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LAW ON AMENDMENTS TO THE ELECTION LAW OF REPUBLIKA SRPSKA

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LAW

ON AMENDMENTS TO THE ELECTION LAW OF

REPUBLIKA SRPSKA

Article 1

In the Election Law of Republika Srpska (“Official Gazette of Republika Srpska” nos. 34/02, 35/03, 24/04 and 19/05), in Article 4, paragraph 2 shall be amended to read: “In order to exercise his right to vote, a citizen has to be registered in the Central Voter Register.”

Article 2

In Article 6, paragraph 1 shall be amended to read:

“The mandate of the body, i.e. to the elected member of the bodies at all levels of authority in Republika Srpska will terminate before the regular expiration of the mandate for which he/she has been elected:

1. on the day he/she resigns;
2. if he/she is dismissed in accordance with the law
3. on the day he/she dies;
4. on the day of finality of a valid court decision he/she has been sentenced to a prison term of six (6) months or more;
5. on the day of finality of a valid court decision he/she has been deprived of the ability to engage in business activities;
6. on the day he/she is elected or appointed to the position that is incompatible with the position of the elected member of a certain body, in accordance with the law;
7. if he/she deregister the residence from the territory of a constituency unit in which in which he/she is registered in the central voter register;
8. if he/she loses the right to be elected due to legally determined reasons.”

In paragraph 3 the words: “Election Commission of Bosnia and Herzegovina” shall be replaced with words: “Central Election Commission of Bosnia and Herzegovina”, as well as in the entire text of the Law in corresponding grammatical cases.

Article 3

Article 12 shall be amended to read:

“Republic Election Commission is an independent body comprising of a President and six members.

President and members of the Republic Election Commission are appointed by the RS National Assembly at the proposal of the Commission for the Election and Appointment, in accordance with the Election Law of the Bosnia and Herzegovina, after completion of the public competition procedure, from amongst the experts with experience in implementation of elections.

A person holding an office in bodies of a political party, association of citizens of foundation that are organizationally or financially connected with the political part shall not be elected as member of the Republic Election Commission.

Persons from the ranks of three constituent peoples and group of Others, provided that it is ensured that at least one representative of each constituent people and group of Others is represented, shall be appointed as members of the Republic Election Commission.

Members of the Election Commission shall be appointed for the period of seven years.

Republic Election Commission shall submit the report on its operation annually to the RS National Assembly.”

Article 4

Article 13 shall be amended to read:

“Republic Election Commission shall:

1. Oversee the operation of a city, i.e. municipal election commission and polling station committee and point out to these bodies about the violations of election regulations, provide corresponding instructions and request undertaking of measures in accordance with the law on cooperation and pursuant to the authorization of the Central Election Commission of Bosnia and Herzegovina;
2. Enact general acts for dismissal of city mayors and municipal heads, conduct the procedure for dismissal of city mayors and municipal heads before the expiry of the mandate, oversees the procedure of dismissal and shall be responsible for lawful conduct of that procedure;
3. Provide professional assistance to the assembly of a municipality, i.e. city and to the bodies for conduct of dismissal procedure;
4. Enact the acts determining the criteria for distribution of funds for election campaign financing;
5. Enact general acts and instructions for election of the Council of local community (hereinafter: Council);
6. Oversee the conduct of election of the Council;
7. Enact the acts regulating the internal organization and mode of its operation, to which the RS National Assembly shall give its consent;
8. Propose the budget for the Republic Election Commission and submit the report on execution of the budget within the annual report to the RS National Assembly; and
9. Execute the tasks transferred to it by the Central Election Commission of Bosnia and Herzegovina and other tasks determined by acts of the Republic Election Commission, by this Law and by Election Law of Bosnia and Herzegovina.”

Article 5

Article 17 shall be amended to read:

“The Municipal Election Commission consists of three, five or seven members depending on the number of voters registered with the Central Voter Register and the size of the municipality.

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

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

The Municipal Election Commission consisting of seven members may have a secretary to carry out the administrative and technical duties.”

Article 6

In Article 18, paragraph 1, line 2 shall be amended to read:

“supervises and controls the work of the Centre for voters’ list;”.

Line 3 shall be amended to read:

“conducts and supervises the election for the members of the Council and convenes the inaugural session of the Council;”.

Line 10 shall be amended to read:

“unites the election results from all polling stations in a municipality, individually for each body for which the election was conducted, and submits them to the Republic Election Commission and the Central Election Commission of Bosnia and Herzegovina; and”

Article 7

In Article 19, paragraph 1, the word: “nominate” shall be replaced with word: “have”.

In paragraph 2, the words: “fifteen (15)” shall be replaced with words: “thirty (30)”.

After paragraph 2, new paragraphs 3 and 4 shall be added to read:

“Political party, independent candidate, coalition or list of independent candidates whose participation is certified in such constituency unit shall be entitled to, pursuant to the law, participate in the lottery procedure for allotment of posts within the polling station committee, which municipal election commission conducts.

Following the lottery, and not later than seven days, political party, independent candidate, coalition or list of independent candidates who took part in the lottery procedure shall communicate to the municipal election commission the names of the candidates for members of the polling station committee in which they won the seats by lottery.”

Current paragraph 3 shall be deleted, and current paragraph 4 shall become paragraph 5.

Article 8

In Article 26, paragraph 1, line 1 shall be amended to read:

“the candidate must be registered in the Central Voter Register in the municipality in which he / she is standing for office or in the municipality within the boundaries of the electoral unit if he / she is standing for the office at the higher level of authority; and”

Article 9

In Article 28, paragraph 5, lines 1 and 2, the words: “registered voters” shall be replaced with words: “voters registered in the Central Voter Register”.

In line 3, after the word: “signatures”, the words: “voters registered in the Central Voter Register” shall be added, and after the words: “Republika Srpska”, the words: “or for the election of the President and Vice-president of Republika Srpska” shall be added.

Article 10

In Article 38, paragraph 3 shall be amended to read:

“Deputy mandates in multimember constituencies and compensatory mandates shall be allocated in accordance with the provisions of the Election Law of Bosnia and Herzegovina.”

Article 11

Article 39 shall be amended to read:

“For election of 63 deputy mandates into the National Assembly, the nine (9) multimember constituencies are determined as follows:

- Constituency 1 consists of the municipalities: Krupa na Uni, Novi Grad, Kozarska Dubica, Prijedor, Oštra Luka and Kostajnica.
This constituency elects seven (7) deputy mandates.
- Constituency 2 consists of the municipalities: Gradiska, Laktasi, Srbac and Prnjavor.
This constituency elects seven (7) deputy mandates.
- Constituency 3 consists of the city of Banja Luka and municipalities: Petrovac, Celinac, Istocni Drvar, Ribnik, Mrkonjic Grad, Jezero, Knezevo, Kotor Varos, Sipovo and Kupres.
This constituency elects twelve (12) deputy mandates.
- Constituency 4 consists of the municipalities: Derventa, Brod, Vukosavlje and Modrica.
This constituency elects four (4) deputy mandates.
- Constituency 5 consists of the municipalities: Doboje, Petrovo and Teslic.
This constituency elects six (6) deputy mandates.

- Constituency 6 consists of the municipalities: Samac, Donji Zabar, Pelagicevo, Bijeljina, Lopare, Ugljevik and voters from Brcko District of Bosnia and Herzegovina being registered for voting in Republika Srpska. This constituency elects nine (9) deputy mandates.
- Constituency 7 consists of the municipalities: Osmaci, Zvornik, Sekovici, Vlasenica, Bratunac, Srebrenica and Milici. This constituency elects seven (7) deputy mandates.
- Constituency 8 consists of the municipalities: Sokolac, Han Pijesak, Istocna Ilidza, Istocni Stari Grad, Istocno Novo Sarajevo, Trnovo, Pale, Rogatica. This constituency elects four (4) deputy mandates.
- Constituency 9 consists of the municipalities: Visegrad, Istocni Mostar, Nevesinje, Kalinovik, Gacko, Foca, Novo Gorazde, Cajnice, Rudo, Berkovici, Ljubinje, Bileca and Trebinje. This constituency elects seven (7) deputy mandates.

The remaining 20 deputy mandates shall be compensatory mandates, which shall be allocated in accordance this Law and the Election Law of Bosnia and Herzegovina.

Article 12

After the Article 39, new Article 39a shall be added to read:

“Article 39a

National Assembly of Republika Srpska shall, at the proposal of a competent Assembly’s working body, every four years reconsider the constituency units and number of mandates allocated to each constituency unit determined by election laws, in order to ensure the principle of geographical constraints, based on the democratic principles, particularly the principle of proportionality between the mandates and number of registered voters.”

Article 13

Article 40 shall be amended to read:

“The composition of the Council of Peoples is parity-based so that each constituent people shall have the same number of representatives.

The Council of Peoples shall be composed of twenty eight (28) members, eight (8) from among Bosniaks, eight (8) from among Serbs, eight (8) from among Croats and four (4) representatives of the group of Others.

The members of the Council of Peoples shall be elected by their respective caucus in the National Assembly, which shall be formed according to ethnicity of members only for that purpose.

In the event that the number of members elected to one caucus of the Council of Peoples exceeds the number of the representatives of the respective caucus of the National Assembly, an additional number of members shall be elected by an ad hoc

caucus to be established for that purpose from among all councillors of the appropriate constituent peoples or from amongst the Others in the Municipal Assemblies, i.e. City Assembly in Republika Srpska.

Any political party represented in the caucuses of the their respective constituent peoples and the Others or any member of one of these caucuses, including ad hoc members, shall have the right to propose one or more candidates on the list for election of members of that relevant caucus.

Any list may contain a number of candidates that is larger than the number of delegates to be elected.

No delegate in the National Assembly or councilor of the Municipal Assembly may be a candidate.

Each delegate in the National Assembly shall cast one vote for a list within his or her caucus.

The vote shall be cast as a secret ballot. The results of the votes shall be communicated to the Election Commission for the final allocation of mandates.

Mandates shall be distributed, one by one, to the lists or candidates with the highest quotients resulting from the proportional allocation formula provided for in the provisions of the Election Law of Bosnia and Herzegovina. When a list wins a mandate, the mandate shall be allocated to the candidate from the top of the list.

If there is a vacancy in the Council of Peoples in Republika Srpska, then the vacancy shall be filled by the next eligible candidate on the same list as the delegate whose mandate has ended.

If there are no remaining candidates on the list, the mandate shall be allocated to the non-elected candidate with the highest quotient from another list running as candidate for the appropriate constituent people or for the Others.

If several candidates have the same quotient, the election shall be done by a lottery that shall be carried out by the Central Election Commission of Bosnia and Herzegovina.

If there is no such candidate, new elections for the appropriate constituent people shall be held, in accordance with the Election Law of Bosnia and Herzegovina and this Law.

The election of delegates to the Council of Peoples of Republika Srpska shall be initiated as soon as the National Assembly convenes and shall take place no later than a month after the validation of the results by the Central Election Commission of Bosnia and Herzegovina.

The mandate of a delegate to the Council of Peoples of the Republika Srpska shall be for four (4) years, provided that such mandate does not expire earlier. The mandate of the Council of Peoples shall terminate as a result of reduction of the mandate of the National Assembly or dissolution of the National Assembly.”

Article 14

Article 41 shall be amended to read:

“The President and two (2) Vice Presidents of Republika Srpska shall be directly elected from the territory of Republika Srpska by voters registered in the Central Voter Register to vote in Republika Srpska.

A voter registered in the Central Voter Register to vote for the President of the Republika Srpska may vote for one candidate only.

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

The mandate for the President and Vice Presidents of Republika Srpska shall be four (4) years.”

Article 15

After Article 42, new articles 42a, 42b and 42v shall be added to read:

“Article 42a

Mandates for Municipal Assemblies and City Assemblies shall be allocated under the proportional representation system set forth in the provisions of the Election Law of Bosnia and Herzegovina.

The mandate of the Municipal Assemblies i.e. City Assemblies shall be for four (4) years.

The mandate of the Municipal Assemblies i.e. City Assemblies may terminate also before the expiry of the term it had been elected to, in accordance with the Law.

Article 42b

The number of the councilors of the Municipal Assemblies i.e. City Assemblies shall be as follows:

1. 11 councilors for the municipalities having up to 1,000 voters registered in the Central Voter Register;
2. 13 councilors for the municipalities having between 1,000 and 3,000 voters registered in the Central Voter Register;
3. 15 councilors for the municipalities having between 3,001 and 5,000 voters registered in the Central Voter Register;
4. 17 councilors for the municipalities having between 5,001 and 8,000 voters registered in the Central Voter Register;
5. 19 councilors for the municipalities having between 8,001 and 11,000 voters registered in the Central Voter Register;
6. 21 councilors for the municipalities having between 11,001 and 13,000 voters registered in the Central Voter Register;
7. 23 councilors for the municipalities having between 13,001 and 15,000 voters registered in the Central Voter Register;
8. 25 councilors for the municipalities having between 15,001 and 20,000 voters registered in the Central Voter Register;
9. 27 councilors for the municipalities having between 20,001 and 30,000 voters registered in the Central Voter Register;
10. 29 councilors for the municipalities having between 30,001 and 50,000 voters registered in the Central Voter Register;
11. 31 councilors for the city, i.e. municipalities having more than 50,000 voters registered in the Central Voter Register.

According to paragraph 1 of this Article, the number of councilors of the Municipal Assemblies i.e. City Assemblies shall be determined by the statute of a municipality, i.e. city.

The Municipal Assembly i.e. City Assembly shall, in the last year of current mandate, reconsider and determine the number of councilor mandates for the forthcoming election circle, in accordance with the Law.

Article 42v

Participation of the members of the national minorities in election for Municipal Assembly i.e. City Assembly shall be conducted pursuant to the provisions of the Election Law of Bosnia and Herzegovina.

The number of the members of national minorities who are elected directly to the Municipal Assembly i.e. City Assembly shall be defined by the Statute of the particular Municipality or City in accordance with the Election Law of Bosnia and Herzegovina.”

Article 16

Article 45 shall be amended to read:

“The mandate of the municipal mayor may be terminated by dismissal.

The procedure of the dismissal of the mayor may be initiated for one of the following reasons:

1. If he/she does not ensure the implementation of laws, other regulations and general acts;
2. If he/she does not ensure the implementation of the strategic documents of entity importance;
3. If he/she does not implement the decisions of the municipal assembly and strategic development document of the municipality;
4. If a material damage for the municipality occurs due to enactment or failure to enact the acts falling within the mayor’s competence;
5. If he/she does not submit the report on operation to the assembly;
6. If he/she does not propose the budget of the municipality within the deadline set forth in the law;

The initiative for the dismissal of the mayor may be launched by one-third of the councilors or 10% of the voters registered in the voter register of the municipality.

The initiative for the dismissal of the mayor has to be explained.

The municipal assembly shall be bound to include all initiatives for the dismissal of the mayor on the agenda.

The municipal assembly shall make the decision on initiation of the dismissal of the mayor by a majority vote of the councilors.

The funds for the conduct of the procedure for the dismissal of the mayor shall be ensured in the budget of the municipality.”

Article 17

After the Article 45, new articles 45a, 45b, 45v and 45g shall be added to read:

Article 45a

“The dismissal procedure shall be conducted within 30 days from the day when the decision on initiation of the mayor dismissal procedure enters into force.

The citizens shall decide in the dismissal procedure by a direct secret ballot.

The mandate of the Mayor shall be terminated if the simple majority within the turnout of voters at the elections decides in favor of dismissing him/her.

If the municipal mayor is not dismissed, the procedure of repeated dismissal cannot be initiated before the expiry of the deadline of one year from the day the voters declared their will regarding his/her dismissal.

Article 45b

With decision on initiation of the municipal mayor dismissal procedure, the following facts shall be determined:

1. The issue about which the citizens shall declare their will in the procedure for conduct of dismissal;
2. Date of the vote; and
3. Financial assets needed for the procedure for conduct of dismissal of the mayor.

Simultaneously with making the decision on initiation of the municipal mayor dismissal procedure, municipal assembly shall appoint a commission for conduct of the municipal mayor dismissal procedure (hereinafter: Commission).

The Commission shall have three, five or seven members, of which one shall be the chairperson.

The chairperson and Commission members shall have deputies.

The number of the Commission members shall be equal to the number of members of the municipal election commission and the members of the municipal election commission may be appointed as its members.

Persons who meet the criteria for appointment of the members of the municipal election commission shall be appointed as the chairperson and Commission members.

Article 45v

The Commission shall fulfill the following tasks:

1. Ensure the lawful conduct of the mayor dismissal procedure;
2. Designate the polling stations for declaration of citizens' will on the dismissal of the mayor;
3. Ensure the voting material and forward it to the polling station committees;
4. Designate the polling stations;
5. Appoint and train the members of the polling station committees and ensures their proper operation;
6. Inform the voters on all issues pertaining to the conduct of dismissal procedure;
7. Be responsible for technical arrangements at the polling stations and other technical preparations concerning the dismissal procedure;
8. Be responsible for proper counting of ballots;
9. Unite the election results from all polling stations;
10. Make and submit the report to the municipal assembly on results of the declaration of citizens' will on dismissal of the municipal mayor;

11. Forward to the municipal assembly voting material: ballots (valid, invalid and unused), posters, audio and video records pertaining to information of voters on dismissal, review of polling stations, delivery slips or other appropriate evidence on forwarded registered mail to the voters casting ballot by mail and extracts from the final voter list; and
12. perform all other tasks as authorised by election regulations and by the acts of the RS Election Commission.

Article 45g

The municipal assembly shall adopt the report of the Commission on conducted dismissal procedure and shall forward to the RS Election Commission the decision on adoption of the report of the Commission and voting material referred to in Article 45v, line 11 of this Law.

The RS Election Commission shall examine the legality of the municipality assembly's decision on adoption of the report of the Commission on conducted mayor dismissal procedure, as well as of entire conducted dismissal procedure.

If a decision on dismissal of a mayor has been made, the RS Election Commission shall communicate the report on conducted mayor dismissal procedure with corresponding data to the Central Election Commission of Bosnia and Herzegovina, for the purpose of examining the lawfulness of the termination of the mandate in accordance with the Election Law of Bosnia and Herzegovina.”

Article 18

Article 46 shall be amended to read:

“In the event that the mandate of a mayor has ceased by dismissal, the Central Election Commission of Bosnia and Herzegovina shall make a decision to announce early elections, in accordance with Law.

By decision on announcing the early elections, the exact date of the elections shall be established.

Early elections shall be held within 90 days of the cessation of the mandate of a mayor, in accordance with the Law.

Terms of office of the mayor elected in early elections shall last until the current mandate of the body elected in the regular elections has expired.”

Article 19

In Article 49, the words: “Paragraph 2 of the Article 12.10*” shall be replaced with word: “provisions”.

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

“The election of the councilors to the city assembly shall be carried out within 15 days from the day of inauguration of the municipal assembly.”

Article 20

After Article 53, new Chapter VII “ELECTION OF THE LOCAL COMMUNITY COUNCIL” and new articles 53a, 53b, 53v and 53g shall be added to read:

“Article 53a

The local community body shall have its Council.

The Council's mandate shall be four years.

The number of the members of the Council shall be as follows:

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

Article 53b

The municipal assembly shall announce the elections for the election of the Council members.

The body for conduct of the election of the Council shall be the municipal, i.e. city election commission and polling station committees.

Elections for the Council are to be held at latest 90 days from the day of constituting the local bodies of authority. Constituting implies the election of the speaker of the municipal assembly, i.e. city assembly.

The members of the Council shall be elected at the citizens' gathering by secret ballot. The Council shall be elected by the voters registered in the Central Voter Register who have permanent residence in the territory of the local community.

Article 53v

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

Candidates winning the greatest number of votes of the voters casting ballot at the citizens' gathering for the election of the Council shall be elected as members of the Council.

Article 53g

Elections for the Council shall be conducted according to the provisions of this Law and instructions issued by the RS Election Commission.

Instruction referred to in paragraph 1 of this Article shall prescribe the procedure of candidacy and appointment of the members of polling station committees, right and manner of proposing the candidates for the members of the Council, content of the ballot for conduct of the election of the members of the Council and procedure of convening the constitutive session of the Council.”

Article 21

In Article 67, the words: “its establishment” shall be replaced with words: “entry into force of this Law”.

Article 22

After Article 67, new Article 67a shall be added to read:

Article 67a

“Municipal, i.e. city assemblies shall be bound to bring general acts into compliance with the provisions of this Law within 90 days from the day this Law enters into force.”

Article 23

This Law shall enter into force on the eighth days after its publication in the “Official Gazette of Republika Srpska”.