission of Bosnia and Herzegovina shall maintain the Central Voters Register for the territory of Bosnia and Herzegovina on the basis of records of a competent State authority that maintains the records of citizens of Bosnia and Herzegovina in accordance with the Law on Central Registers and Data Exchange, unless otherwise prescribed by this Law.

The competent State authority referred to in Paragraph 2 of this Article shall maintain and shall be responsible for the overall technical processing of all data of relevance for the records of the Central Voters Register (hereinafter: the authority in charge of technical maintenance of the Central Voters Register records).

The competent authority that maintains the records on citizens of Bosnia and Herzegovina pursuant to Law on Citizens' Single Identification Number, Law on Permanent and Temporary Residence of the Citizens of Bosnia and Herzegovina and the Law on Identification Card of BiH Citizens, shall receive the data from:

- a) Competent Registry Office on death of all citizens over eighteen (18) years of age; and
- b) Competent Ministry of Bosnia and Herzegovina: on deregistration of BiH citizenship

The competent authority in charge of technical maintenance of the Central Voter Register shall receive the data pursuant to the Law on Central Registers and Data Exchange as well as the provisions of the Law on Personal Identification Number (JMB Number), the Law on Permanent and Temporary Residence of BiH Citizens, and the Law on ID Cards, from a competent authority in charge of maintaining the records on any change of permanent and temporary residence.

The competent authority in charge of technical maintenance of the Central Voter Register records shall receive data from the following parties:

- a. Municipal Election Commissions on Polling Stations; and
- b. Central Election Commission of BIH and Municipal Election Commissions on changes of voting options.

The competent authority in charge of maintaining the official records concerning such data shall be responsible for accuracy and update of data necessary to produce the Central Voters Register.

The competent Registry Offices shall provide to the authority competent for maintaining the official records concerning the Citizens' Single Identification Number, Permanent and Temporary Residence of the Citizens of Bosnia and

Herzegovina with the data on all changes that affect the accuracy of the Central Voters Register, in writing, not later than within seven (7) days from the date the change has occurred.

The authority competent for maintaining the official records concerning the Citizens' Single Identification Number, Permanent and Temporary Residence of the Citizens of Bosnia and Herzegovina is responsible for keeping the data updated and accurate and is obliged to keep the files with documents, public identification documents and requests of citizens, on the basis of which the Central Voters Register is maintained and updated, and make the access to these files possible and the files available at the request of the Central Election Commission."

Article 17

In Article 3.10, in paragraph (1), after Item h), new items i) and j) shall be added to read as follows:

"i) Polling Station

j) date of registration of the permanent or temporary residence;"

Current Item i) shall become Item k).

In the same Article, in paragraph (3), the word: "layout" shall be replaced with the word: "contents".

Article 18

After Article 3.12, new Article 3.12a shall be added to read as follows:

"Article 3.12a

A voter who has changed his/her permanent residence within the period of 45 days before the election day until the election day, shall be appear in the excerpt from the Central Voters Register at a regular Poling Station in the municipality in which he/she had his/her permanent residence until the day when the permanent residence was changed.

The authority in charge of maintaining the records on any change of permanent or temporary residence shall check the accuracy of the data on such changes of permanent or temporary residence. An official report shall be compiled about this check."

Article 19

In Article 3.13, paragraph (3), the words: "items a), b), c), e) and f) shall be replaced with

the words: "items a), b), c), e) and j)".

Article 20

In Article 3.15, at the end of paragraph (1), before the words "shall be attached to the application, the following words shall be added: ", as well as a declaration concerning the voting option: in a diplomatic and consular representation office (DCR) or by mail,".

In the same Article, in paragraph (2) at the end of the penultimate sentence the following words shall be added: "and contain the declaration concerning the voting option: in a diplomatic and consular representation office (DCR) or by mail."

In Article 3.15, paragraph (3), Item c), the word "of the permanent residence" shall be replaced with the word; "of change of the permanent residence."

In the same Article, after paragraph (4), new paragraph (5) shall be added to read as follows:

"The applicant may send the completed and signed application and the required documents by fax and electronically. The procedure and method of sending, receiving, processing, filing (archiving) and protection of electronic applications and documents shall be established by the Central Election Commission of Bosnia and Herzegovina under a separate regulation."

Current paragraphs (5), (6) and (7) shall be enumerated as paragraphs (6), (7) and (8).

In the same Article after paragraph (7), which has hereunder been enumerated to become paragraph (8), new paragraph (9) shall now be added to read as follows:

"(9) Registration into the Central Voters Register of the citizens of Bosnia and Herzegovina who have the status as refugees from Bosnia and Herzegovina, and who have their voting rights as provided by this Law, shall be a continuing process conducted during the entire year, with the documentation attached as provided by paragraph (3) of this Article."

Chapter 4 - Certification and Candidacy for the Elections

Article 21

In Article 4.3, in the second sentence, the word: "request" shall be replaced by the word: "application", whereas after the word "authority" the words ", not older than 60 days" shall be added. (Note: replacement of the word "request" with the word "application" is of relevance for the local language terms only; thus no amendment is required in the English version in that regard).

In the same Article, in the third sentence the word: "request" shall be replaced with the

word “application”. (same as in paragraph 1 above)

Article 22

In Article 4.4, paragraph (1), the word ”request” shall be replaced by the word: ”application”, whereas after the words “original signature” the following words shall be added: “, number of a valid ID Card”.

In the same Article in paragraph (4), after the word “surname” the words: “, number of a valid ID Card” shall be added.

In the same Article, in paragraph (5), in sub-paragraph 3, after the words: “Republika Srpska” the words: “or for the elections for the President and Vice Presidents of Republika Srpska.”

In the same Article, in paragraph (5), in sub-paragraph 5, the words “in the last elections held for that level of authority” shall be replaced with the words ”on the day when the elections are announced”.

In the same Article, in paragraph (5), in sub-paragraph 6, the words “in the last elections held for that level of authority” shall be replaced with the words ” on the day when the elections are announced”.

Article 23

In Article 4.5 in paragraphs (1) and (2), the word “request (see N.B. above)” shall be replaced with the word “application”.

Article 24

In Article 4.7, the words: „competent court“ shall be replaced with the word: „competent authority“.

Article 25

In Article 4.8 in paragraph (1) in sub-paragraph 6, the words: “in the last elections held for that level of authority” shall be replaced with the words: ” on the day when the elections are announced”.

In the same Article and paragraph, in sub-paragraph 3, after the words: “Republika Srpska”, the words: “or for the elections for the President and Vice Presidents of Republika Srpska.”

Article 26

Article 4.9 shall be amended to read as follows:

“An independent candidate, who has a mandate in his/her capacity as independent candidate, shall, in the event that he/she stands as a candidate for election of an authority at the same or lower level than the authority where he/she holds his/her mandate, be exempt from the obligation of collecting the signatures referred to in Article 4.8 of this Law, except the obligation of collecting the signatures for election of the members of the BiH Presidency, President and Vice Presidents of the Republika Srpska.”

Article 27

In Article 4.10, paragraph (1), after the word „surname “ the words „ethnicity and valid ID Card number“ shall be added.

In the same Article paragraph (7) shall be amended to read as follows:

„(7) After certification an independent candidate may not withdraw his or her candidacy.“

Article 28

In Article 4.12 in paragraphs (1) and (2) the word: ”request” shall be replaced by the word: ”application”. (Note: this does not affect the English version and is reflected in the local language version only)

Article 29

In Article 4.13 in paragraph (1) after the word: “unit” the words: “for the same authority” shall be added.

Article 30

In Article 4.14 the words: „previous certified coalition name“ shall be replaced with the words: „coalition name certified“ after which the following words shall be added: „for previous elections “. (* the Article shall read as follows:

A coalition may keep its coalition name certified for previous elections only if it consists of the same political parties that comprised the certified coalition in the previous election).

Article 31

In Article 4.19, paragraph (3), the words: “two (2)” shall be replaced with the words “no more than five (5)”.

In the same Article, paragraph (5) in the second sentence the words: “The statement of each of the candidates on the list validating the acceptance of candidacy” shall be

replaced with the words: “The declaration of each of the candidates on the list validating the acceptance of candidacy, the statement confirming that there are no impediments referred to in Article 1.10, paragraph (1), sub-paragraph 4. of this Law and the statement indicating the property situation of the candidate referred to in Article 15.7 of this Law”.

In the third sentence, the words “This statement must be certified” shall be replaced with the words “This declaration and statements must be certified”, whereas after the words “by law”, the words “or with the competent Municipal Election Commission” shall be added.

Article 32

In Article 4.23 paragraph (3) shall be amended to read as follows:

“(3) The Central Election Commission of BIH shall remove from the candidate list the candidates referred to in paragraph (2) of this Article and order the political party, coalition or list of independent candidates to replace the candidates on the candidate list within the period of 48 hours and such candidates shall be subject to verifications in accordance with the provision of this Law.”

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

“(4) If the political party, coalition or independent candidate list fails to replace such candidates within the period of time required under paragraph (3) of this Article, the candidates list without the names of candidates referred to in paragraph (2) of this Article shall be considered complete and certified.”

Article 33

In Article 4.24, paragraph (3), after the words “Official Gazette of Bosnia and Herzegovina”, the following words shall be added: “and in the media”.

In Article 4.24, new paragraph (3) shall be added to read as follows:

“(3) A candidate list for compensatory mandates may contain a maximum number of so many candidate names as are already certified to a political party or coalition on all regular lists of candidates for all multi-member constituencies within the same entity and at the same electoral level.”

Current paragraph (3) shall now be enumerated as paragraph (4).

Chapter 5 – Conduct of Elections

Article 34

In Article 5.2, paragraph (1), after the words “which should not be greater than one thousand (1000)” the following words shall be added “which should generally be up to 800 but not greater than one thousand (1000)”.

Article 35

In Article 5.18 in paragraphs (1) and (2) after the words „by tendered “ the word “/enveloped “ shall be added in the appropriate grammatical form.

Article 36

In Article 5.22, in paragraph (3) the words „on the basis of an open competition “ shall be deleted.

Article 37

In Article 5.26, in paragraph (2) after the word: “post” the following words shall be added: ”the table containing a detailed overview for”, whereas after the words “the Polling Station” the following words shall be added: “categorized by political entity and candidate”.

Article 38

In Article 5.27, in paragraph (2) after the word: “post” the following words shall be added: ”the table containing a detailed overview for”, whereas after the words “results” the following words shall be added: “categorized by political entity and candidate”.

Article 39

In Article 5.28, paragraph (1) shall be amended to read as follows:

“In order to be acceptable, each individual envelope containing a ballot must have a postmark affixed by the postal office of the country from which the ballot is cast, containing the date that is not later than the election date.”

Article 40

In Article 5.29, paragraph (1), the word “verify” shall be replaced with the word “establish”, and the words “...within the period of 30 days of the Election Day.” shall be deleted.

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

Current paragraph (3) shall now become enumerated as paragraph (2)

In the same Article, in paragraph (3), which has hereunder been enumerated to become paragraph (2), in the first sentence, the words: “the detailed tabulation of results” shall be replaced with the words: “the detailed tabulation of election results”, whereas in the second sentence after the words: “the Polling Station level”, the following words shall be added: “categorized by political entity and candidate.”

Article 41

After Article 5.29, new Article 5.29a shall be added to read as follows:

“The Central Election Commission shall announce the preliminary, unofficial and incomplete election results for all levels of authority where the elections are held, in the following order:

- the first results at 00:00 hours on the first Sunday in October,
- twice within the following 24 hours,
- each 24 hours within the following five days,
- each 48 hours in the following days until the announcement of the final, official and complete election results.”

Article 42

In Article 5.30, paragraph (1), before the words „by the Central Election Commission of Bosnia and Herzegovina“ the words „After the establishment and announcement of the election results “ shall be added, whereas the words „tendered ballots“, shall be replaced with the words “tendered/enveloped ballots“ shall be added.

In the same Article in paragraph (4), sub-paragraph 1, the words: „a majority of the members of the Municipal Election Commission”, shall be replaced with the words “Municipal Election Commission”.

In the same Article in paragraph (5) the words: „on its own initiative“ shall be replaced with the words: „ex officio“.

Article 43

Article 5.32 shall be amended to read as follows:

“Article 32

After completion of a recount of ballots and after the expiry of the time for filing of the appeal, of after the decisions have become final and binding, the Central Election Commission of Bosnia and Herzegovina shall verify the election results for the bodies of authority at all levels, within 30 days after the elections are held.

The Central Election Commission of Bosnia and Herzegovina shall issue the regulations governing the verification of the election results.“

Chapter 6 – Protection of the electoral right

Article 44

In Article 6.2 in paragraph (2) the words: “a political entity and employees of the election administration” shall be replaced with the words: “a political entity and persons employed or those otherwise hired in the election administration.”

Article 45

In Article 6.3 in paragraph (1) the first sentence:” The complaint shall be filed in writing” shall be amended to read as follows:

“The complaint shall be filed on the form prescribed by the Central Election Commission of Bosnia and Herzegovina.”

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

“Data about the authorized representative of the political party shall be deposited with the Municipal Election Commission.”

Article 46

In Article 6.4, paragraph (1), the words “referred to in Article 7.3 paragraph 1. subparagraph 7”, shall be replaced with the words “referred to in 7.3 paragraph 1. subparagraphs 3 and 7, Article 7.3 paragraph (2)“.

In the same Article, in paragraph (2), a new sentence shall be added to read as follows: “When adjudicating the complaints the Municipal Election Commission may act on the basis of the established facts or conduct hearings.”

Article 47

In Article 6.5 after the words “Central Voters Register,” the following words shall be added: “raise an initiative for”, whereas after the word “or” the following words shall be added: “remove the member”, whereas after the words “that violate this Law”, the words “and impose a fine.” shall be added.

Article 48

In Article 6.6, paragraph (1) the words: “Chapter 16 and Article 6.4 of this Law” shall be replaced with the words: “violations referred to in Chapter 16 committed by the political entity and violations referred to in Article 7.3, paragraph (1), sub-paragraphs 3 and 7, Article 7.3, paragraph (2) and Article 7.4, paragraph (1), sub-paragraph 3 of this Law.”

In the same Article, paragraph (2) the word “of all” shall be deleted and after the words “Bosnia and Herzegovina” a comma shall be placed and the following words added „within 48 hours following the receipt of the first-instance decision.”

In the same Article, paragraph (4) shall be amended to read as follows:

“The complaint or appeal which have been filed under Article 6.2 of this Law by an unauthorized person, or the complaint or appeal which have been filed untimely, shall be rejected.”

Article 49

In Article 6.7, in paragraph (1) in the first sentence after the words “in adjudicating” the words: “ex officio or when decides” shall be added.

Article 50

In Article 6.9, in paragraph (1) in the second sentence, after the words “decision of the Central Election Commission of Bosnia and Herzegovina is received” the following words shall be added: “by which the decision is taken on the implementation of this Law”.

In the same Article, paragraph (3) after the words ”the Court of Bosnia and Herzegovina” the words “when deciding on the implementation of this Law” shall be added. However, because of the different word order in the two languages and better consistency, these words shall be added in the beginning of the sentence and accordingly this paragraph shall read as follows:

“When deciding on the implementation of this Law, the Appellate Division of the BIH Court is obliged to make a decision on an appeal within three (3) days from the day of the

receipt of the appeal.”

Chapter 7. Rules of Conduct in the Election Campaign

Article 51

In Article 7.1, at the end of paragraph (3), a comma and the following words shall be added: “, whereas the competent authority shall inform the applicants thereof within maximum of 12 hours following the receipt of the notification about the public meeting.”

Article 52

In Article 7.2, paragraph (3) the words: “on or above public roads, and on traffic signs”, shall be replaced with the words: “on public roads and public areas, except for the places designated for distribution of posters and advertising.”

Article 53

In Article 7.3, in paragraph (1), after the words: “election administration officials” the following words shall be added: “or those otherwise hired in the election administration”.

In the same Article, paragraph (1) in sub-paragraph 7, after the words: “symbols” a comma and the following words shall be added: “, audio and video recordings, SMS messages, Internet communications”.

Chapter 9 – Parliamentary Assembly of Bosnia and Herzegovina

Subchapter A – House of Representatives of the Parliamentary Assembly

Article 54

After Article 9.7 new Article 9.7.a shall be added to read as follows:

“Article 9.7a

Notwithstanding the provisions of Articles 9.6 and 4.24 of this Law, a political party or a coalition which does not have more candidates on the list of candidates for compensatory mandates but has won more mandates to be distributed, may, upon informing the Central Election Commission within 48 hours and by using the prescribed form, submit a supplementary list of candidates for compensatory mandates as provided by Article 4.19, paragraph (4) of this Law.

The procedure of submission of the supplementary list of candidates for compensatory mandates and the layout of the form referred to in paragraph (1) of this Article shall be prescribed by the Central Election Commission in a separate Instruction.”

Subchapter B. - House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina

Article 55

In Article 9.12c in paragraph (1), the words: “each political party” shall be replaced by the word: “each political entity”.

Chapter 13 - Cantonal Assemblies, Municipal Councils/Assemblies, and City Councils/Assemblies

Article 56

In Article 13.6, the second sentence: “If the mandate of an independent candidate who did not stand on a list of independent candidates terminates in accordance with Article 1.10 of this law, then the mandate shall remain vacant” shall be deleted.

In the same Article, new paragraph (2) shall be added to read as follows:
“The Central Election Commission of Bosnia and Herzegovina shall carry out the redistribution of mandates according to the procedure set out under Article 9.5 of this Law.”

Article 57

Article 13.7 shall be amended to read as follows:

“(1) The Municipal Mayor or City Mayor shall each be elected in accordance with this Law, the constitutions, the entity legislation, and Municipal or City statutes respectively.

(2) If the Municipal Mayor or City Mayor are elected directly, the Municipal Mayor or City Mayor shall each be elected by the voters registered in the Central Voter Register of the particular Polling Station in accordance with this Law, the entity legislation, Municipal or City statutes respectively.

(3) In the event that the term of office for an elected Municipal Mayor or City Mayor referred to in paragraph (2) of this Article has terminated as provided by Article 1.10 of this Law or if he/she has been recalled, the Municipal mayor or City Mayor shall each be elected in accordance with this Law, the entity legislation, Municipal or City statutes respectively.”

Article 58

In Article 13.10, in paragraph (3), the words: “in Article 13.7, paragraph 3, of this Law” shall be replaced with the words: “by law and statute.”

Article 59

In Article 13.11, after the words: “Municipal Councils/Assemblies”, a comma and the words: “, City Councils/Assemblies” shall be added.

Article 60

Article 13.12 shall be amended to read as follows:

“The election of the members of the City Council/Assembly shall take place within the period of fifteen (15) days after the Municipal Councils/Assemblies have been constituted.”

Chapter 13 A - Participation of members of national minorities in the elections for municipal level

Article 61

Article 13.14 shall be amended to read as follows:

“(1) Members of national minorities are entitled to representation in the Municipal Council or Municipal Assembly and the City Council or City Assembly in proportion to the percentage of their share in the total population according to the last census in Bosnia and Herzegovina.

(2) The number of the members of national minorities who are elected directly to the Municipal Council or Municipal Assembly and the City Council or City Assembly shall be defined by the Statute of the particular Municipality or City as appropriate, and in that connection the members of all national minorities which make up more than 3% in the total number of population of the particular constituency according to the last census, shall be guaranteed the minimum of one seat.

(3) In order to certify the participation in the elections for filling the mandates guaranteed to the members of national minorities in the Municipal Council or Municipal Assembly and City Council or City Assembly, the political parties and independent candidates shall submit the application for participation in the elections for the Municipal Council or

Municipal Assembly and the City Council or City Assembly, in accordance with the provisions of this Law.

(4) The following parties shall also be eligible to apply to participate in the elections in order to fill the guaranteed mandates for the members of national minorities:

a) A registered association or other registered organized form of activity of the national minorities; and

b) A group consisting of at least 40 citizens who have the right to vote at minimum, who submit the names of candidates along with the application to participate in the elections.

(5) The candidates nominated by the association or other registered organized form of activity of national minorities or by a group of minimum 40 citizens who have the right to vote, shall have the status of independent candidate.

(6) Political parties, political party coalitions, national minority associations as well as other registered organized form of activities of the national minorities and the group with minimum 40 citizens who have the right to vote may nominate at most as many candidates as there are representatives of the national minorities being elected in this constituency.

(7) Once each candidate's nomination has been certified, the Central Election Commission of Bosnia and Herzegovina shall establish a final special list of candidates, members of national minorities, for the Municipal Council or Municipal Assembly and the City Council or City Assembly as appropriate.

(8) Only the candidate whose name is on the special list of candidates representing national minorities nominated as provided by this Article may be elected as representative of a national minority.

(9) The special list of candidates members of national minorities referred to in paragraph (7) of this Article shall appear on the ballot following the list of other political entities whose candidate lists are standing for the regular mandates for the Municipal Council or Municipal Assembly and the City Council or City Assembly.

(10) The order of the candidates on the special list referred to in paragraph 9 of this Article shall be established by drawing lots in the way and in the procedure established by the Central Election Commission of Bosnia and Herzegovina.

(11) A voter shall only have one vote. In case a voter decides to vote for the special list of the candidates who are members of national minorities, the voter shall vote by marking the name of only one candidate on the special list of candidates who are members of national minorities.

(12) The candidate with the highest number of votes on the special list of candidates members of national minorities shall be elected as representative of a national minority. In the Municipal Council or Municipal Assembly and the City Council or City Assembly, where more than one mandate is to be allocated, the mandates shall be allocated to those candidates with the next highest number of votes according to the number of valid votes won.

(13) Provisions of Article 9.5, paragraph 3 of this Law shall apply when allocating the mandates for the lists of members of national minorities for the Municipal Council or Municipal Assembly and the City Council or City Assembly as appropriate.

(14) When allocating the mandates, the first allocation of mandates shall be the allocation of mandates guaranteed to the representatives of national minorities, and then the regular mandates referred to in Article 9.5 of this Law.

(15) In the event that two candidates on the special list of candidates members of national minorities win equal number of valid votes, the mandate shall be allocated by drawing lots to be organized by the Central Election Commission of Bosnia and Herzegovina.

(16) In the event that the mandate has not been allocated to a member of a national minority, the mandate shall remain vacant.

(17) In the event that the mandate for an elected holder of mandate referred to in paragraph 12 of this Article has terminated as provided by Article 1.10 of this Law, the substitute mandate shall be allocated to the candidate with next highest number of valid votes received on the special list of candidates members of national minorities. If the list is exhausted, the mandate shall remain vacant.

(18) General provisions of this Law shall apply in respect of every matter that remains unregulated under this Chapter.

Chapter 14 - Repeated, Postponed, and Early Elections

Article 62

In Article 14.1, the words: “shall be carried out” shall be replaced with the words: “shall be conducted”. (Note: this does not affect the English version and is reflected in the local language version only)

Article 63

In Article 14.2, new paragraph (1) shall be added to read as follows:

“(1) The decision to postpone the elections at a particular polling station or electoral unit shall be issued by the Central Election Commission of Bosnia and Herzegovina on the basis of facts indicating that the elections are not possible to be conducted in accordance with the provisions of this Law.”

Current paragraphs (1), (2) and (3) shall now become paragraphs (2), (3) and (4).

In the same Article, in paragraph (1), which has hereunder been enumerated to become paragraph (2), the words “shall be carried out” shall be replaced with the words “shall be conducted”. (Note: this does not affect the English version and is reflected in the local language version only)

Chapter 15 - Campaign Finance

Article 64

In Article 15.1, in paragraph (1), sub-paragraph 2 the word: “contributions (BHS: doprinosi)” shall be replaced with the word “contributions (BHS: prilozii)” in the appropriate grammar case. (Note: this does not affect the English version and is reflected in the local language version only). After the words “and entrepreneurial activities” the following words shall be added: “in accordance with provisions of the Law on Political Party Financing”.

In the same Article, in paragraph (1), sub-paragraph 2, the word “contributions (BHS: doprinosa)” shall be replaced with the word “contributions (BHS: priloga)” in the appropriate grammar case. (Note: this does not affect the English version and is reflected in the local language version only).

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

“(2) The application for participation in the elections filed by a political party and an independent candidate shall not be certified if the political party and the independent candidate have failed to submit the financial report for the period commencing three months prior to the start of the period designated for submission of the application for certification.

(3) The Central Election Commission shall not issue the certificate to the persons who have received the mandate at all levels of direct and indirect elections in Bosnia and Herzegovina covered by this Law, if their political party and independent candidate have failed to submit to the Central Election Commission of Bosnia and Herzegovina the financial report covering the period between the day when the application for election certification is filed and the day when the election results are certified, within 30 days following the day when the election results are published in the Official Gazette of Bosnia and Herzegovina.”

Article 65

In Article 15.7, in paragraph (1), in sub-paragraph 1, the word: “contributions (BHS: doprinosa)” shall be replaced with the word: “contributions (BHS: priloga)” in the appropriate grammar case. (Note: this does not affect the English version and is reflected in the local language version only). The words: “for a period of the past twelve (12) months” shall be replaced with the words: “for a period of the past calendar year.”

Article 66

In Article 15.8 in paragraph (2) the words: “60 days prior to” shall be replaced with the words: “30 days after”.

Article 67

In Article 15.10 in paragraphs (1) and (2) the word: ”voters (glasača)” shall be replaced with the word: ”voters (birača)”. (Note: this does not affect the English version and is reflected in the local language version only).

Chapter 16. Media in the election campaign

Article 68

In Article 16.9, in paragraph (1), the words: ”electronic media” shall be replaced with the words: ”public electronic media”, whereas after the word: ”broadcast” the following words shall be added: ”radio and TV promotionals”.

In the same Article, paragraph (2) shall be added to read as follows:

“(2) If the public electronic media refuse to act in accordance with paragraph (1) of this Article, the Central Election Commission of Bosnia and Herzegovina shall file a report with the Communications Regulatory Agency for competent action.”

Article 69

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

“(3) No conduct of a paid election campaign shall be allowed by way of electronic and printed media, or any form of paid public advertising, except for the holding of internal gatherings of authorities and statutory bodies of the political entities, within the period between the day when elections are announced and the day of official start of the election campaign.”

Current paragraphs (3) and (4) shall now become paragraphs (4) and (5).

Article 70

In Article 16.16, paragraph (2) shall be amended to read as follows:

“(2) The Central Election Commission of Bosnia and Herzegovina shall be competent to decide complaints of violations of this Chapter committed by political entities.”

Chapter 17. Election observers

Article 71

In Article 17.4, in paragraph (1), sub-paragraph 2 shall be amended to read as follows:

“the name, valid ID card number, national identification number (JMBG) of the nominated observer.”

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

“(2) In the event that the Central Election Commission of Bosnia and Herzegovina has found that an association of citizens is established and sponsored by a certified political party or that it is involved in any activities on behalf of the certified political party, the Central Election Commission of Bosnia and Herzegovina shall refuse to issue the accreditation identification to that association.”

Article 72

In Article 17.5, in paragraph (5), after the word: “names” a comma and the following words shall be added: “, numbers of valid ID Cards”.

Article 73

In Article 17.10, in paragraph (2), the words: “of this Article” shall be replaced with: “of this Chapter”.

Article 74

After the chapter titled as: *Chapter 19. City of Mostar*, a new chapter: *Chapter 19A. Penalty Provisions*, shall be added to read as follows:

“Chapter 19.A – Penalty Provisions

Article 19.8

A fine in the amount between 200 KM and 1,000 KM shall be imposed on those employed or hired in the election administration for violation, if he/she:

a) participates in the decision which may raise doubt as to his/her ability to act impartially (Article 2.1);

b) fails to designate polling stations in the territory of the municipality for voting at all levels of authorities in Bosnia and Herzegovina (Article 2.13 paragraph (1), sub-paragraph 3);

c) fails to provide the polling materials for voting at all levels of the elections in Bosnia and Herzegovina (Article 2.13 paragraph (1), sub-paragraph 5);

d) fails to notify voters of all information necessary for the administration of elections in line with the regulations of the BiH Central Election Commission (Article 2.13, paragraph (1), sub-paragraph 6);

e) conducts the counting of ballots at polling stations and in municipal counting centers in an inappropriate manner (Article 2.13 paragraph (1) sub-paragraph 8);

f) appoints the president and members of polling stations and their deputies in contravention to Article 2.19 paragraph (3);.

g) fails to update data in line with the changes in the number of voters and regulations of the BiH Central Election Commission (Article 3.8, paragraph (3) Item b));

h) fails to provide access to the excerpt from the Central Voters Register in the territory of its municipality (Article 3.8, paragraph (3) Item c));

i) fails to provide data for the Central Voters List as stipulated by the regulations of the BiH Central Election Commission (Article 3.8, paragraph (3) Item d));

j) fails to keep the records of requests and appeals and fails to keep the supporting documentation (Article 3.8 paragraph (4));

k) designates the polling stations contrary to Article 5.1, paragraph (3));

l) fails to provide the polling material for voting (Article 5.3, paragraph (3));

m) the Poll Book on the operation of the polling committee does not contain the information stipulated by this law (Article 5.7);

n) fails to explain to the voters the manner of voting and fails to secure secrecy of the voting (Article 5.11, paragraph (1));

- o) fails to verify the identity of the voter and his/her signature in the excerpt from the Central Voters Register in accordance with this Law (Article 5.13);
- p) helps individuals with voting in the manner which is not in accordance with this Law (Article 5.19, paragraph (2));
- r) the forms have been filled contrary to Article 5.25; and
- s) the data of the consolidated summary of voting results for the municipality are not in accordance with Article 5.27.

Article 19.9

(1) A political entity shall be fined in the amount from 1,000.00 KM to 10,000.00 KM for violation if it:

- a) fails to submit changes of data within ten (10) days (Article 4.22);
- b) removes, covers up, damages or alters printed notices, placards, posters or other materials which are used, in accordance with law, for purposes of the election campaign of political parties, coalitions, lists of independent candidates or independent candidates (Article 7.2, paragraph (2));
- c) displays notices, placards and posters, or places its names or slogans related to the election campaign, in or on state government buildings, in public areas, on public roads, along or above them, as well as on traffic signs (Article 7.2, paragraph 3) ;
- d) carries and displays weapons in political gatherings, polling stations and their surroundings, as well as during gatherings related to the activities of political parties, coalitions, independent candidates' lists and independent candidates in the election process (Article 7.3 paragraph (1) sub-paragraph 1);
- e) disturbs gatherings of other political parties, coalitions and independent candidates, and incites others to conduct such activities (Article 7.3 paragraph (1) sub-paragraph 2);
- f) prevents journalists from carrying out their work in accordance with their professional rules and election rules (Article 7.3 paragraph (1) sub-paragraph 3);
- g) promises any financial rewards with the purpose of gaining the support of voters or threatens the supporters of other political parties, coalitions, independent candidates' lists and independent candidates (Article 7.3 paragraph (1) sub-paragraph 4);
- h) induces persons to vote who are not entitled to vote (Article 7.3 paragraph (1) sub-paragraph 5);

i) induces persons to vote more than once in the same election, or to vote in the name of another person (Article 7.3 paragraph (1) sub-paragraph 6);

j) uses language which could provoke or incite someone to violence or spreading of hatred, or publishes or uses pictures, symbols, audio and video recordings, SMS text messages, internet messages or other materials that can have such effect (Article 7.3 paragraph (1) sub-paragraph 7.);

k) impersonates any political party, coalition, independent candidates' list or independent candidate (Article 7.3 paragraph (2));

l) holds meetings for the purpose of election campaigning (Article 7.4 paragraph (1) sub-paragraph 1);

m) presents any kind of materials for the purpose of influencing voters at a polling station and the surrounding area (Article 7.4 paragraph (1) sub-paragraph 2);

n) uses national and international means of communication with the aim of influencing voters (Article 7.4 paragraph (1) sub-paragraph 3);

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

p) carries out any activity that interferes with or obstructs the election process (Article 7.4 paragraph (1) sub-paragraph 5);

r) fails to submit a statement accepting candidature for the election or a statement on the total property situation on a specific form (Article 15.7);

s) 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));

t) [if] an observer, while observing electoral process, interferes with the election activities and fails to respect the secrecy of voting (Article 17.2 paragraph (2));

u) [if] an observer, while observing electoral activities, fails to wear official accreditation or wears or carries any insignia or symbols that identify him/her with a particular political party, coalition, independent candidates' list and independent candidate (Article 17.2 paragraph (2));

(2) For the violations referred to in paragraph (1) item b), c),d), e), f), g), h), i), j), k), l), m), n, o) and p) of this Article committed by a follower of a political entity, that political entity shall be sanctioned.

(3) For the violations referred to in paragraph (1) Item a) of this Article, the responsible

person in the political party, coalition and list of independent candidates shall also be fined in the amount from KM 200 to KM 5000.

(4) For the violations referred to in paragraph (1) item b), c), d), e), f), g), h), i), j), k), l), m), n), o), p) and r) of this Article, the candidate of the political subject shall also be fined in the amount from KM 1,000 to KM 5,000.

(5) For the violations referred to in paragraph (1) sub-paragraphs d), h) and i) of this Article, those employed or hired in the election administration shall also be fined in the amount from 200 KM to 1,000 KM.

Article 19.10

(1) A candidate elected for any level of government shall be fined in the amount from 200.00 KM to 3,000.00 KM if:

a) he/she fails to submit on a special form a signed statement of his/her property situation as specified in Article 15.7 of this law (Article 15.8, paragraph (1)) within thirty (30) days from the day when the mandate verification is published in the Official Gazette of BiH, and

b) he/she fails to submit the statement of his/her property situation (Article 15.8, paragraph (2)) within 30 days from the day on which the mandate to which he/she was elected has expired as well as in case of termination of the mandate in terms of Article 1.10, paragraph (1), sub-paragraphs 1, 3, 5, 6 and 7 of this law.

Chapter 20. Transitional and final provisions

Article 76

Article 20.12 shall be deleted.

Article 77

After Article 20.12, new Article 20.12a shall be added to read as follows:

“Article 20.12a

Voting in the diplomatic and consular representation offices of Bosnia and Herzegovina referred to in Article 1.5 paragraph (2) of this Law, shall be held only in the respective diplomatic and consular representation office of Bosnia and Herzegovina for which the Central Election Commission of Bosnia and Herzegovina, in coordination with the Ministry of Foreign Affairs of Bosnia and Herzegovina finds that it meets the requirements provided by a separate regulation referred to in Article 1.5, paragraph (3).”

After Article 20.12a, new Article 20.12b shall be added to read as follows:

“Article 20.12b

(1) Notwithstanding the provisions of Article 9.10 and Article 4.24 of this Law, a political entity which, in the direct elections held on 1 October 2006, received a compensatory mandate that remained vacant, shall be awarded the mandate for the candidate with the highest number of the received votes from the regular candidate list at the same electoral level of that political entity.

(2) The Central Election Commission of Bosnia and Herzegovina shall enact a separate regulation in order to govern the method of implementation of this Article.”

Article 77

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

Parliamentary Assembly no. 181/08
16 April 2008
Sarajevo

Chairman of
the House of Representatives
of the BiH Parliamentary Assembly
Dr. **Milorad Zivkovic**, *manu proprio*

Principal Deputy Chairman of
the House of Peoples
of the BiH Parliamentary Assembly
Dr. **Mladen Ivanic**, *manu proprio*