

## Election Law of BiH

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Election/Implementation Department

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## PREAMBLE

In accordance with Article II 1, Article IV 1., 2. and 4.a. and the Article V 1.a of the Constitution of Bosnia and Herzegovina and the Article V of the Annex 3. (Agreement on Elections) Of General Framework Agreement for Peace in Bosnia and Herzegovina for the purposes of promoting the free, fair and democratic elections and to ensure the achievement of democratic goals, the Parliamentary Assembly of Bosnia and Herzegovina on the session of the House of Representatives held on 21 August 2001 and on the session of the House of People held on 23 August 2001 adopted the

### Election Law of Bosnia and Herzegovina

#### Chapter 1

#### General Provisions

##### Article 1.1

This law shall regulate the election of the members and the delegates of the Parliamentary Assembly of Bosnia and Herzegovina and of the members of the Presidency of Bosnia and Herzegovina and shall stipulate the principles governing the elections at all levels of authority in Bosnia and Herzegovina.

##### Article 1.2

The cost and expense for the conduct of the elections shall be provided for in the budgets of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the District of Brčko, the cantons, the cities and the municipalities, depending on the level for which the elections are conducted.

##### Article 1.3

The election of members of all bodies of authority shall be made on the basis of general and equal voting rights by direct and secret ballots, unless otherwise stipulated by this law.

##### Article 1.4

Each citizen of Bosnia and Herzegovina who has attained eighteen (18) years of age shall have the right to vote and to be elected (hereinafter, right to vote) pursuant to this law.

To exercise his or her right to vote, a citizen must be registered as a voter, pursuant to this law.

A person can be registered in the Central Voters Register for only one municipality.

##### Article 1.5

All citizens of Bosnia and Herzegovina who have the right to vote shall have the right to register and to vote in person in the municipality where they have their permanent place of residence.

A citizen of Bosnia and Herzegovina who temporarily resides abroad and has the right to vote, shall have the right to register and to vote in person or by mail, for the municipality where the person had a permanent place of residence prior to his or her departure abroad, provided he or she is registered as a permanent resident in that municipality at the moment of his or her application for registration. The proof of residence shall rest upon the applicant. If the proof of residence is not attached to the application, this application will be rejected.

A citizen of Bosnia and Herzegovina who holds dual citizenship pursuant to Article 1(7)(d) of the Constitution, shall have the right to register and to vote, only if Bosnia and Herzegovina is the country of his or her permanent residence.

##### Article 1.6

No person who is serving a sentence imposed by the International Tribunal for the former Yugoslavia, and no person who is under indictment by the Tribunal and who has failed to comply with an order to appear before the Tribunal, may register to vote or stand as a candidate (the candidate for the purpose of this Law refers to persons of both genders) or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

As long as any political party or coalition maintains such a person in a political party position or function as established in the previous paragraph, that party or coalition shall be deemed ineligible to participate in the elections.

##### Article 1.7

No person who is serving a sentence imposed by a Court of Bosnia and Herzegovina, a Court of the Republika Srpska or a Court of the Federation of Bosnia and Herzegovina and the Court of the District of Brcko or has failed to comply with an order to appear before a Court of Bosnia and Herzegovina, a Court of the Republika Srpska or a Court of the Federation of Bosnia and Herzegovina and the Court of the District of Brcko for serious violations of humanitar-

ian law where the International Criminal Tribunal for the Former Yugoslavia has reviewed the file prior to arrest and found that it meets international legal standards may register to vote or stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

#### Article 1.8

Judges of regular and Constitutional courts, prosecutors and their deputies, attorneys and their deputies holding public office, Ombudsmen and their deputies, members of the Human Rights Courts/Chambers/Councils, members of police and armed forces, including, but not limited to, the Finance Police, Judicial Police, State Border Service, and members of internal security and intelligence agencies, and diplomatic and consular representatives of Bosnia and Herzegovina abroad, may stand as a candidate for public elected office only if they resign from their position.

It is incompatible to hold at the same time more than two (2) public directly or indirectly elected offices. It is also incompatible to hold at the same time one directly or indirectly elected office and one position in an executive body of authority. It is also incompatible to hold more than one position in an executive body of authority.

A person may not hold public elected office in Bosnia and Herzegovina and at the same time hold any public elected or politically appointed office in another country. A person holding any elective or politically appointed office in another country shall be obliged to relinquish, within forty-eight (48) hours after the verification of his or her mandate in Bosnia and Herzegovina, one of the two (2) offices he or she holds. A person who holds any public elected office in Bosnia and Herzegovina and is elected to or appointed to a politically appointed office in another country, shall be obliged to relinquish his or her mandate in Bosnia and Herzegovina, within forty-eight (48) hours after the election or appointment in another country.

For the purpose of this article, an executive office notably includes the Presidency of Bosnia and Herzegovina, the Council of Ministers of Bosnia and Herzegovina, the President and Vice Presidents of the Federation of Bosnia and Herzegovina, the President and Vice Presidents of the Republika Srpska, the government of the Federation of Bosnia and Herzegovina including the Prime Minister, the government of the Republika Srpska including the Prime Minister, the government of the District of Brcko, the President of the Canton, the Cantonal government, the Mayor of a city, the Deputy Mayor of a city, the city government, the Mayor of a municipality, the Deputy Mayor of a municipality, the Mayor's cabinet, and other executive functions as defined by law.

#### Article 1.9

A mandate belongs to the elected office holder and not to the political party, coalition or list of independent candidates which nominated him or her on the candidates list. The mandate cannot be terminated except where prescribed by law.

#### Article 1.10

The term of office of an elected member of a body of authority at all levels shall terminate before the expiration of the mandate for which he or she was elected if:

1. he or she resigns;
2. he or she dies;
3. under a valid court decision he or she has been sentenced to a prison term of six (6) months or longer;
4. under a valid court decision he or she has been deprived of the ability to engage in business activities (declared mentally incompetent);
5. he or she is elected or appointed to an office which is incompatible with the office of an elected member of a certain body as stipulated by law;
6. for a period of at least two (2) years, he or she has ceased to be registered to vote in the electoral unit from which he or she was elected; or
7. for a reason stipulated by law that he or she loses the right to be elected.

The mandate of an elected member of a body of authority at any level shall terminate on the day when one of the reasons for termination established by law occurs. The competent body shall, no later than three (3) days after the reason for termination of the mandate has occurred or become known, confirm the termination of the mandate. If the member resigns, the resignation shall be completed on a form produced by the Election Commission of Bosnia and Herzegovina.

#### Article 1.11

Candidates of all political parties, coalitions, lists of independent candidates as well as independent candidates and other participants in the election process shall have full freedom to carry out activities during the election campaign in the whole territory of Bosnia and Herzegovina. Competent authorities shall ensure that no obstacles impede freedom of movement of candidates, supporters and voters during the entire electoral process.

No person may be arrested or detained during the period starting sixty (60) days prior to election day and on the day of election for investigation or prosecution of serious violations of international humanitarian law unless: (1) the person has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY); or (2) the person has failed to comply with an order to appear before a Court of Bosnia and Herzegovina, a Court of the Republika Srpska, a Court of the Federation of Bosnia and Herzegovina and a court of the District of Brčko for serious violations of humanitarian law where the International Criminal Tribunal for the Former Yugoslavia has reviewed the file prior to arrest and found that it meets international legal standards.

#### Article 1.12

Competent bodies at all levels of authority shall not discriminate against a person because of his or her affiliation to a political party or coalition, or because of his or her support for an independent candidate or a list of independent candidates.

#### Article 1.13

The application for certification to participate in the elections shall include a statement signed by the President of a political party, coalition or the independent candidate(s) stating that the activities of the political party, coalition or the independent candidate(s) will comply with the General Framework Agreement for Peace in Bosnia and Herzegovina.

#### Article 1.14

The elections at all levels of authority in Bosnia and Herzegovina shall be held on the first Saturday in October unless that date conflicts with observance of a religious holiday of one of the constituent peoples of Bosnia and Herzegovina. Any election that cannot be held on the first Saturday in October because of a conflict with a religious holiday shall be scheduled by the Election Commission of Bosnia and Herzegovina for the Saturday closest to the first Saturday in October, which does not conflict with a religious holiday.

At least one hundred and seventy (170) days prior to the holding of an election, the Election Commission of Bosnia and Herzegovina shall notify all competent authorities at all levels when an election shall be conducted, unless otherwise provided by Chapter 13 of this law.

Notwithstanding the deadline of at least one hundred and seventy (170) days established in the previous paragraph of this Article for notification to be given by the Election Commission of Bosnia and Herzegovina to all competent authorities at all levels when an election shall be conducted, for the first elections to be conducted under the provisions of this Election Law, this deadline shall be at least one hundred and sixty nine (169) days prior to the holding of an election.

The Election Commission of Bosnia and Herzegovina shall publish the dates of the elections for all levels of authority in the "Official Gazette of Bosnia and Herzegovina," Entity official gazettes, "Official Gazette of the District of Brcko" and in the media.

### Chapter 2

#### Competent Authorities Responsible for the Conduct of Elections

#### Article 2.1

The competent authorities responsible for the conduct of elections are the election commissions and the Polling Station Committees.

The election commissions and the Polling Station Committees shall be independent and impartial in their work. No member of an election commission or a Polling Station Committee shall participate in the decision of a case in which the member and/or a close family member has a personal or financial interest or other conflict of interest, which may raise doubt as to the ability of the member to act impartially. A "close family member" is defined in Article 14.7 of this law.

All bodies of authority at all levels, officials in Bosnia and Herzegovina and Embassies and Consulate Offices of Bosnia and Herzegovina shall be obliged to assist the competent authorities responsible for the conduct of elections.

#### Article 2.2

Members of election commissions and Polling Station Committees shall be persons eligible to vote.

Members of election commissions and Polling Station Committees shall be persons with appropriate expertise and experience in the administration of elections.

The Election Commission of Bosnia and Herzegovina shall determine what the required qualifications are for members of election commissions and Polling Station Committees established in the previous paragraph.

#### Article 2.3

No person can be appointed as a member of an election commission or Polling Station Committee who:

1. is not eligible to stand as a candidate in accordance with Articles 1.6 and 1.7 of this law;
2. is a member of the highest executive political body of a political party or coalition: a president, deputy president, the general secretary, secretary or members of the executive board or the central committee;
3. holds an elected mandate or is a member of an executive body of authority except as provided for in Article 2.12 of this law;
4. stands as a candidate for the elections at any level of authority; or
5. has been sanctioned for a serious violation of the electoral laws or regulations where the person was found to be personally responsible for the violation, in the previous four (4) years, starting from the day the decision became final.

The Election Commission of Bosnia and Herzegovina shall decide if the severity of the violation and the personal responsibility of the individual as stated in paragraph 5 of this article prohibits the person from being a member of an election commission or a Polling Station Committee.

#### Article 2.4

Except as provided for in Article 2.12 of this law, the election commission members shall be appointed for a period of five (5) years and members may only be appointed to the same election commission for two (2) consecutive terms of office, unless otherwise specified by this law.

Polling Station Committee members shall be appointed for each election.

#### Article 2.5

Except in the case regulated by Article 18.1 of this law, the Election Commission of Bosnia and Herzegovina shall consist of seven (7) members: two (2) Croats, two (2) Bosniacs, two (2) Serbs, and one (1) other member. The nominees for the Election Commission of Bosnia and Herzegovina shall be jointly nominated by the members of the Commission for the Appointment of Judges of the Court of Bosnia and Herzegovina and members of the Election Commission of Bosnia and Herzegovina (under the joint name the Commission for Selection and Nomination). The Election Commission of Bosnia and Herzegovina nominees shall be legal experts with experience in the administration of elections and/or electoral experts.

The Commission for Selection and Nomination shall meet in its full composition for the purpose of decision making on issues of appointments regulated by this Law. In accordance with the provisions of this Law, the announcement and nomination procedure shall follow the Rules of Procedures established by the Election Commission of Bosnia and Herzegovina. A decision on the appointment of nominees for the election Commission of Bosnia and Herzegovina shall be made by two third (2/3) majority vote.

In accordance with its procedures, the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall elect members of the Election Commission of Bosnia and Herzegovina from the list of nominees. If this list is not submitted to the House of Representatives thirty (30) days prior to the expiration of the mandates of the members of the Election Commission of Bosnia and Herzegovina, then the House of Representatives of Bosnia and Herzegovina shall nominate and elect the members of the Election Commission of Bosnia and Herzegovina.

In the event a member of the Election Commission of Bosnia and Herzegovina cannot perform his/her duties as established in Article 2.15 of this law the Election Commission of Bosnia and Herzegovina shall notify the House of Representatives. The House of Representatives of Bosnia and Herzegovina shall in this case appoint a new member who is of the same Constituent Peoples including others as the previous member. A new member shall be appointed from the list of nominees submitted by the Commission for Selection and Nomination of Bosnia and Herzegovina.

#### Article 2.6

The President of the Election Commission of Bosnia and Herzegovina shall be elected from amongst its members. One Croat, one Bosniac, one Serb and the other member of the Election Commission of Bosnia and Herzegovina shall each serve as the President for one fifteen (15) month rotation in a five (5) year period.

#### Article 2.7

The Election Commission of Bosnia and Herzegovina shall establish Regulations which regulates its work including the election of its President.

#### Article 2.8

Members of the Election Commission of Bosnia and Herzegovina shall have immunity and shall not be held accountable in criminal or civil proceedings in the course of the work of the Election Commission of Bosnia and Herzegovina. The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina may revoke the immunity of a member of the Election Commission of Bosnia and Herzegovina after receiving a recommendation of removal of immunity by the Election Commission of Bosnia and Herzegovina.

#### Article 2.9

The Election Commission of Bosnia and Herzegovina is an independent body, which derives its authority from and reports directly to, the Parliamentary Assembly of Bosnia and Herzegovina. The Commission shall:

1. co-ordinate, oversee and regulate the lawful operation of all election commissions and Polling Station Committees in accordance with this law;
2. issue administrative Regulations for the implementation of this law;
3. propose a budget for the Election Commission of Bosnia and Herzegovina and the Secretariat and report on its spending;
4. be responsible for establishment, accuracy and maintenance of the Central Voters Register for the territory of Bosnia and Herzegovina;
5. certify the participation of political parties, coalitions, lists of independent candidates and independent candidates for all levels of elections in Bosnia and Herzegovina;
6. verify and certify the lists of candidates for all levels of elections in Bosnia and Herzegovina;
7. be responsible for the timely printing, distribution and security of ballots and forms for all levels of elections in Bosnia and Herzegovina;
8. define the contents and the form of the ballot for all levels of elections in Bosnia and Herzegovina;
9. verify, certify and publish election results for all levels of elections in Bosnia and Herzegovina;
10. issue certificates to persons who receive mandates;
11. notify an election commission or Polling Station Committee that it does not comply with or violates a provision of this law and order the remedial action required to be taken by the competent body;
12. publicize all Rules of Procedure, Regulations and election results, voter information and all other information necessary for the implementation of this law and all electoral laws, in the Official Gazettes and the media, both inside and outside Bosnia and Herzegovina as appropriate;

13. conduct all election activities for the elections for the members of the Presidency of Bosnia and Herzegovina and the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
14. review the termination of a mandate of an elected official by the competent body of authority at all levels in order to ensure that the elected official's mandate was terminated in accordance with law and in the case where a member resigns that it is of his or her own volition;
15. report annually to the Parliamentary Assembly of Bosnia and Herzegovina on the state of electoral administration in Bosnia and Herzegovina, the implementation of this law and any proposed amendments to this law; and
16. perform all other duties as authorised by law.

#### Article 2.10

The Election Commission of Bosnia and Herzegovina may annul elections in an electoral unit or at an individual Polling Station if it is established that irregularities occurred, during the voting or counting of ballots, which may affect the election results.

#### Article 2.11

The Election Commission of Bosnia and Herzegovina shall establish a Secretariat to carry out its professional, administrative and operational duties. The Election Commission of Bosnia and Herzegovina Secretariat shall also carry out the professional, administrative and operational duties for the Election Complaints and Appeals Council and the Appeal Council.

The Election Commission of Bosnia and Herzegovina Secretariat shall have a General Secretary who is appointed by the Election Commission of Bosnia and Herzegovina.

#### Article 2.12

A Municipal Election Commission shall consist of between three (3) or five (5) members.

The Election Commission of Bosnia and Herzegovina shall determine the number of the Municipal Election Commission members in accordance with the number of the registered voters and the size of a municipality.

Other criteria may be used by the Election Commission of Bosnia & Herzegovina to determine the number of Municipal Election Commission members.

The member of the Municipal Election Commission can be: the president of a regular Court, the Secretary of the Municipal Council/Municipal Assembly, persons professionally employed in Municipal administration and other persons if they meet the conditions established in the Article 2.2 of this Law, and they do not have the obstacles from the Article 2.3 of this Law.

The members of the Municipal Election Commission shall be appointed by the Municipal Council/Municipal Assembly, subject to the approval of the Election Commission of Bosnia and Herzegovina.

Amongst the members of the Municipal Election Commission from the previous paragraph the Municipal Council/Assembly shall appoint the President, subject to the approval of the Election Commission of Bosnia and Herzegovina.

#### Article 2.13

The Municipal Election Commission shall:

1. ensure that all candidates lists for a Municipal Council/Municipal Assembly are made in accordance with the law, and forward them to the Election Commission of Bosnia and Herzegovina for its approval;
2. monitor the work of competent municipal bodies for the administration of the elections, including the process of voter registration;
3. designate Polling Stations in the territory of the municipality for voting on all levels of authority in Bosnia and Herzegovina;
4. appoint and train the members of the Polling Station Committees;
5. ensure the security of, and deliver to the Polling Station Committees the polling material for voting at all levels of the elections in Bosnia and Herzegovina;
6. as directed by the Election Commission of Bosnia and Herzegovina notify voters of information necessary for the administration of elections;
7. be responsible for the technical arrangements at the Polling Station and any other technical preparations for the elections;
8. be responsible for the proper conduct of the counting of ballots at Polling Stations and municipal counting centres;
9. compile the results of elections from all Polling Stations in the municipality, separately for each body for which elections were administered and forward the results to the Election Commission of Bosnia and Herzegovina; and
10. perform all other tasks as authorised by law and by the Regulations of the Election Commission of Bosnia and Herzegovina.

#### Article 2.14

The composition of an election commission or Polling Station Committee should be multiethnic, reflecting the population of the constituent peoples including others bearing in mind the most recent national Census at the electoral unit for which it is formed.

If the election commission or Polling Station Committee is not composed in accordance with the previous paragraph, the Election Commission of Bosnia and Herzegovina shall annul the appointment of the members and inform the appointing body. The appointing body shall within seven (7) days of the decision of the Election Commission of Bosnia and Herzegovina reappoint the body in compliance with the criteria established in the previous paragraph.

If the election commission or Polling Station Committee is not properly constituted again, the Election Commission of Bosnia and Herzegovina shall appoint the members of the election commission or Polling Station Committee in accordance with paragraph 1 of this article.

#### Article 2.15

In the event a member of an election commission resigns, dies, becomes incapacitated, is removed from the commission or cannot be a member of a election commission or Polling Station Committee as established in Article 2.3 of this law, the new member of the body shall be appointed in the same manner that the previous member was appointed. The term of appointment shall expire when the previous member's appointment would have expired.

#### Article 2.16

If a member of an election commission has a prolonged absence without a valid reason, obstructs the work of the commission or violates this law or regulations, the election commission may recommend to the appointing body the removal of the member by a two-thirds (2/3) vote of the total number of members of the election commission. For the purposes of this article the appointing body for the Municipal Election Commissions is the Election Commission of Bosnia and Herzegovina.

#### Article 2.17

Except as established by Regulations of the Election Commission of Bosnia and Herzegovina, all election commission meetings shall be public. The election commissions shall ensure that the public is notified of their meetings in a timely manner.

#### Article 2.18

Election commissions and Polling Station Committees, except for the Election Commission of Bosnia and Herzegovina, shall make decisions by a simple majority of the total number of members, except as otherwise stipulated by this law.

Except as otherwise provided by this law, the Election Commission of Bosnia and Herzegovina shall make a decision by a two-thirds (2/3) vote of the total number of the members. If a decision cannot be reached by a two-thirds (2/3) vote of the total number of members at the first meeting, then at the second meeting a majority of the members shall make the decision.

#### Article 2.19

The Polling Station Committee shall consist of a President and of two (2) or four (4) members. The President and the members of the Polling Station Committee shall have deputies. The appointment of the members of the Polling Station Committee and their deputies shall be made by the Municipal Election Commission no later than fifteen (15) days prior to the date of the election. If the Municipal Election Commission does not appoint the members of the Polling Station Committee and their deputies in accordance with this article, then the Election Commission of Bosnia and Herzegovina shall appoint the members of the Polling Station Committee and their deputies.

The President shall manage and be responsible for the lawful work of the Polling Station Committee.

#### Article 2.20

The Polling Station Committee shall directly manage the conduct of the Polling Station, ensure the regularity and secrecy of the ballot and record the election results at the Polling Station.

The President of the Polling Station Committee shall ensure that the voting process at a Polling Station proceeds without impediments, in accordance with Chapters 5 and 7 of this law.

#### Article 2.21

Entity Election Commissions shall be created by Entity law in accordance with this law. Their competencies shall be determined by the Election Commission of Bosnia and Herzegovina in accordance with this law.

The manner of election and the composition of all other election commissions shall be determined by Entity law and in accordance with the provisions of this law.

### Chapter 3

#### Voters Register

##### Article 3.1

A citizen of Bosnia and Herzegovina, aged eighteen (18) or older, exercises his or her right to vote based on his or her registration into the Central Voters Register. Each person shall apply for registration personally. No person may apply for registration on behalf of another person.

The Central Voters Register shall not contain the name of a person who under a valid decision of a competent authority has been deprived of his or her ability to engage in business activities.

The Election Commission of Bosnia and Herzegovina shall keep and manage the Central Voters Register for the entire territory of Bosnia and Herzegovina.

The Central Voters Register shall include the names and information about all citizens of Bosnia and Herzegovina who have the right to vote and who have registered to vote. From the data contained in the Central Voters Register



ter, a Municipal Voters Register shall be established for each municipality which contains the names and information about all voters who have registered to vote in person or by absentee ballot for that municipality.

The Election Commission of Bosnia and Herzegovina may define Voters Registers for other electoral units for which specific elections are conducted, based on the data contained in the Central Voters Register.

The competent municipal body shall be responsible for the proper registration of voters residing within the territory of that municipality, and the accuracy and validity of data provided for additions to, changes and deletions from the Central Voters Register.

The Election Commission of Bosnia and Herzegovina shall be responsible for the registration of voters residing outside the territory of Bosnia and Herzegovina, and the accuracy and validity of data provided for additions to, changes and deletions from the Central Voters Register.

The Central Voters Register, Municipal Voters Registers shall be public documents.

#### Article 3.2

In each municipality, the competent municipal body, in co-ordination with the Municipal Election Commission, shall establish one or more voter registration offices in public buildings or other locations designated for that purpose, and shall arrange for and train appropriate staff members or other persons as voter registrars, who shall be authorized to conduct voter registration activities.

Offices where master evidence files are prepared and maintained may be used as registration offices, as may other offices generally accessible to the public. A registration office may not be located in a place of worship, any building owned by or occupied by a political party, any building that has been used as a place of torture or abuse or premises in which alcohol is served and consumed.

All voter registrars shall conduct the process of voter registration in accordance with this law, and in the manner prescribed in Regulations of the Election Commission of Bosnia and Herzegovina.

A person who has the right to vote under this law shall be advised of his or her voting rights and may register to vote, update his or her voter registration information, or apply to change his or her voting option at a Voter Registration Centre in the municipality in which he or she is currently residing, regardless of the municipality for which he or she seeks to register.

#### Article 3.3

For the purpose of this law, permanent residence is either the citizen's residence according to the most recent national Census, or the municipality where a citizen is registered as a permanent resident in accordance with law.

#### Article 3.4

A citizen of Bosnia and Herzegovina who has the right to vote, shall register for the municipality in which he or she has a permanent place of residence, except as otherwise permitted under this law.

A citizen of Bosnia and Herzegovina who has the right to vote under this law and is temporarily residing abroad shall register for the municipality where he or she had permanent residence immediately prior to his or her departure for abroad, provided he or she is registered as a permanent resident in that municipality at the moment of his or her application for registration.

#### Article 3.5

The data entered into the Central Voters Register for citizens of Bosnia and Herzegovina who have the right to vote shall be: last and first name, date of birth, national identification number, name of the municipality and settlement where this person has permanent or current residence, the name of the municipality for which this person is registered as a voter, and serial number under which the voter is registered.

#### Article 3.6

An application to register to vote for the first time, or an application for a change in a person's voting option as established in Articles 1.5 and 3.4 of this law, must be submitted by the applicant personally.

The Election Commission of Bosnia and Herzegovina shall regulate the methods and procedures by which the accuracy of data in the official records maintained by the competent authorities in Bosnia and Herzegovina and documents submitted for persons requesting to be entered into the Central Voters Register may be verified, and shall take appropriate action regarding additions, corrections or deletion of data from the Central Voters Register, based on its decision or a decision of the Election Complaints and Appeals Council, or at any time the Election Commission of Bosnia and Herzegovina determines that there is reason to question the validity or accuracy of the information or documentation submitted in an application, or as necessary to maintain the integrity of the Central Voters Register in compliance with this law.

#### Article 3.7

No citizen of Bosnia and Herzegovina shall forfeit any right or entitlement because he or she has registered as a voter, or because his or her registration to vote for a municipality is not the one in which he or she currently resides.

No person shall be required to present any document issued to him or her by a competent municipal body relative to registration or voting for any other purpose except as is necessary for the purpose of voter registration, confirmation of registration or voting.

#### Article 3.8

The competent municipal bodies which keep the master evidence files are obliged to provide information on dead persons who were over eighteen (18) years of age and who immediately prior to their death resided in the municipality, to the competent municipal body.

The competent municipal bodies which keep the master evidence files are obliged, upon comparison of the birth records and the records of residency of persons currently residing in the municipality, to provide information on persons who have reached eighteen (18) years of age to the competent municipal body. The Election Commission of Bosnia and Herzegovina shall regulate the methods and procedures for informing persons who have reached 18 years of age about the procedures of voter registration.

The police body which keeps residency evidence is obliged to provide the competent municipal body with information on all persons who have reached eighteen (18) years of age and have registered their residence on the territory of that municipality, as well as information about such persons who have cancelled their residency in that municipality.

The competent court shall be obliged to notify the competent municipal body of a valid court decision by which a person has been deprived of his or her ability to engage in business activities.

#### Article 3.9

A member of the military, who has the right to vote under this law, shall register to vote, update his or her registration information, or apply to change the municipality for which he or she will vote, at the competent municipal body.

A member of the military, who has registered to vote in accordance with this law, may vote in an Absentee Polling Station in the municipality in which he or she is based.

A member of the military may apply to receive his or her ballot at an Absentee Polling Station in the municipality in which he or she is scheduled to be posted or transferred between the date of registration and polling day, if he or she produces documentary proof of the scheduled posting or transfer at the time of registration.

If a member of the military produces documentary proof at the time of registration of a scheduled discharge between the date of registration and the first polling day, he or she may apply to receive his or her ballot at an Absentee Polling Station in the municipality in which he or she intends to cast a ballot.

#### Article 3.10

A person who is omitted from the Central Voters Register or who believes his or her voter information is incorrect, may file a complaint with the Municipal Election Commission requesting inclusion on the Central Voters Register or correction of the voter's information in accordance with Chapter six (6) of this law.

Any citizen shall have the right to inspect the Central Voters Register and submit a complaint about invalid or inaccurate entries into the Central Voters Register in accordance with Chapter 6 of this law.

#### Article 3.11

The Election Commission of Bosnia and Herzegovina shall establish in its Regulations the method and procedure for entering of voters into the Central Voters Register who:

1. apply for registration for the first time, but whose names are not on the most recent national Census;
2. reside and submit an application for registration from outside the territory of Bosnia and Herzegovina, including procedures for their registration by mail;
3. are homebound due to old age, illness or disability;
4. are prisoners or are confined to institutions and have the right to vote;
5. are citizens younger than eighteen (18) years but above an age defined by the Election Commission of Bosnia and Herzegovina which permits them to register, but not to be listed in the excerpt of eligible voters on election day. Articles referring to citizens above eighteen (18) years of age in this law will be applied to those having reached the age of registration, except for the Articles on voting right; and
6. are citizens of Bosnia and Herzegovina and will attain eighteen (18) years of age after the deadline for registering to vote, but by election day.

#### Article 3.12

The Election Commission of Bosnia and Herzegovina shall establish in its Regulations the content, manner of keeping, manner of correction, amendment, closing, copying and display of the Central Voters Register, and in particular, the manner in which additions, amendments and deletions shall be made based on information provided by the competent municipal bodies responsible for the registration of voters under Article 3.1 paragraph 6 of this law.

The Election Commission of Bosnia and Herzegovina, relevant to Regulations established pursuant to the previous paragraph, shall regulate the method of entering voters into the Central Voters Register in those cases where the documentation from the master evidence files has been destroyed, damaged or removed from the municipalities.

The Election Commission of Bosnia and Herzegovina shall establish the method and procedure for checking the accuracy of data in the master evidence files maintained by the competent municipal bodies and documents submitted by persons requesting to be entered into the Central Voters Register, shall define the proof of evidence necessary to establish a person's permanent or current place of residence and the deadline by which a voter must have registered to vote in order to vote in a particular election, and shall prescribe the manner of informing persons who have attained eighteen (18) years of age about the voter registration procedure.

#### Article 3.13

In order to be eligible to vote in the forthcoming election, a citizen of Bosnia and Herzegovina who has the right to vote under this law and is a refugee or temporarily residing abroad may register to vote by mail provided that

he or she completes and submits an application form to the Election Commission of Bosnia and Herzegovina. This application must be received prior to the deadline established by the Election Commission of Bosnia and Herzegovina. The application form and relevant instructions shall be designed by the Election Commission of Bosnia and Herzegovina. The completed application must be accompanied by applicant's proof of identity as prescribed by this law and must be signed by the applicant.

A citizen of Bosnia and Herzegovina who has previously registered to vote by mail is required to confirm his or her registration for each election by submitting a confirmation form to the Election Commission of Bosnia and Herzegovina. The Election Commission of Bosnia and Herzegovina shall regulate the content of the form and the manner of distribution.

A citizen of Bosnia and Herzegovina who has registered to vote by mail and who returns to Bosnia and Herzegovina shall apply to update his or her registration record at the competent municipal body within the municipality to which this person has returned. If this person has returned to Bosnia and Herzegovina prior to the deadline by which a person must be registered to vote in the next election, he or she shall be assigned to the appropriate Polling Station and added to the excerpt of the Central Voters Register for that Polling Station. If this person has returned to Bosnia and Herzegovina after the deadline by which he or she must be registered to vote in the next election, this person shall be allowed to vote by a tendered ballot either at a Polling Station within the municipality in which he or she is registered to vote or at any other Polling Station specifically designated for this purpose.

## Chapter 4

### Certification and Candidacy for the Elections

#### Article 4.1

In order to participate in the elections political parties, independent candidates, coalitions and lists of independent candidates shall certify their eligibility with the Election Commission of Bosnia and Herzegovina.

#### Article 4.2

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

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

For the purpose of Chapters 9, 10 and 11 of this law, the electoral unit shall be the multi-member constituency.

#### Article 4.3

In order to participate in the elections, a political party must be registered with the competent authority in either Entity, in accordance with the law. The application for certification must be accompanied by evidence that the political party is registered with the competent authority. The political party must apply for certification under the same name that it registered with the competent authority.

#### Article 4.4

The application for certification of a political party or independent candidate must include a list setting out the name, original signature, and National Identity number of each registered voter who supports the application of the political party or independent candidate.

The signature form shall be prescribed by the Election Commission of Bosnia and Herzegovina. These forms shall be pre-printed forms and shall contain, a space for the name of the political party or independent candidate, and sequential serial numbers. Political parties and independent candidates shall only collect signatures on the forms assigned to them by the election commission of Bosnia and Herzegovina. Other forms submitted by a political party or independent candidate shall not be accepted.

The signature form shall also include the name, original signature and National Identity number of the person(s) who are responsible for collecting the supporter's signatures.

In order to be certified for participation in the elections, a political party must present to the Election Commission of Bosnia and Herzegovina its application for participation in the elections, which contains at least:

1. three thousand (3,000) signatures of registered voters for the elections for the members of the Presidency of Bosnia and Herzegovina;
2. three thousand (3,000) signatures of registered voters for the elections for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
3. two thousand (2,000) signatures of registered voters for the elections for the members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or for the members of the National Assembly of the Republika Srpska;
4. five hundred (500) signatures of registered voters for elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia-Herzegovina;
5. one hundred (100) signatures of registered voters for the elections for the Municipal Council/Assembly and for the Mayor in a municipality when the Mayor is directly elected in which the number of registered

voters in the Central Voters Register in the previous elections did not exceed ten thousand (10,000) voters, or two hundred (200) signatures for the election in the municipality in which this number exceeded ten thousand (10,000) registered voters.

#### Article 4.5

Except for the elections for the members of the Presidency of Bosnia and Herzegovina, a political party shall be exempt from the signature requirement established in Article 4.4 of this law if a member of this political party holds a mandate in the same body that the political party applies to certify to stand for office,.

For the purposes of this article the political party shall submit a signed statement from the elected official that he or she was a member of that political party at the time that he or she received the mandate and that he or she is still a member of that party together with the confirmation form.

#### Article 4.6

A political party shall submit its application for certification to the competent authority no later than one hundred and forty (140) days before the date of the elections.

The Election Commission of Bosnia and Herzegovina shall certify the application of a political party for participation in the elections if the application meets the requirements as established by this law.

If the Election Commission of Bosnia and Herzegovina identifies incorrect or incomplete information, it shall notify the applicant thereof, who shall be bound to correct the information within two (2) days. Upon the expiration of this deadline, the Election Commission of Bosnia and Herzegovina shall decide whether or not to certify or reject the application for participation in the elections.

If the Election Commission of Bosnia and Herzegovina rejects the application, the applicant shall have the right to request the Election Commission of Bosnia and Herzegovina to reconsider the decision within two (2) days. The Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days.

#### Article 4.7

If two (2) political parties have identical names or names that are so similar that it could cause confusion or mislead a voter, the Election Commission of Bosnia and Herzegovina shall determine which party has the right to use the name for the purposes of the elections, taking into account the date each party registered with the competent court.

#### Article 4.8

In order to be certified for the elections, an independent candidate must present his or her application for participation in the elections to the Election Commission of Bosnia and Herzegovina containing at least:

1. one thousand five hundred (1,500) signatures of registered voters for the elections for the members of the Presidency of Bosnia and Herzegovina;
2. one thousand and five hundred (1,500) signatures of registered voters for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
3. one thousand (1,000) signatures of registered voters for the elections for the members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or members of the National Assembly of the Republika Srpska;
4. two hundred and fifty (250) signatures of registered voters for the elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia and Herzegovina; or
5. one hundred (100) signatures of registered voters for the elections for the Municipal Council/Assembly and for the Mayor in the municipality when the Mayor is directly elected.

#### Article 4.9

Except for the signature requirement established for the election for the members of the Presidency of Bosnia, an independent candidate who holds a mandate in the same body that he or she is standing for office shall be exempt from the signature requirement established in Article 4.8 of this law.

#### Article 4.10

An independent candidate shall submit his or her application for candidacy no later than one hundred and forty (140) days prior to the election and it shall contain: the name and surname, address, national identification number, date and signature of the independent candidate.

The Election Commission of Bosnia and Herzegovina shall certify the application of an independent candidate for participation in the elections if the application meets the requirements as established by this law.

The Election Commission of Bosnia and Herzegovina shall examine within two (2) days whether the application was submitted in accordance with this law and certify, reject or request the candidate to correct his or her application.

If the Election Commission of Bosnia and Herzegovina identifies incorrect or incomplete information, it shall notify the applicant thereof, who shall be bound to correct the information within two (2) days. Upon the expiration of this deadline, the Election Commission of Bosnia and Herzegovina shall decide whether or not to certify or reject the application for participation in the elections.

If the Election Commission of Bosnia and Herzegovina rejects the application, the applicant shall have the right to request the Election Commission of Bosnia and Herzegovina to reconsider the decision within two (2) days. The Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days.

An independent candidate may not at the same time stand for office as an independent candidate in more than one electoral unit or run for office on a political party, list of independent candidates or coalition's candidates list. An independent candidate may not withdraw his or her candidacy before the certification of the election results.

#### Article 4.11

In order to be certified for the elections a political party or independent candidate must present signatures of support as established in Articles 4.4 and 4.8 of this law. One voter may support only one political party or independent candidate on the signature of support form. The Election Commission of Bosnia and Herzegovina shall regulate how the signatures of support shall be checked and verified.

#### Article 4.12

Two (2) or more certified political parties that choose to form a coalition must submit an application for certification under one name to the Election Commission of Bosnia and Herzegovina. If the name of a coalition is identical to or so similar to a political party or coalition's name that it could cause confusion or mislead a voter, the Election Commission of Bosnia and Herzegovina shall determine who has the right to use the name for the purposes of the elections.

A coalition shall submit its application for certification no later than one hundred and ten (110) days before the date of the elections.

The Election Commission of Bosnia and Herzegovina shall certify the application of a coalition for participation in the elections if it meets the requirements as established by this law.

If the Election Commission of Bosnia and Herzegovina identifies incorrect or incomplete information, it shall notify the applicant thereof, who shall correct the information within two (2) days. Upon the expiration of this deadline, the Election Commission of Bosnia and Herzegovina shall decide whether or not to certify or reject the application for participation in the elections.

If the Election Commission of Bosnia and Herzegovina rejects the application, the applicant shall have the right to request the Election Commission of Bosnia and Herzegovina to reconsider the decision within two (2) days. The Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days.

#### Article 4.13

A political party that is a member of a coalition cannot participate as a member of another coalition or as a separate political party in the same electoral unit.

A coalition shall have the status of a political party in the electoral process from the day the coalition application for certification is submitted to until the election results are certified. A political party that is a member of a coalition, may not withdraw from the certified coalition until the election results are certified.

#### Article 4.14

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

#### Article 4.15

For the Municipal Council/Assembly and the Cantonal Assembly elections two (2) or more certified independent candidates may join together and submit a single candidates list under one name. The list of independent candidates shall submit its application for certification no later than one hundred and ten (110) days before the date of the elections.

The Election Commission of Bosnia and Herzegovina shall certify the list of independent candidates' application for participation in the elections if it meets the requirements as established by this law.

If the Election Commission of Bosnia and Herzegovina identifies incorrect or incomplete information, it shall notify the applicant thereof, who shall correct the information within two (2) days. Upon the expiration of this deadline, the Election Commission of Bosnia and Herzegovina shall decide whether or not to certify or reject the application for participation in the elections.

If the Election Commission of Bosnia and Herzegovina rejects the application, the applicant shall have the right to request the Election Commission of Bosnia and Herzegovina to reconsider the decision within two (2) days. The Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days.

#### Article 4.16

A political party or independent candidate shall enclose government stamps with its application for certification in the amount determined by the Election Commission of Bosnia and Herzegovina for every election. The Certification fee shall be refunded if a political party or independent candidate wins at least one mandate in the elections or if the application is rejected. For the purposes of this article a mandate won by a coalition or independent candidates list shall be deemed to have been won by each individual political party in the coalition or each individual independent candidate on the independent candidates list, regardless of which party in the coalition or which independent candidate on the list of independent candidates actually received the mandate.

#### Article 4.17

A political party, coalition, independent candidate or list of independent candidates shall enclose all the necessary documentation and information as established by this law with each application in order to certify its participation in the elections.

#### Article 4.18

The certified political party, coalition or list of independent candidates shall submit to the Election Commission of Bosnia and Herzegovina the candidates lists for the election of representatives to the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and the candidate(s) for the election of the Members of the Presidency of Bosnia and Herzegovina.

Candidates lists for elections for all other levels of authority shall be submitted by the political party, coalition or list of independent candidates to the competent election commission in the electoral unit where the political party, coalition or list of independent candidates are certified to stand for office. After the competent election commission verifies that the candidates list was submitted in accordance with law, the election commission shall submit the candidates list to the Election Commission of Bosnia and Herzegovina for certification.

#### Article 4.19

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

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

For the multi-member constituencies established in Chapters 9, 10 and 11 of this law the number of candidates on the candidates list of a political party or coalition may be two (2) higher than the number of mandates that are to be allocated in that multi-member constituency.

Every candidates list shall include candidates of male and female gender. The minority gender candidates shall be distributed on the candidates list in the following manner. At least one (1) minority gender candidate amongst the first two (2) candidates, two (2) minority gender candidates amongst the first five (5) candidates, and three (3) minority gender candidates amongst the first eight (8) candidates et seq. The number of minority gender candidates shall be at least equal to the total number of candidates on the list, divided by three (3) rounded up to the closest integer.

The candidates lists for the House of Representatives of the Federation of Bosnia and Herzegovina, the President and Vice Presidents of Republika Srpska, and the National Assembly of Republika Srpska shall indicate to which constituent people, or the group of Others, the candidates declare to belong.

The candidates list shall contain the name, surname, address of permanent residence, national identification number and signature of each candidate, signature of the president of the political party or presidents of the political parties in the coalition.

#### Article 4.20

The name of a candidate on a political party, coalition or independent candidates list may not be withdrawn after the candidates list is certified by the Election Commission of Bosnia and Herzegovina. If the candidate is incapacitated or rejects the mandate after the election results are certified by the Election Commission of Bosnia and Herzegovina, the name of the candidate shall be removed from the candidates list and the mandate shall be allocated in accordance with Article 9.11, except for lists in cantons and municipalities which shall be allocated in accordance with Article 12.5. The candidate, or in the event that the candidate is incapacitated, his or her representative must submit the rejection of the mandate in writing to the Election Commission of Bosnia and Herzegovina. A candidate may not withdraw his or her candidacy before the certification of the election results.

#### Article 4.21

Political parties, lists of independent candidates and coalition's candidates lists must be submitted to the competent election commission referenced in Article 4.18 of this law no later than ninety-five (95) days prior to the elections.

The competent election commission referenced in Article 4.18 of this law shall submit to the Election Commission of Bosnia and Herzegovina the political party, the independent candidates lists and the coalition's candidates list no later than eighty-five (85) days prior to the elections.

No later than twenty (20) days after a candidates list has been submitted to it, the Election Commission of Bosnia and Herzegovina shall review the candidates list and shall certify or reject candidates on the list. The Election Commission of Bosnia & Hercegovina shall notify the political party, coalition or list of independent candidates of any rejected individual candidates. A political party, coalition, or list of independent candidates shall have five (5) days to correct a candidates list by replacing candidates or providing further documentation if requested by the Election Commission of Bosnia and Herzegovina.

If the Election Commission of Bosnia and Herzegovina further rejects any individual candidates on the candidates list, the political party, coalition or independent candidates list shall have the right to request, within two (2) days of the rejection, the Election Commission of Bosnia and Herzegovina to reconsider the decision. The Election Commission of Bosnia and Herzegovina shall make a decision within three (3) days.

From the expiration of the deadline for submission of the candidates lists until the mandate of the body expires, the political party, coalition or list of independent candidates may not amend the candidates list.

#### Article 4.22

The Election Commission of Bosnia and Herzegovina shall keep the record of the applications for certification for participation in the elections.

#### Article 4.23

After the certification of the submitted candidates lists the Election Commission of Bosnia and Herzegovina shall publish a list of candidates with the names of the certified political parties, coalitions, independent candidates and lists of independent candidates for each election in the sequence of the lottery number resulting from the lottery established in Article 5.15 of this law. The lists of candidates shall be published no later than forty-five (45) days before the election day in the official gazettes. The candidates lists shall also be posted at the Polling Stations and published in the media.

#### Article 4.24

Each political party and coalition certified to submit candidates for the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, or the National Assembly of the Republika Srpska shall submit a list of candidates for compensatory mandates to the Election Commission of Bosnia and Herzegovina. Such list shall be submitted for each of the bodies listed above for which the political party or coalition is certified.

The list of candidates for compensatory mandates shall include only the names of candidates already included on the regular candidates lists submitted by the political party or coalition for one or more multi-member constituencies. Candidates on a list of candidates for compensatory mandates may be from the list of any multi-member constituency within the same entity and at the same electoral level. Lists of candidates for compensatory mandates shall comply with paragraph four of Article 4.19.

Lists of candidates for compensatory mandates shall not be published on the ballot, but shall only be used for purposes of awarding compensatory mandates pursuant to Articles 9.8, 10.6, and 11.6. The lists shall be published by the Election Commission of Bosnia and Herzegovina in the Official Gazette of Bosnia and Herzegovina.

### Chapter 5

#### Conduct of Elections

##### Article 5.1

Voting shall be conducted at Polling Stations, unless provided otherwise by this law.

The Polling Stations shall be designated by the Municipal Election Commission no later than fifteen (15) days before the election day. The Municipal Election Commission, immediately after designating the Polling Stations, shall submit a list of the locations of the Polling Stations to the Election Commission of Bosnia and Herzegovina. The Election Commission of Bosnia and Herzegovina may change the location of a Polling Station if it determines that the location is not an appropriate location for polling.

A Polling Station may not be located in a place of worship, a government building, a building which is owned by or is the seat of a political party, or a building that has been used as a place of torture or abuse, or premises in which alcohol is served and consumed.

Each Polling Station shall be designated by a serial number.

The Municipal Election Commission shall publicise, no later than fifteen (15) days before the election day, which Polling Stations have been designated for voting and where the voters will cast their votes.

##### Article 5.2

A Polling Station shall be designated in accordance with the number of voters, which should not be greater than one thousand (1000), taking into consideration the distance of voters from the Polling Station.

The room designated for polling shall have special space which ensures the secrecy of ballot.

The Municipal Election Commission shall ensure, in a timely manner, that the premises designated to be a Polling Station are prepared and open during the time specified for the voting.

For the purposes of this law, "Polling Station and surrounding area" shall include the area within fifty (50) metres of the entrance of a building in which a Polling Station is located.

##### Article 5.3

The Municipal Election Commission, as directed by the Election Commission of Bosnia and Herzegovina, shall deliver, no later than twelve (12) hours prior to the opening of polling stations on election day, the polling material to the Polling Station Committee, including the required number of ballot boxes, the required number of ballots, the required number of candidates lists, the excerpt from the Central Voters Register for a specific Polling Station, and the form of the Polling Station committee Poll Book.

The Polling Station Committee shall be responsible for security of the polling material from its receipt until the Polling Station Committee has completed all its duties after the close of the Polling Station, and polling materials have been delivered to the Municipal Election Commission, in accordance with this law.

On the day prior to the election day, the Polling Station Committee shall determine whether the electoral material has been received for the specific Polling Station as complete and in an orderly condition and whether polling can commence.

If the conditions from the previous paragraph have not been met, the Polling Station Committee shall inform the Municipal Election Commission, which is bound to correct and remove all noticed shortcomings brought to its attention related to the delivery of the election material.

#### Article 5.4

The Election Commission of Bosnia and Herzegovina shall provide to the Polling Station Committee a sufficient number of ballots, which shall include a number of extra ballots in addition to the number of ballots needed for voters of that Polling Station according to the excerpt from the Central Voters Register. The manner in which all ballots issued to a Polling Station are accounted for shall be defined in Regulations issued by the Election Commission of Bosnia and Herzegovina.

The number of ballots received and distributed to Polling Stations shall be verified by the competent Municipal Election Commission in accordance with Regulations issued by the Election Commission of Bosnia and Herzegovina.

The Election Commission of Bosnia and Herzegovina shall issue Regulations for the control of ballots.

#### Article 5.5

All members of the Polling Station Committee or their deputies must attend the entire process of voting, including establishment of voting results.

#### Article 5.6

The President of a Polling Station Committee, together with the other members of the Polling Station Committee, shall take care of order at the Polling Station and the surrounding area. If order at a Polling Station is breached, the President of a Polling Station Committee may require assistance by the police. Voting shall be suspended while police are present at the Polling Station.

The President of a Polling Station Committee may expel from the Polling Station and surrounding area any person disrupting order at the Polling Station. Any expulsion from the Polling Station shall be recorded in the Polling Station Poll Book. The Polling Station Committee shall decide on expulsion of an observer accredited under Chapter 16 of this law.

It is not allowed to carry weapons or dangerous objects at the Polling Station and surrounding area, except for police officers in cases referred to in paragraph 1 of this article.

It is not allowed to bring to the Polling Station and the surrounding area political insignia and symbols.

#### Article 5.7

A Poll Book shall be kept during the voting process. The Poll Book is a written document in which information related to voting and other events occurring at the Polling Station and the surrounding area, from the opening of the Polling Station until the establishing of the voting results, is recorded. The form of the Poll Book shall be regulated by the Election Commission of Bosnia and Herzegovina. The following information shall be recorded in the Poll Book:

1. a list of all election material and the quantities thereof delivered to the Polling Station;
2. a list of all accredited observers at the Polling Station;
3. observations on all important events occurring at the Polling Station; and
4. all information required by this law to be recorded in the Poll Book.

A member of the Polling Station Committee, a voter or an accredited observer may enter his or her opinion or objections to the voting process in the Poll Book and sign it personally. If the person has not signed the Poll Book personally then his or her opinion or objections will not be considered.

#### Article 5.8

Before the polls open, and in the presence of accredited observers, the Polling Station Committee in the composition as foreseen in the Article 5.5 of this law shall:

1. display the empty ballot boxes and seal them;
2. count and record on the appropriate forms the total number of voters for the Polling Station based on the excerpt from the Central Voters Register; and
3. count and record on the appropriate forms the total number of all ballots received by the Polling Station.

#### Article 5.9

Voting shall last continuously during the day commencing at 0700 hours and ending at 1900 hours. If there is a disturbance of the order, the President of the Polling Station Committee may interrupt the polling until order is restored. The reasons and causes of the interruption of polling shall be entered into the Poll Book of the Polling Station Committee.

The Polling Station shall close at 1900 hours. Voters who are in line at the Polling Station at the time of closing shall be allowed to cast their vote.

If the polling was interrupted because of the disturbance of order for three (3) hours or less, the polling shall be prolonged for the period of the interruption, which shall be decided by the President of the Polling Station Committee. If the interruption is more than three (3) hours, then the Municipal Election Commission shall decide the length of time for which polling shall be prolonged.

If the Polling Station is not opened on time, the voting in that Polling Station may be extended by the length of time which the delay lasted if the delay is three (3) hours or less. If the delay is more than three (3) hours, then the Municipal Election Commission shall decide the length of time for which voting shall be extended.

#### Article 5.10



The Election Commission of Bosnia and Herzegovina and the competent authorities responsible for the conduct of elections shall ensure that the voting shall be secret and shall be conducted in person, by the way of a ballot.

#### Article 5.11

Members of the Polling Station Committee shall explain to the voter the manner of polling and ensure secrecy of the voting.

Members of the Polling Station Committee shall not exert influence on the decision of the voter.

#### Article 5.12

A voter shall cast his or her ballot at the Polling Station where he or she is entered into the excerpt from the Central Voters Register.

If a voter has the right to vote in accordance with this law, for his or her 1991 municipality, the voter may vote at an absentee Polling Station.

The president or a member of the Polling Station Committee shall determine the identity of the voter on the basis of a valid identification document.

A valid identification document, in terms of the preceding paragraph, shall be one of the following which includes a photograph:

- identification card;
- passport;
- driver's license;
- military identification card;
- a valid identification document issued by a host country; or
- a refugee card issued by a host government or other international agency.

If a voter has changed his or her name, he or she shall be obliged to present a certificate of name change issued by the competent body, in addition to one of the above stated identification documents.

#### Article 5.13

, A member of the Polling Station Committee shall be obliged to identify the voter, shall mark his or her name and surname in the excerpt from the Central Voters Register, the voter shall sign the excerpt from the Central Voters Register and a member of the Polling Station Committee shall issue the appropriate ballot(s).

#### Article 5.14

The Election Commission of Bosnia and Herzegovina shall determine the form of the ballot for elections at all levels of authority, including the Bosnia and Herzegovina, Entity, the District of Brcko, canton, and municipal levels.

The ballot shall allow a voter to vote for only one of the following options:

1. an independent candidate, if there are any; or
2. a political party, coalition, or independent candidates list, if there are any; or
3. within one list of candidates of one political party, coalition, or list of independent candidates, the opportunity to mark one or more candidates on the one list chosen by the voter. Where a voter has validly marked one or more candidates on one list, the list shall be considered to have received one valid vote for the purpose of allocating mandates.

A voter may cast his or her vote only as provided in this article.

#### Article 5.15

A ballot shall contain only the following elements:

1. date of the election;
2. name of the body for which election is being made;
3. names of political parties, coalitions, lists of independent candidates and independent candidates in the sequence specified in the collective list based on the lottery conducted to determine their order on the ballot, and names of all the candidates; and
4. instructions on the manner of using and marking the ballot.

A lottery number shall be drawn for each political party, coalition, list of independent candidates and independent candidate to determine their order on the ballot. The lottery number shall be used for the political party or coalition at every level of elections in which this political party or coalition appears on the ballot. The Election Commission of Bosnia and Herzegovina shall publicise the location, date, and time at which the lottery for ballot order shall be held. Representatives of political parties, coalitions, lists of independent candidates, independent candidates, and other accredited observers may attend the lottery.

#### Article 5.16

A voter shall vote in a special place which ensures the secrecy of the voting.

#### Article 5.17

A ballot shall be invalid if:

1. it is not completed or is completed in such a way that it is not possible to reliably ascertain for which political party, coalition, independent candidate, list of independent candidates a voter has cast his or her vote; or
2. names of candidates have been added in writing; or
3. more than one political party, coalition, or independent candidate or list of independent candidates has been marked; or
4. the voter can be identified based on markings added by the voter to the ballot, such as a signature; or
5. the voter marks the ballot in a manner other than as provided by Article 5.14.

#### Article 5.18

If a voter cannot be found on the excerpt from the Central Voters Register because the voter registered to vote out of country and has returned to vote in person in Bosnia and Herzegovina, the voter's name will be added to a special form that consists of all the categories of data as the excerpt of the Central Voters Register. The voter will sign the excerpt of the Central Voters Register, and the voter will have the right to vote by tendered ballot in accordance with the other provisions of this law.

The voter's identification documentation shall be retained until the voter returns the tendered ballot in the sealed envelope. The voter's ballot will be placed in a special envelope by the voter, on which is written information from which the voter's right to vote can be verified, and which shall be sealed before being placed by the voter in the ballot box. After the close of the polling and after opening the ballot boxes in accordance with this law, the Polling Station Committee shall count the number of tendered ballots found in the ballot box and record the number in the Poll Book and shall package and forward all sealed envelopes to the Municipal Election Commission. The Municipal Election Commission shall forward the packages of sealed envelopes from each Polling Station in the municipality to the Election Commission of Bosnia and Herzegovina. The Election Commission of Bosnia and Herzegovina shall confirm that the voter is registered to vote out of country and the voter's right to vote before the envelope is opened and the ballot is counted. If it cannot be confirmed that the voter is registered to vote out of country and has the right to vote, then the envelope shall not be opened or counted.

#### Article 5.19

Upon request of voters who are blind, illiterate or bodily incapacitated, the President of the Polling Station Committee shall approve the procedure wherein another person, selected by the voter concerned, may assist the voter in signing the excerpt from the Central Voters Register, and casting his or her ballot.

The helping person may not be a member of the Polling Station Committee, an accredited observer, or an observer of a political party, coalition, list of independent candidate or independent candidate.

**The person helping the voter shall print his or her name and sign the excerpt from the Central Voters Register next to the name of the voter whom he or she assisted. The person helping the voter does not need to be a registered voter.**

A person may, in terms of Paragraphs 1 and 2 of this article, help only one voter.

#### Article 5.20

In the event that a ballot is spoiled in the course of voting, the Polling Station Committee shall issue a new ballot to the voter and place the spoiled one in a special envelope marked "spoiled ballots".

#### Article 5.21

A citizen of Bosnia and Herzegovina who has the right to vote and is abroad shall have the right to vote by mail. The Election Commission of Bosnia and Herzegovina shall regulate the manner and procedure of voting by citizens by mail.

The Election Commission of Bosnia and Herzegovina shall establish Regulations for voting by citizens of Bosnia and Herzegovina who have the right to vote and are homebound due to old age, illness or disability, or are prisoners or confined to institutions.

#### Article 5.22

The Election Commission of Bosnia and Herzegovina shall establish Regulations for counting ballots and establishing the voting results for ballots cast by voters who have voted by tendered ballots, absentee ballots, ballots cast by prisoners or voters confined to institutions, and homebound voters unable to come to the Polling Station due to age, illness or disability, and ballots cast by mail.

All other ballots shall be counted at the Polling Stations, except where the Election Commission of Bosnia and Herzegovina determines that ballots should be counted at one or more centralised counting centres. The Election Commission of Bosnia and Herzegovina shall establish Regulations for counting ballots and establishing the results at a centralised counting centre. The voting results at a centralised counting centre shall be posted at the counting centre so that the results can be publicly viewed.

The Election Commission of Bosnia and Herzegovina shall appoint a director of the Centralised Counting Centre and three deputies. The director and deputies shall be from different constituent peoples of Bosnia and Herzegovina and one shall be a representative of Others. The director and deputies shall be persons experienced in electoral matters and shall not be active members of any political party.

Ballots shall be counted in a manner that would not violate the secrecy of the vote.

#### Article 5.23

When ballots are counted at the Polling Station, after completion of the voting process and closure of the Polling Station, the Polling Station Committee shall start establishing the voting results.

The Polling Station Committee shall count first unused and spoiled ballots and put them into separate packages to be sealed.

The Polling Station Committee shall then count separately, the number of voters who signed the excerpts from the Central Voters Register, the number of voters who signed the special form described in Article 5.18 of this law, and the total number of voters who appeared at the Polling Station to vote, and shall record this information on the appropriate forms. The Polling Station Committee shall then open ballot boxes one by one, and count the total number of tendered ballot envelopes, if applicable, and the total number of regular ballots contained in the ballot box. The Polling Station Committee shall then count the number of valid votes cast for each political party, coalition, list of independent candidates, independent candidate, and the number of votes for each candidate on a candidates' list, and the number of invalid ballots.

#### Article 5.24

After the close of an absentee Polling Station, the Polling Station Committee shall classify the ballots according to municipalities for which the voters voted, and forward them to the competent Election Commissions. The Election Commission of Bosnia and Herzegovina shall regulate the manner and procedure of classifying the ballots according to the Municipalities as well as their forwarding to the competent Election Commissions.

#### Article 5.25

Except in the case in which the Election Commission of Bosnia and Herzegovina determines that the count shall be fully or partly conducted in counting centres in accordance with Article 5.22 paragraph 2 of this law, the following information shall be recorded on the appropriate forms by the Polling Station Committee after the close of the Polling Station and the counting procedures have been completed:

1. the total number of all ballots cast;
2. the total number of valid votes cast for each political party, coalition, list of independent candidates and independent candidate;
3. the total number of votes for each individual candidate on a candidates list;
4. the total number of invalid ballots, stating separately the number of ballots that are invalid because they are blank and the number of ballots that are invalid due to markings;
5. the total number of spoiled ballots;
6. the total number of tendered ballots contained in the ballot box if appropriate; and
7. the total number of unused ballots.

The Polling Station Poll Book and the appropriate forms shall be signed by all members of the Polling Station Committee. If a member refuses to sign, then the President or one of the signing members shall record this and the reason the member will not sign.

#### Article 5.26

After the establishment of the voting results, a Polling Station Committee shall forward immediately to the competent Municipal Election Commission, and no later than twelve (12) hours after the close of the Polling Station, the Polling Station Poll Book, the excerpt from the Central Voters Register, all the special forms described in Article 5.18 of this law, all tendered ballots, valid ballots, invalid ballots, separately unused and spoiled ballots, and all other forms required by the Election Commission of Bosnia and Herzegovina. The President of the Polling Station Committee shall retain a copy of the report of results.

The President of the Polling Station Committee shall post the voting results at the Polling Station so that the results can be publicly viewed.

The Polling Station Committee shall deliver all remaining election materials to the Municipal Election Commission.

#### Article 5.27

On the receipt of all the election related documents and materials from the Polling Station Committees, the Municipal Election Commission shall establish a consolidated summary of the results of voting within the area of the municipality for the bodies at all levels of authority at which the elections were conducted and shall make a report accordingly, which shall be submitted to the Election Commission of Bosnia and Herzegovina within twenty-four (24) hours after closing of the polls. The consolidated summary of results for the municipality shall contain the same information as required under Article 5.25 of this law. A copy of the consolidated summary of results shall be retained by the Municipal Election Commission, and shall be distributed to the other electoral bodies as defined in Regulations of the Election Commission of Bosnia and Herzegovina.

The Municipal Election Commission shall post the consolidated summary of the results so that the consolidated summary can be publicly viewed.

#### Article 5.28

While establishing the election results for the bodies at each level of authority, the Election Commission of Bosnia and Herzegovina shall take into account a ballot cast by mail by a voter abroad, provided the ballot is delivered to the Election Commission of Bosnia and Herzegovina by postal authorities by a time and date to be determined by

the Election Commission in its regulations. In order to be acceptable, the ballots are to be postmarked by election day.

By mail ballots that are not delivered in compliance with the previous paragraph shall not be counted.

In order for a timely delivered by mail ballot to be counted, it must be returned by a voter who has been determined to be properly registered to vote by mail, sealed in the ballot envelope to ensure secrecy of the person's vote, and accompanied by a copy of an identification document described in Article 5.12 of this law.

#### Article 5.29

The Election Commission of Bosnia and Herzegovina shall establish Regulations for the validation of the election results.

The Election Commission of Bosnia and Herzegovina shall establish, within a period of time as determined by its Regulations, the election results for the bodies at all levels of authority.

The Election Commission of Bosnia and Herzegovina shall provide in its Regulations the order of establishing the election results for the bodies of authority at every level, the time lines for the establishment of the election results, the manner of making the detailed tabulation of results available to the public and announcing the election results. The detailed tabulation of election results, without violating the secrecy of the vote required by Article 5.10, shall include results at the polling station level.

#### Article 5.30

After the announcement of the election results by the Election Commission of Bosnia and Herzegovina, a Municipal Election Commission, a certified political party, coalition, list of independent candidates, or independent candidate may request that a recount of ballots be conducted by the Election Commission of Bosnia and Herzegovina in specified electoral units in which the political party, coalition, list of independent candidates, or independent candidate stood for election. An accredited observer may request that a recount of ballots be conducted by the Election Commission of Bosnia and Herzegovina in a Polling Station at which the observer observed. A certified political party, coalition, list of independent candidates, independent candidate, or observer may also request that a recount of ballots be conducted by the Election Commission of Bosnia and Herzegovina of absentee ballots, ballots cast outside Bosnia and Herzegovina or tendered ballots.

A group of fifty (50) or more voters who voted at the same Polling Station may request that a recount of ballots be conducted by the Election Commission of Bosnia and Herzegovina in the Polling Station at which they voted.

A Municipal Election Commission may request that a recount of ballots be conducted by the Election Commission of Bosnia and Herzegovina in a Polling Station in its municipality.

The Election Commission of Bosnia and Herzegovina shall consider a request for recount if the request meets each of the following requirements:

1. the request is in writing and signed by the accredited observer, group of fifty (50) or more voters who voted at the same Polling Station, independent candidate, president of the political party, leaders of the list of independent candidates, any of the presidents of political parties which formed a coalition or a majority of the members of the Municipal Election Commission;
2. the request states with specificity the facts which justify a recount, including the specific articles of this law which were disregarded or violated;
3. the request states with specificity the approximate number of ballots believed to have been affected;
4. the request states how the results would have been affected by the violation of this law, and
5. the request is presented to the Election Commission of Bosnia and Herzegovina within three (3) days of the date the Election Commission of Bosnia and Herzegovina announced the election results.

The Election Commission of Bosnia and Herzegovina may order a recount, on its own initiative, even if no request for recount has been made under paragraph 1 of this article or if the request for recount has been deemed invalid under paragraph 3 of this article.

The Election Commission of Bosnia and Herzegovina shall order a recount if it is established that this law was violated and the violation affected the allocation of mandates.

#### Article 5.31

In the event the Election Commission of Bosnia and Herzegovina orders a recount of the ballots, it shall specify the ballots which shall be the subject of the recount and the dates, locations, and procedures for the recount. Candidates of the political parties, coalitions, lists of independent candidates and independent candidates appearing on the ballot for which a recount is being conducted, and other accredited observers may be present for the recount.

#### Article 5.32

After completion of a recount of ballots, the Election Commission of Bosnia and Herzegovina shall establish the election results for the bodies of authority at all levels.

### Chapter 6

## Protection of the Electoral Right

#### Article 6.1

The protection of the electoral right is secured by the election commissions, the Election Complaints and Appeals Council and the Appellate Division of the Court of Bosnia and Herzegovina.

#### Article 6.2

Any individual, political party or coalition who has a legal interest, or whose right established by this law was violated, can file a complaint with the competent authority no later than three (3) days after the violation occurred, except as otherwise provided by law.

#### Article 6.3

The complaint shall be filed in writing. It shall contain a brief description of the violation and evidence that confirms the allegations of the complaint. The complaint also must be signed by the complainant. If the complainant is a political party or a coalition, it shall be signed by the President or the authorised representative of the political party or the coalition.

The complaint shall be sent to all parties who are named. The parties named in the complaint shall have the opportunity to respond in writing within forty-eight (48) hours after receiving the complaint. The authorised bodies may order a hearing of the parties.

The Election Commission of Bosnia and Herzegovina shall establish Rules of Procedure for adjudicating complaints filed with any election commission.

#### Article 6.4

The Municipal Election Commission shall have first instance competence in all matters in its municipality that are not expressly allocated to the Election Complaints and Appeals Council pursuant to Article 6.6.

It shall adjudicate the complaint and make a decision no later than forty-eight (48) hours from the expiration of the deadline referred to in Article 6.3 paragraph 2 of this law. It shall immediately notify the complainant and the other parties of the decision.

It shall reject a complaint filed by a person who is not entitled to do so under Article 6.2 of this law or a complaint which is not submitted in a timely manner.

#### Article 6.5

Municipal Election Commissions may order corrective actions to be taken to remedy complaints as established in Articles 6.4 of this law, which shall include but are not limited to the adding or deleting a voter(s) name from the Central Voters Register, removing an individual from the voter registration staff or Polling Station Committee, correcting its own decision or a decision of a lower level body or ordering an individual or party to halt activities that are in violation of this law.

#### Article 6.6

The Election Complaints and Appeals Council is a body established by this law, which shall have first instance competence on:

1. violations of the Rules of Conduct as established in Chapter 7 of this law, excluding violations of Chapter 7 of this law that occur at Polling Stations, and
2. violations of the rules established in Chapter 15 of this law.

The Election Complaints and Appeals Council shall be competent to adjudicate appeals from decisions of the election commissions other than the Election Commission of Bosnia and Herzegovina.

If a complaint or appeal is submitted to the Election Complaints and Appeals Council and it is not within its competence, then the Election Complaints and Appeals Council shall refer the complaint or appeal to the Election Commission of Bosnia and Herzegovina or the competent Municipal Election Commission.

If a complaint or appeal is manifestly ill founded, the Election Complaints and Appeals Council may refuse to hear the complaint or appeal by a vote of at least three (3) members.

#### Article 6.7

The decisions of all election commissions may be appealed to the Election Commission of Bosnia and Herzegovina, except when violations have been alleged of the Rules of Conduct established under Chapter 7 of this law that occur at the Polling Station. These decisions shall be appealed to the Election Complaints and Appeals Council pursuant to Article 6.6.

An appeal shall be submitted no later than forty-eight (48) hours upon the receipt of the decision. Rules established in article 6.3 of this law for complaints are also applicable to all appeals.

When adjudicating an appeal the Election Commission of Bosnia and Herzegovina and the Election Complaints and Appeals Council may proceed on the facts established or conduct hearings. The Election Commission of Bosnia and Herzegovina and the Election Complaints and Appeals Council may allow parties to present additional evidence or base their decisions on the written record of the lower commissions.

When a complaint that alleges violations of the Rules of Conduct established in Chapter 7 of this law or violations of the rules established in Chapter 15 of this law is filed directly with the Election Commission of Bosnia and Herzegovina, the Election Commission of Bosnia and Herzegovina shall refer the complaint to either the Election Complaints and Appeals Council or the competent Municipal Election Commission.

#### Article 6.8

The Election Complaints and Appeals Council shall consist of five (5) members: one Croat member, one Bosnian member, one Serb member, one representative of Others and a member from the Election Commission of Bosnia and Herzegovina. Except in the case regulated by Article 18.2 of this law, the members of the Election Complaints and Appeals Council shall be selected by the Election Commission of Bosnia and Herzegovina from amongst judges or legal experts with the appropriate expertise and experience in the administration of elections. The President of the Election

Complaints and Appeals Council shall be selected by the Election Commission of Bosnia and Herzegovina from amongst its members.

The President of the Election Complaints and Appeals Council may not also at the same time be the President of the Election Commission of Bosnia and Herzegovina. The President of the Election Complaints and Appeals Council may not participate when the Election Commission of Bosnia and Herzegovina reviews a decision of the Election Complaints and Appeals Council.

Members of the Election Complaints and Appeals Council shall be elected for a five (5) year term and may not be elected more than twice consecutively.

Article 2.1 paragraph 2 and Article 2.8 shall apply to the members of the Election Complaints and Appeals Council. However, the Election Commission of Bosnia and Herzegovina shall have the authority to revoke the immunity of a member of the Election Complaints and Appeals Council.

#### Article 6.9

The Election Complaints and Appeals Council shall have the authority to prohibit an individual from working in a Polling Station, Voter Registration Centre, or Municipal Election Commission or other election commission established in Article 2.21 of this law.

The Election Complaints and Appeals Council shall have the authority to impose the following penalties subject to the approval of the Election Commission of Bosnia and Herzegovina:

1. fines not to exceed ten thousand (10,000) convertible marks;
2. removal of a candidate from a candidates list when it is determined that the candidate was personally responsible for the violation; and
3. de-certification of a political party, coalition, list of independent candidates or independent candidate(s).

The Election Complaints and Appeals Council shall set forth the legal and factual basis for its decision in a written decision and shall notify all interested parties. Decisions of the Election Complaints and Appeals Council shall be published and the decisions shall be final and binding except as provided for in Article 6.6 of this law.

The Election Complaints and Appeals Council shall regulate, in its Rules of Procedure, the manner of decision making, adopting and publishing of its decisions. These Rules of Procedure shall be adopted by consensus of the Council subject to the approval of the Election Commission of Bosnia and Herzegovina.

#### Article 6.10

The Election Commission of Bosnia and Herzegovina shall have the authority when deciding complaints or appeals to order remedial action to be taken by an election commission, a Voter Registration Centre or a Polling Station Committee. The Election Commission of Bosnia and Herzegovina shall also have the authority to impose the following penalties:

1. fines not to exceed ten thousand (10,000) convertible marks;
2. removal of a candidate from a candidates list when it is determined that the candidate was personally responsible for the violation;
3. de-certification of a political party, coalition, list of independent candidates or independent candidate(s); and
4. prohibit an individual from working in a Polling Station, Voter Registration Centre, or Municipal Election Commission or other election commission established in Article 2.21 of this law.

#### Article 6.11

If an election commission or the Election Complaints and Appeals Council believes that a criminal act has been committed concerning the electoral process, it shall report the act to the competent Public Prosecutor, in accordance with the laws of the Entities and the District of Brcko.

When submitting the report, the election commission or the Election Complaints and Appeals Council shall also refer to the evidence that is known to it, as well as undertake the necessary measures to preserve the traces of the alleged criminal act, objects with regards to which or by the means of which the alleged criminal act has been committed and other evidence.

#### Article 6.12

The Appellate Division of the Court of Bosnia and Herzegovina shall be competent to hear appeals from a decision of the Election Commission of Bosnia and Herzegovina or the Election Complaints and Appeals Council. An appeal must be submitted to the Appellate Division of the Court of Bosnia and Herzegovina no later than five (5) days after a decision is made by the Election Commission of Bosnia and Herzegovina or by the Election Complaints and Appeals Council.

### Chapter 7

#### Rules of Conduct for Political Parties, Coalitions, Lists of Independent Candidates and Independent Candidates

#### Article 7.1

Political parties, coalitions, lists of independent candidates and independent candidates have the right to:

1. conduct the election campaign in a peaceful environment;

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

For the purposes of public meetings as stated in sub-paragraph (2) of the previous paragraph, permits from the competent body shall not be required, but the organiser shall notify the competent body responsible for public order and peace twenty-four (24) hours prior to holding such an event.

#### Article 7.2

The competent bodies are obliged to ensure equitable treatment of political parties, coalitions, lists of independent candidates and independent candidates in their requests to use public places and public facilities for campaign purposes, including holding meetings, display of notices, placards, and posters and other materials which have such purpose.

It is forbidden to remove, cover, destroy or alter any printed notice, placard, poster or other materials, which are in accordance with the law and are used for the purpose of election campaigning by political parties, coalitions, list of independent candidates, or independent candidates.

Competent bodies shall not allow political parties, coalitions, list of independent candidates and independent candidates to display notices, placards and posters, or to place their names or slogans related to the election campaign in or on government buildings, on or above public roads, and on traffic signs.

#### Article 7.3

Candidates and supporters of political parties, lists of independent candidates, and coalitions, as well as independent candidates and their supporters, and election administration officials are not allowed to:

1. carry or display weapons at political meetings, Polling Stations and the surrounding area, or during any gatherings related to the activities of political parties, coalitions, list of independent candidates and independent candidates in the election process;
2. disturb gatherings of other political parties, coalitions and independent candidates, as well as to incite others to conduct such activities;
3. prevent journalists from carrying out their duties, in accordance with the rights of their profession and the election rules;
4. promise any financial reward with the purpose of gaining support of voters, or to threaten supporters of other political parties, coalitions, list of independent candidates or independent candidates;
5. induce a person to vote who does not have the legal right to vote;
6. induce a person to vote more than once in the same election, or to vote in the name of another person; or
7. use language which could provoke or incite someone to violence or spread hatred, or to publish or use pictures, symbols or any other materials that could have such effect.

Impersonating any political party, coalition, list of independent candidates or independent candidate is prohibited.

#### Article 7.4

Commencing twenty-four (24) hours prior to opening of the Polling Stations, and until they close, political parties, coalitions, list of independent candidates and independent candidates are prohibited from engaging in public political activity, which includes but is not limited to:

1. holding meetings for the purpose of election campaigning;
2. presenting at the Polling Station and the surrounding area, any kind of materials for the purpose of influencing voters;
3. making use of the local or international media for the purposes of influencing voters; and
4. using megaphones or other public address systems for the purpose of influencing voters
5. any activity that interferes with or obstructs the election process.

### Chapter 8

#### Article 8.1

The members of the Presidency of Bosnia and Herzegovina directly elected from the territory of the Federation of Bosnia and Herzegovina – one Bosniak and one Croat shall be elected by voters registered to vote for the Federation of Bosnia and Herzegovina. A voter registered to vote in the Federation may vote for either the Bosniak or Croat Member of the Presidency, but not for both. The Bosniak and Croat member that gets the highest number of votes among candidates from the same constituent people shall be elected.

The member of the Presidency of Bosnia and Herzegovina that shall be directly elected from the territory of RS - one Serb shall be elected by voters registered to vote in the Republika Srpska. Candidate who gets the highest number of votes shall be elected.

The mandate for the members of the Presidency of Bosnia and Herzegovina shall be four (4) years.

#### Article 8.2

The "ticket", for the purposes of this chapter, shall consist of the name of the candidate for the member of the Presidency.

#### Article 8.3

The Chair of the Presidency of Bosnia and Herzegovina shall be changed every eight (8) months by the principles of rotation among the members of the Presidency.

#### Article 8.4

If a Member of the Presidency vacates his or her office for any reason, or is unable to permanently or temporarily carry out his or her functions due to incapacitation, then the Member's replacement for the Presidency shall succeed to the office of Presidency held by the Member in accordance with the Law on Filling a Vacant Position of the Presidency of Bosnia and Herzegovina during the mandate (Official Gazette BiH No:21/00).

#### Article 8.5

A Member of the Presidency who misses one-third (1/3) of the regularly scheduled meetings of the Presidency, over a period of twelve (12) months, shall be deemed to have resigned.

#### Article 8.6

Mandate of a new member of the Presidency shall be completed when the mandate of the replaced member would be completed. The new Member of the Presidency shall assume the rights, duties, and responsibilities of the Member of the Presidency he or she succeeds to, including Chairmanship of sessions of the Presidency.

#### Article 8.7

It shall require a decision of the Constitutional Court of Bosnia and Herzegovina to determine that a Member of the Presidency is unable to permanently carry out his or her functions due to incapacitation.

#### Article 8.8

The Constitutional Court of Bosnia and Herzegovina may decide that a Member of the Presidency is unable to carry out his or her functions due to temporary incapacitation.

In the event that a Member of the Presidency is unable to carry out his or her functions due to temporary incapacitation, as determined under paragraph 1 of this article, then the Member's replacement shall assume the rights, duties, and responsibilities of the incapacitated Member of the Presidency until a decision is made by the Constitutional Court of Bosnia and Herzegovina that this Member is no longer temporarily incapacitated.

### Chapter 9

#### Parliamentary Assembly of Bosnia and Herzegovina

##### Subchapter A

##### House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina

#### Article 9.1

The way of election of the delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina is regulated in the provision of the Article 18.16.

##### Subchapter B

##### House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina

#### Article 9.2

The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall consist of forty-two (42) members, twenty-eight (28) of whom shall be directly elected by voters registered to vote for the territory of the Federation of Bosnia and Herzegovina, and fourteen (14) of whom shall be directly elected by voters registered to vote for the territory of the Republika Srpska. The mandate of members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall be four (4) years.

Of the twenty-eight (28) members who shall be directly elected by voters registered to vote for the territory of the Federation of Bosnia and Herzegovina, twenty-one (21) shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.6 of this law, and seven (7) shall be compensatory mandates elected from the territory of the Federation as a whole according to Article 9.7 of this law.

Of the fourteen (14) members who shall be directly elected by voters registered to vote for the territory of the Republika Srpska, nine (9) shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.6 of this law, and five (5) shall be compensatory mandates elected from the territory of the Republika Srpska as a whole according to Article 9.7 of this law.



A voter shall have one ballot for the proportional representation mandates in the multi-member constituency for which the voter is registered.

#### Article 9.3

The twenty-one (21) mandates from five (5) multi-member constituencies for the House of Representatives for the Parliamentary Assembly of Bosnia and Herzegovina, from the territory of the Federation of Bosnia and Herzegovina, are as follows:

- Constituency 1 consists of Cantons 1 and 10, and shall elect three (3) members.
- Constituency 2 consists of Cantons 7 and 8, and shall elect three (3) members.
- Constituency 3 consists of Cantons 5 and 9, and shall elect four (4) members.
- Constituency 4 consists of Cantons 4 and 6, and shall elect six (6) members.
- Constituency 5 consists of Cantons 2 and 3, and Brčko District, and shall elect five (5) members.

#### Article 9.4

The nine (9) mandates from three (3) multi-member constituencies for the House of Representatives for the Parliamentary Assembly of Bosnia and Herzegovina, from the territory of the Republika Srpska, are as follows:

Constituency 1 consists of the municipalities of Bosanska Krupa / Krupa na Uni, Bosanski Novi / Novi Grad, Bosanska Dubica / Kozarska Dubica, Prijedor, Bosanska Gradiška / Gradiška, Laktaši, Srbac, Prnjavor, Bosanski Petrovac / Petrovac, Sanski Most / Srpski Sanski Most, Banja Luka, Čelinac, Drvar / Srpski Drvar, Ključ / Ribnik, Mrkonjić Grad, Jajce / Jezero, Skender Vakuf / Kneževo, Kotor Varoš, Šipovo, Kupres / Srpski Kupres and Kostajnica, and shall elect three (3) members.

Constituency 2 consists of the municipalities of Derventa, Bosanski Brod / Srpski Brod, Odžak / Vukosavlje, Bosanski Šamac / Šamac, Orašje / Srpsko Orašje, Modriča, Gradačac / Pelagićevo, Bijeljina, Dobojo, Gračanica / Petrovo, Lopare, Ugljevik and Teslić, and Brčko District and shall elect three (3) members.

Constituency 3 consists of the municipalities of Kalesija / Osmaci, Zvornik, Šekovići, Vlasenica, Bratunac, Srebrenica, Sokolac, Han Pijesak, Ilidža / Srpska Ilidža, Stari Grad Sarajevo / Srpski Stari Grad, Novo Sarajevo / Srpsko Novo Sarajevo, Trnovo (RS), Pale (RS), Rogatica, Višegrad, Mostar / Srpski Mostar, Nevesinje, Kalinovik, Gacko, Foča / Srbinje, Goražde / Srpsko Goražde, Čajniče, Rudo, Stolac / Berkovići, Ljubinje, Bileća, Trebinje and Milići, and shall elect three (3) members.

#### Article 9.5

Political parties, coalitions, and independent candidates, certified in accordance with Chapter 4 of this law, may stand for election in a constituency.

Every independent candidate for a constituency mandate shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the mandate of the elected candidate as provided in Article 9.10 of this law.

#### Article 9.6

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

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

#### Article 9.7

Compensatory mandates shall be allocated in the following manner:

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

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

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

#### Article 9.8

Compensatory mandates won by a political party or coalition according to Article 9.7 of this law are allocated one by one to unelected candidates on the political party or coalition's list of candidates for compensatory mandates, beginning at the top of the list, until all mandates are distributed or until the list is exhausted.

#### Article 9.9

If a tie occurs because the quotients are identical in the distribution according to Articles 9.6, 9.7, and 9.8 of this law, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed first amongst candidates on the list who individually received at least five percent (5%) of the total number of valid votes received by that list, these mandates being awarded in the

order of the highest number of votes to the lowest number of votes. If there are still mandates to be distributed to a list and the candidates remaining are those who received less than five percent (5%) of the total valid votes received by that list, then distribution of the mandates among the remaining candidates from the list will be done according to their order on the list.

If a political party or coalition does not have enough eligible candidates on the list to fill seats allocated to it, the mandate shall be transferred to the party or coalition's list in another constituency according to the procedure set forth in Article 9.8 of this law.

#### Article 9.10

If an elected independent candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the independent candidate's deputy shall succeed to the mandate held by the independent candidate. The deputy shall complete the mandate of the independent candidate and shall assume the rights, duties, and responsibilities of the independent candidate. If the deputy is unable to accept or complete the mandate for any of the reasons set forth in Article 1.10 of this law, then the mandate shall remain vacant until the next regularly scheduled elections.

#### Article 9.11

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

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

#### Article 9.12

The constituencies and the number of mandates allocated to each constituency established in this chapter shall be reviewed every four (4) years by the Parliamentary Assembly of Bosnia and Herzegovina to ensure that they are drawn, bearing in mind geographical constraints, in a manner that complies with democratic principles, notably proportionality between the number of mandates and the number of registered voters.

### Chapter 10

#### Parliament of the Federation of Bosnia and Herzegovina

##### Subchapter A

#### House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina

#### Article 10.1

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina shall consist of ninety-eight (98) members, directly elected by voters registered to vote for the territory of the Federation of Bosnia and Herzegovina. The mandate of members of the House of Representatives of the Federation of Bosnia and Herzegovina shall be four (4) years.

A certain number of members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.6 of this law. There shall be compensatory mandates from the territory of the Federation of Bosnia and Herzegovina as a whole according to Article 9.7 of this law. The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina shall determine, based solely on the guidelines set forth in Article 10.2 of this law, what shall be the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

A minimum number of four (4) members of each constituent people shall be represented in the Federation House of Representatives.

A voter shall have one ballot for the proportional representation mandates in the multi-member constituency for which the voter is registered. This ballot shall also count for the allocation of compensatory mandates under Article 10.5 of this law.

#### Article 10.2

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina shall determine, based solely on the guidelines set forth in this article, the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

Of the ninety eight (98) members for the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, between twenty-three percent (23%) and twenty-seven percent (27%) shall be compensatory mandates. The remaining mandates shall be allocated in multi-member constituencies.

There shall be a minimum of ten (10) multi-member constituencies. A multi-member constituency shall have a minimum of three (3) members and a maximum of fifteen (15) members. The Brčko District shall be included in one of the multi-member constituencies.

The number of mandates for a constituency shall be determined as follows: The number of registered voters for the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, as determined by the Election Commission of Bosnia and Herzegovina, shall be divided by the total number of constituency mandates to be

allocated. The number of registered voters for a constituency shall be divided by the quotient resulting from the previous division to determine the number of mandates to which the constituency is entitled. Mandates which cannot be allocated based on whole numbers shall be allocated to constituencies on the basis of the highest remainders.

#### Article 10.3

Political parties, coalitions, and independent candidates, certified in accordance with Chapter 4 of this law, may stand for election in a constituency.

Every independent candidate for a constituency mandate shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the mandate of the elected candidate as provided in Article 9.10 of this law.

#### Article 10.4

Mandates are allocated in each multi-member constituency under the formula set forth in Article 9.6 of this law.

#### Article 10.5

Compensatory mandates shall be allocated under the formula set forth in Article 9.7 of this law.

#### Article 10.6

A compensatory mandate won by a political party or coalition according to Article 10.5 of this law is allocated one by one to unelected candidates on the political party or coalition's list of candidates for compensatory mandates, beginning at the top of the list, until all mandates are distributed or until the list is exhausted.

Unless each constituent people receives a minimum of four (4) mandates, the later compensatory mandate(s) shall be given to the candidate(s) of the relevant constituent people(s) from the compensatory list of the political party or coalition having received the highest number of votes and having eligible candidates of the relevant constituent people left on the list.

If a political party or coalition does not have enough eligible candidates of the relevant constituent people on its compensatory list to fill the seats allocated to it, the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its compensatory list(s). If no candidate from the relevant constituent people(s) can be found on any compensatory lists, the seat(s) shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on another list(s) in accordance with Article 9.9, paragraph 2 of this law.

#### Article 10.7

If a tie occurs because the quotients are identical in the distribution according to Articles 10.4, 10.5, and 10.6 of this law, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed amongst candidates on the list in the manner set forth in Article 9.9 paragraph 2 of this law.

If a political party or coalition does not have enough candidates on the list to fill seats allocated to it, the mandate shall be transferred to the political party or coalition's list in another constituency according to the procedure set forth in Article 9.8 of this law.

#### Article 10.8

If an elected independent candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the vacancy shall be addressed in the manner set forth in Article 9.10 of this law.

If a political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the mandate shall be addressed in the manner set forth in Article 9.11 of this law.

#### Article 10.8 A

When allocating mandates to fill mandates terminated in accordance with article 1.10 of this law, a minimum representation of four (4) members of each constituent people shall be ensured.

The following rules will apply and supercede the solutions specified in Articles 9.10 and 9.11 of this Law whenever the application of these articles would bring the representation of a Constituent people below the minimum spelled out in Article 10.1 of this law:

1. If an elected independent candidate's mandate terminates, then the independent candidate's deputy shall succeed to the mandate held by the independent candidate in accordance with Article 10.8 of this law, provided that the deputy comes from the same constituent people as the independent candidate.

Should the deputy not come from the same constituent people, the vacancy shall be filled from the political party or coalition having received the highest number of votes in the same constituency and having eligible candidates of the relevant constituent people left on its list in accordance with article 9.9, paragraph 2 of this law.

If the political party or coalition does not have enough eligible candidates on the list in the same constituency to fill seats allocated to it, the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its list(s) in any other constituency in accordance with article 9.9, paragraph 2 of this law.

2. If an elected political party or coalition candidate's mandate terminates, then the mandate shall be given to the next candidate from the same constituency list and belonging to the same constituent people as the original candidate in accordance with Article 9.9, paragraph 2 of this law.

Should there be no more candidates on the same constituency list belonging to the same constituent people, then the mandate shall be given to the list of the same political party or coalition in another constituency that received the highest number of votes, in accordance with Article 9.9, paragraph 2 of this law.

If there are no more candidates on any of the party or coalition's lists, then the mandate shall be given to the political party or coalition from the same constituency that received the highest number of votes and has eligible candidate(s) belonging to the same constituent people as the original candidate on its list, in accordance with Article 9.9, paragraph 2 of this law.

Should there be no more candidates from the same constituency belonging to the same constituent people as the original candidate, then the mandate shall be given to the political party or coalition in any of the constituencies, that has received the highest number of votes and has eligible candidates belonging to that constituent people in accordance with Article 9.9, paragraph 2 of this law.

3. If an elected political party or coalition candidate's compensatory mandate terminates, then the mandate shall be given to the candidate on the same compensatory mandate list who belongs to the same constituent people in accordance with Article 9.8 of this law.

Should there be no more eligible candidates belonging to the same constituent people on the same compensatory mandate list, then the mandate shall be given to the party or coalition that has received the highest number of votes and that has an eligible candidate belonging to the same constituent people on its compensatory mandate list. The mandate shall then be allocated in accordance with Article 9.8 of this law."

#### Article 10.9

The constituencies and the number of mandates allocated to each constituency established in this chapter shall be reviewed every four (4) years by the Parliament of the Federation of Bosnia and Herzegovina to ensure that they are drawn, bearing in mind geographical constraints, in a manner that complies with democratic principles, notably proportionality between the number of mandates and the number of registered voters.

### Chapter 11

#### National Assembly of the Republika Srpska

##### Article 11.1

The National Assembly of the Republika Srpska shall consist of eighty-three (83) members, who shall be directly elected by voters registered to vote for the Republika Srpska. A certain number of members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.6 of this law. There shall be compensatory mandates from the Republika Srpska as a whole according to Article 9.7 of this law. The National Assembly of the Republika Srpska shall determine, based solely on the guidelines set forth in Article 11.2 of this law, what shall be the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

A minimum number of four (4) members of each constituent people shall be represented in the National Assembly of Republika Srpska.

A voter shall have one ballot for the proportional representation mandates in the multi-member constituency for which the voter is registered.

The mandate of members of the National Assembly of the Republika Srpska shall be four (4) years.

##### Article 11.2

The National Assembly of the Republika Srpska shall determine, based solely on the guidelines set forth in this article, the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

Of the eighty-three (83) mandates for the National Assembly, between twenty-three percent (23%) and twenty-seven percent (27%) shall be compensatory mandates. The remaining mandates shall be allocated in multi-member constituencies.

There shall be a minimum of six (6) multi-member constituencies. A multi-member constituency shall have a minimum of four (4) members and a maximum of fifteen (15) members. The Brčko District shall be included in one of the multi-member constituencies.

The number of mandates for a constituency shall be determined as follows: The number of registered voters for the Republika Srpska, as determined by the Election Commission of Bosnia and Herzegovina, shall be divided by the total number of constituency mandates to be allocated. The number of registered voters for a constituency shall be divided by the quotient resulting from the previous division to determine the number of mandates to which the constituency is entitled. Mandates which cannot be allocated based on whole numbers shall be allocated to constituencies on the basis of the highest remainders.

##### Article 11.3

Political parties, coalitions, and independent candidates, certified in accordance with Chapter 4 of this law, may stand for election in a constituency.

Every independent candidate for a constituency mandate shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the mandate of the elected candidate as provided in Article 9.10 of this law.

##### Article 11.4

Mandates are allocated in each constituency under the formula set forth in Article 9.6 of this law.

#### Article 11.5

Compensatory mandates shall be allocated under the formula set forth in Article 9.7 of this law.

#### Article 11.6

A compensatory mandate won by a political party or coalition according to Article 11.5 of this law is allocated one by one to unelected candidates on the political party or coalition's list of candidates for compensatory mandates, beginning at the top of the list, until all mandates are distributed or until the list is exhausted.

Unless each constituent people receives a minimum of four (4) mandates, the later compensatory mandate(s) shall be given to the candidate(s) of the relevant constituent people(s) from the compensatory list of the political party or coalition having received the highest number of votes and having eligible candidates of the relevant constituent people left on the list.

If a political party or coalition does not have enough eligible candidates of the relevant constituent people on its compensatory list to fill the seats allocated to it, then the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its compensatory list(s). If no candidate from the relevant constituent people(s) can be found on any compensatory lists, the seat(s) shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on another list(s) in accordance with Article 9.9, paragraph 2 of this law.

#### Article 11.7

If a tie occurs because the quotients are identical in the distribution according to Articles 11.4, 11.5, and 11.6 of this law, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed amongst candidates on the list in the manner set forth in Article 9.9 paragraph 2 of this law.

If a political party or coalition does not have enough candidates on the list to fill mandates allocated to it, the mandate shall be transferred to the political party or coalition's list in another constituency according to the procedure set forth in Article 9.8 of this law.

#### Article 11.8

If an elected independent candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the vacancy shall be addressed in the manner set forth in Article 9.10 of this law.

If a political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the mandate shall be addressed in the manner set forth in Article 9.11 of this law.

#### Article 11.8 A

When allocating mandates to fill mandates terminated in accordance with article 1.10 of this law, a minimum representation of four (4) members of each constituent people shall be ensured.

The following rules will apply and supercede the solutions specified in Article 9.10 and 9.11 of this Law whenever the application of these articles would bring the representation of a Constituent people below the minimum spelled out in Article 10.1 of this law:

1. If an elected independent candidate's mandate terminates, then the independent candidate's deputy shall succeed to the mandate held by the independent candidate in accordance with Article 11.8 of this law, provided that the deputy comes from the same constituent people as the independent candidate.

Should the deputy not come from the same constituent people, the vacancy shall be filled from the political party or coalition having received the highest number of votes in the same constituency and having eligible candidates of the relevant constituent people left on its list in accordance with article 9.9, paragraph 2 of this law.

If the political party or coalition does not have enough eligible candidates on the list in the same constituency to fill seats allocated to it, the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its list(s) in any other constituency in accordance with article 9.9, paragraph 2 of this law.

2. If an elected political party or coalition candidate's mandate terminates, then the mandate shall be given to the next candidate from the same constituency list and belonging to the same constituent people as the original candidate in accordance with Article 9.9, paragraph 2 of this law.

Should there be no more candidates on the same constituency list belonging to the same constituent people, then the mandate shall be given to the list of the same political party or coalition in another constituency that received the highest number of votes, in accordance with Article 9.9, paragraph 2 of this law.

If there are no more candidates on any of the party or coalition's lists, then the mandate shall be given to the political party or coalition from the same constituency that received the highest number of

votes and has eligible candidate(s) belonging to the same constituent people as the original candidate on its list, in accordance with Article 9.9, paragraph 2 of this law.

Should there be no more candidates from the same constituency belonging to the same constituent people as the original candidate, then the mandate shall be given to the political party or coalition in any of the constituencies, that has received the highest number of votes and has eligible candidates belonging to that constituent people in accordance with Article 9.9, paragraph 2 of this law.

3. If an elected political party or coalition candidate's compensatory mandate terminates, then the mandate shall be given to the candidate on the same compensatory mandate list who belongs to the same constituent people in accordance with Article 9.8 of this law.

Should there be no more eligible candidates belonging to the same constituent people on the same compensatory mandate list, then the mandate shall be given to the party or coalition that has received the highest number of votes and that has an eligible candidate belonging to the same constituent people on its compensatory mandate list. The mandate shall then be allocated in accordance with Article 9.8 of this law.

#### Article 11.9

The constituencies and the number of mandates allocated to each constituency established in this chapter shall be reviewed every four (4) years by the National Assembly of the Republika Srpska to ensure that they are drawn, bearing in mind geographical constraints, in a manner that complies with democratic principles, notably proportionality between the number of mandates and the number of registered voters.

### Chapter 12

#### Presidency of Republika Srpska

##### Article 12.1

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

##### Article 12.2

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

##### Article 12.3

The candidate from each constituent people receiving the highest number of votes shall be elected. Among these three (3) candidates, one from each constituent people, the candidate receiving the highest number of votes shall be elected President, and the two candidates receiving the second and third highest number of votes shall be elected Vice Presidents.

##### Article 12.4

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

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

##### Article 13.1

Mandates for Cantonal Assemblies and Municipal Councils/Assemblies and City Councils/Assemblies shall be allocated under the proportional representation system set forth in Article 12.5 of this law.

##### Article 13.2

The number of members of a Municipal Council/Assembly shall be as follows:

1. A municipality with a number of registered voters less than eight thousand (8,000), shall have between eleven (11) and seventeen (17) members.
2. A municipality with a number of registered voters between eight thousand (8,000) and twenty thousand (20,000), shall have between seventeen (17) and twenty-five (25) members.
3. A municipality with a number of registered voters more than twenty thousand (20,000), shall have between twenty-five (25) and thirty-one (31) members.

##### Article 13.3

The number of members of a Cantonal Assembly shall be as follows:

1. A canton with a number of registered voters less than seventy-five thousand (75,000), shall have between twenty (20) and twenty-five (25) members.
2. A canton with a number of registered voters between seventy-five thousand (75,000) and two hundred thousand (200,000), shall have between twenty-five (25) and thirty (30) members.
3. A canton with a number of registered voters more than two hundred thousand (200,000), shall have between thirty (30) and thirty-five (35) members.

#### Article 13.4

A political party, coalition, independent candidate, or list of independent candidates, certified by the Election Commission of Bosnia and Herzegovina, may stand for election for mandates allocated under this chapter.

#### Article 13.5

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

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

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

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

#### Article 13.6

If the mandate of a candidate from the list of a political party, coalition, or independent candidates terminates in accordance with Article 1.10 of this law, then the mandate shall pass to the next candidate as set forth in Article 12.5 paragraph 4 of this law. 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.

#### Article 13.7

The Mayor may either be elected by an indirect election by the Municipal Council/Assembly or by a direct election by the registered voters in that municipality. If the Entity laws stipulate that there shall be a direct election of the Mayor then the election shall be conducted in accordance with paragraph two of this article. If the Entity laws stipulate that the election of the Mayor shall be elected indirectly by the Municipal Council/Assembly then the election shall be conducted in accordance with paragraph 3 of this article. If the Entity laws do not stipulate how the Mayor shall be elected then the Mayor shall be elected by an indirect election as established in paragraph 3 of this law.

If the Mayor is directly elected then the Election Commission of Bosnia and Herzegovina shall determine the form of the ballot.

If the Mayor is indirectly elected then he or she shall be elected by a majority vote of the total number of members of the Municipal Council/Assembly. Each member of the Municipal Council/Assembly may nominate a candidate for the position of the. In the event a candidate does not receive a majority vote of the total number of members, a second election shall be conducted. If no candidate receives a majority of votes of the total number of members, a third election shall be conducted. The member that receives the most votes in the third election shall be elected. In the event that there is a tie, the youngest of the tied candidates shall be elected Mayor.

In the event that the indirectly elected Mayor resigns, dies or is removed by the Municipal Council/Assembly, the Municipal Council/Assembly shall elect a new Mayor in accordance with paragraph 3 of this article.

#### Article 13.8

The President of the Canton shall be elected by the Cantonal Assembly by a majority vote of the total number of members of the Cantonal Assembly.

#### Article 13.9

Cantons 6 and 7 which have a special regime shall be exempt from articles 12.8 of this law that pertains to the election of the President of the Canton.

#### Article 13.10

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

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

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

#### Article 13.11

The mandate of the Municipal Councils/Assemblies and the Cantonal Assemblies shall be for four (4) years.

The elections of the Municipal Councils/Assemblies and the Cantonal Assemblies shall take place on the same day.

#### Article 13.12

The election of the members of the City Council/Assembly shall take place as soon as the Municipal Councils/Assemblies convenes after the elections for the Municipal Councils/Assemblies.

#### Article 13.13

When officials managing Administrative bodies in the Municipal, Cantonal and City executive bodies are appointed by the Mayor or President of the Canton, or when the Municipal or City Executive Board is elected by the Municipal or City Assembly, the composition of the population of the municipality, canton or city shall be taken into consideration.

### Chapter 14

#### Repeated, Postponed, and Early Elections

##### Article 14.1

Repeated elections shall be conducted using the same candidate lists and the same excerpts from the Central Voters Register which were used in the annulled elections and shall be conducted on a date determined by the Election Commission of Bosnia and Herzegovina which shall be no later than fourteen (14) days from the day of annulling the elections.

##### Article 14.2

Postponed elections shall be conducted if, in an electoral unit or at a Polling Station, the voting did not take place on the day designated for voting.

Postponed elections shall be scheduled by the Election Commission of Bosnia and Herzegovina.

Postponed elections shall, as a rule, be conducted within seven (7) days, and no later than thirty (30) days, from the day designated for voting in the regular elections.

##### Article 14.3

In the event an elected body is dissolved, in accordance with the relevant Constitution, the Election Commission of Bosnia and Herzegovina shall conduct early elections in the manner and through the procedure stipulated in this law for the conduct of regular elections.

The mandate for a body elected in early elections shall terminate on the date the dissolved body for which the early elections were held would have terminated had the body not been dissolved.

##### Article 14.4

The Election Commission of Bosnia and Herzegovina shall establish any deadlines that are necessary to hold elections under this chapter.

### Chapter 15 Campaign Finance

##### Article 15.1

A political party, coalition, list of independent candidates and independent candidate that participates in the elections for bodies of authority at all levels in Bosnia and Herzegovina shall be obliged to file with the Election Commission of Bosnia and Herzegovina, at the time of submission of the application for certification to participate in the elections a financial report for the period beginning three months prior to the date of submission. In addition, no later than thirty (30) days after the Election Commission of Bosnia and Herzegovina publishes the election results, a financial report shall be submitted to the Election Commission of Bosnia and Herzegovina for the period beginning on the day of submission of the application for certification until the certification of the results. These reports shall contain the following:

1. All cash at hand;
2. All income and disbursements based on: memberships; contributions from abroad; contributions from individual and legal entities; contributions in the form of goods and services (hereinafter referred to as "in-kind contributions"); returns on its own assets and entrepreneurial activities; credits; loans; donations;



- rebates; refunds; other operating expenditures; and other sources for the reporting period as determined by the Election Commission of Bosnia and Herzegovina;
3. Identification of the person or source of any payment and in-kind contribution, as well as the identification of a person who received that payment, in excess of one hundred (100) convertible marks, together with the date and amount of any such receipt;
  4. The total amount of all account payables, and total amount of disbursements in the following categories: direct costs for political campaign; operating expenses; costs associated with the entrepreneurial activity, and other costs; and
  5. the amount and nature of outstanding debts and obligations owed by or to the person who files a report and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished.

#### Article 15.2

The Election Commission of Bosnia and Herzegovina shall issue Regulations in order to implement this chapter, whereby it shall specify in detail the content, form, manner and other details of reporting.

All persons who are required to file reports must also file such additional reports as required by the Election Commission of Bosnia and Herzegovina or by the Law on Party Financing.

#### Article 15.3

Every political party, coalition or list of independent candidates, shall appoint a competent person who shall be in charge for filing reports and record-keeping, and who shall be authorized to receive communications from the Election Commission of Bosnia and Herzegovina.

Those who file reports shall inform the Election Commission of Bosnia and Herzegovina about appointing the competent person referred to in paragraph 1 of this article within three (3) days of his or her appointment, and must file the amendments within three (3) days, of any changes to his or her status.

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

#### Article 15.4

An independent candidate shall be directly responsible for filing reports with the Election Commission of Bosnia and Herzegovina.

#### Article 15.5

The Election Commission of Bosnia and Herzegovina shall make all reports available to the public, and shall take appropriate actions to ensure that all citizens have easy access to information contained within the reports.

#### Article 15.6

The Election Commission of Bosnia and Herzegovina shall have the authority to investigate instances of non-compliance with the provisions of this chapter, and may order individuals to answer written questions, to provide documentary and other evidence, and to provide testimony in connection with any investigation that the Election Commission of Bosnia and Herzegovina may initiate. The Election Commission of Bosnia and Herzegovina may initiate investigation or take appropriate implementing actions, on its own initiative or in response to a complaint filed by a person.

The Election Commission of Bosnia and Herzegovina shall have jurisdiction with respect to enforcing this chapter, and shall have power to make determinations that a political party, coalition, list of independent candidates or an independent candidate, or any other person has violated provisions of this chapter, and it shall have power to assess civil penalties against any political party, coalition, list of independent candidates or independent candidate for non-compliance with the mentioned provisions, or to take appropriate administrative action within its general authority under this law.

Before assessing a civil penalty or taking administrative action, the Election Commission of Bosnia and Herzegovina shall seek to achieve voluntary compliance with the political party, coalition, list of independent candidates or independent candidate determined to be in violation.

#### Article 15.7

Every candidate standing for elected office at the level of Bosnia and Herzegovina or the Entity level shall be obliged, no later than fifteen (15) days from the day of accepting candidacy for the elections, to submit to the Election Commission of Bosnia and Herzegovina, on a special form, a signed statement on his or her total property situation, containing:

1. current income and sources of income, including all incomes, wages, profit from property, contributions as defined in Article 14.1 of this law, account receivables and other incomes realised in Bosnia and Herzegovina and abroad for a period of the past twelve (12) months;
2. property, including money, bank accounts, business documentation, shares, securities, bonds, real property, personal property, occupancy right and other property and possessions which exceed five thousand (5,000) convertible marks, in Bosnia and Herzegovina and abroad; and
3. disbursements and other liabilities, including all debts, liabilities, promissory notes, loans and guarantees of such liabilities in Bosnia and Herzegovina and abroad.

The statement should include the property situation of the candidates and close members of his or her family: spouse, children and members of the family household whom it is the candidate's legal obligation to sustain.

#### Article 15.8

All candidates elected at all levels of authority except the level of Bosnia and Herzegovina and the Entity level shall be obliged to submit to the Election Commission of Bosnia and Herzegovina, within thirty (30) days from the verification of mandates, a signed statement of their property situation referred to in Article 14.7 of this law on a special form.

#### Article 15.9

The Election Commission of Bosnia and Herzegovina shall make the forms containing the statements on total property situation available to the public. The Election Commission of Bosnia and Herzegovina shall not be responsible for objections or complaints regarding the information contained in the forms.

The Election Commission of Bosnia and Herzegovina shall issue an instruction regulating in detail the design and the manner of filling in forms from Articles 14.7 and 14.8 of this law.

#### Article 15.10

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

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

### Chapter 16

#### Media

#### Article 16.1

During the sixty (60) days prior to election day, for the competent authorities at all levels in Bosnia and Herzegovina, broadcast media shall equitably and fairly present political parties, coalitions, lists of independent candidates and independent candidates and provide information about the issues related to the campaign and the electoral process.

Competent authorities at all levels shall ensure impartiality in their relation toward the media during the electoral campaign.

#### Article 16.2

All public broadcast media shall provide, during the thirty (30) days prior to election day, free broadcast time for direct access by political parties, coalitions, list of independent candidates and independent candidates, subject to Regulations of the Election Commission of Bosnia and Herzegovina. The Regulations of the Election Commission of Bosnia and Herzegovina shall determine the amount of broadcast time allocated to the political parties, coalitions, lists of independent candidates and independent candidates, the time period and duration of the broadcasts, and the geographic regions to which the broadcasts shall be transmitted.

#### Article 16.3

All broadcast media shall broadcast statements and information by the Election Commission of Bosnia and Herzegovina free of charge for the purpose of informing voters about all aspects of the electoral process as set forth by the Election Commission of Bosnia and Herzegovina.

#### Article 16.4

All paid political advertisements on broadcast media are prohibited.

#### Article 16.5

No media coverage of any political campaign activity shall take place in the whole territory of Bosnia and Herzegovina during the period beginning twenty-four (24) hours prior to the opening of the Polling Stations.

The campaign silence period shall continue until the close of Polling Stations.

#### Article 16.6

Results of public opinion research related to the voting and elections shall not be released during the period beginning seventy-two (72) hours prior to the opening of Polling Stations and until the close of polling.

#### Article 16.7

The competent media regulatory body that is responsible for the implementation of laws and regulations concerning the media shall have jurisdiction over all election related media violations as provided for in this law and any other media regulatory law. The media regulatory body may refer a matter to the Election Complaints and Appeals Council when it is alleged that there has been a violation of this chapter.

### Chapter 17

#### Election Observers

##### Article 17.1

Representatives of international observers, associations of citizens, political parties, coalitions, lists of independent candidates and independent candidates (hereinafter "observers") may observe all electoral activities in Bosnia and Herzegovina provided that they are accredited in accordance with this law.

Observers shall have access to relevant documents and public election commission meetings, shall be free to contact any person at any time during the entire period of the electoral process, and shall have access to all Voter Registration Centres, Polling Stations, Counting Centres, and other relevant locations as specified by the Election Commission of Bosnia & Herzegovina

##### Article 17.2

Observers shall be impartial and politically neutral while observing electoral activities. Observers shall not in any way interfere with electoral activities and they shall respect the secrecy of the ballot. An observer may have only two (2) representatives at the same time at a public election commission meeting, Voter Registration Centre, Counting Centre, Polling Station, or any other relevant location, as specified by the Election Commission of Bosnia & Herzegovina.

Observers, while observing electoral activities, shall wear official accreditation identification and an observer shall not wear or carry any insignia or mark that identifies him or her with a particular political party, coalition, list of independent candidates or independent candidate.

##### Article 17.3

The Election Commission of Bosnia and Herzegovina shall accredit and issue accreditation identification for International Observers. The Election Commission of Bosnia and Herzegovina shall establish Regulations in order to determine the criteria and the application process for the accreditation of international observers.

##### Article 17.4

The Election Commission of Bosnia and Herzegovina shall accredit and issue accreditation identification to associations of citizens. The Election Commission of Bosnia and Herzegovina shall establish Regulations in order to determine the criteria for accreditation of the associations of citizens and the distribution of accreditation identification. The application for accreditation shall include:

1. a signed statement by the authorised person of the association of citizens that the association is not established or sponsored by or engaged in any activities on behalf of a registered political party, coalition, list of independent candidates or independent candidate; and
2. the names and national identification numbers of the nominated observers.

##### Article 17.5

The competent election commission shall accredit a registered political party, coalition, list of independent candidates or independent candidate to act as observers in the electoral unit in which the political party, coalition, list of independent candidates or independent candidate has registered to stand for office.

The Election Commission of Bosnia and Herzegovina shall accredit observers who will observe the work of the Election Commission of Bosnia and Herzegovina and the Central Counting Centre(s).

Entity and Cantonal Election Commissions shall accredit observers who will observe the work of their commissions.

A Municipal Election Commission shall accredit observers who will observe the work of the Municipal Election Commission, Voter Registration Centres, Polling Stations, and any other relevant location in its jurisdiction.

The political party, coalition, list of independent candidates or independent candidate shall submit the names and national identification numbers of the nominated observers to the competent election commission.

##### Article 17.6

The Election Commission of Bosnia and Herzegovina shall establish Regulations concerning the accreditation identification's design, and the manner that it is to be used by the observer.

##### Article 17.7

The final deadline for submission of an application for accreditation of observers shall be established by the Election Commission of Bosnia and Herzegovina.

#### Article 17.8

An observer who has been denied accreditation by a Municipal, Cantonal, or Entity Election Commission may submit a complaint with the Election Commission of Bosnia and Herzegovina.

#### Article 17.9

An observer may submit a complaint of any violation of this law to the competent election commission, Polling Station Committee or the Election Complaints and Appeals Council.

### Chapter 18

#### Brcko District

#### Article 18.1

This law shall stipulate the principles governing the elections in the Brčko District.

#### Article 18.2

A citizen of Bosnia and Herzegovina who is registered to vote for the Brčko District shall have the right to vote:

1. for the Members of the Presidency of Bosnia and Herzegovina and the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina by casting the appropriate ballot in the Entity for which the voter is a citizen;
2. in the elections of the Entity of which the voter is a citizen; and
3. in District elections for the District Assembly and any other District electoral offices

#### Article 18.3

The cost and expense for the conduct of elections in the Brčko District shall be provided for in the budget of the institutions of Bosnia and Herzegovina and international obligations of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska and the Brčko District, depending on the level for which the elections are conducted.

#### Article 18.4

For the purpose of this law, the Brčko District Election Commission shall have the same functions, duties and responsibilities as the Municipal Election Commissions, in accordance with this law.

#### Article 18.5

For the purpose of this law, the election of the Brcko District Assembly shall be conducted in accordance with the provisions regulating the election of the Municipal Councils/Assemblies, except for Article 12.7, paragraph 2 of this law.

### Chapter 19

#### Transitional and Final Provisions

#### Article 19.1

Until the High Representative's mandate terminates or he or she so decides, the Election Commission of Bosnia and Herzegovina shall consist of four (4) members from Bosnia and Herzegovina representing each of the constituent peoples including others and three (3) members selected from the International Community.

The nominees from Bosnia and Herzegovina for the Election Commission of Bosnia and Herzegovina shall be jointly nominated by the members of the Commission for nomination of Judges of the Court of Bosnia and Herzegovina and international members of the Election Commission of Bosnia and Herzegovina (under the joint name the Provisional Commission for Nomination). The nominees for the Election Commission of Bosnia and Herzegovina shall be legal experts with experience in the administration of elections and/or electoral experts.

The Provisional Commission for Nomination shall meet in its full composition for the purpose of decision making on the nomination of members of the first Election Commission of Bosnia and Herzegovina. The procedure of nomination shall be conducted in accordance with the Rules of Procedure that is being used by the Commission for the nomination of Judges of the Court of Bosnia and Herzegovina, as applicable and to the extent possible. The list of nominees shall be finally approved by the High Representative.

In accordance with its procedure the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall appoint the members of the Election Commission of Bosnia and Herzegovina from the list of nominees.

If the members of the Election Commission from Bosnia and Herzegovina have not been appointed by 15 September 2001 the High Representative shall appoint the members from Bosnia and Herzegovina.

The international members of the Election Commission of Bosnia and Herzegovina shall be appointed by the High Representative.

#### Article 19.2

Until the High Representative's mandate terminates or he or she so decides, the members of the Election Complaints and Appeals Council shall be appointed by the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina in consultations (with consent of) with the High Representatives.

#### Article 19.3

Upon its appointment, the Election Commission of Bosnia and Herzegovina shall assume immediate jurisdiction over past elections conducted under the Rules and Regulations of the Provisional Election Commission and the elected mandates awarded pursuant to those Rules.

Except for Chapter 15, the Election Commission of Bosnia and Herzegovina shall have full authority to enforce the appropriate provisions of the Rules and Regulations of the Provisional Election Commission governing the municipal elections in 2000. This law shall not govern the matters addressed in Chapter 15 of the Rules and Regulations of the Provisional Election Commission and the Election Commission of Bosnia and Herzegovina shall have no jurisdiction over such matters.

The Election Commission of Bosnia and Herzegovina shall also have full authority to enforce the appropriate provisions of Rules and Regulations of the Provisional Election Commission, which regulated the general elections held in the year 2000 and the presidential elections held in 1998.

#### Article 19.4

The initial basis of the Central Voters Register shall be the voters register for the entire territory of Bosnia and Herzegovina which was used by the Provisional Election Commission at the time this law goes into full force and effect. The Election Commission of Bosnia and Herzegovina shall coordinate with the Provisional Election Commission and the Organization for Security and Cooperation in Europe to obtain the voters register which was last used by the Provisional Election Commission. Persons already registered in the voters register which was last used by the Provisional Election Commission do not have to register again in order to exercise their rights as a voter, except where the person has moved, changed his or her name, asks for a correction to be made to the data contained in the Central Voters Register, or chooses to change the municipality for which he or she wants to be registered, in accordance with this law.

#### Article 19.5

For the first elections conducted under the jurisdiction of this law, Articles 4.5 and 4.9 do not apply.

#### Article 19.6

Article 4.14 applies to coalitions which previously registered to participate in any election supervised by the Provisional Election Commission.

#### Article 19.7

Article 5.25 of the Provisional Election Commission Rules and Regulations as published on 10 August 1998 shall apply to the rotation of the members of the Presidency of Bosnia and Herzegovina elected on 12/13 September 1998, until the elections are conducted in 2002 for the Members of the Presidency to Bosnia and Herzegovina.

#### Article 19.8

Until otherwise decided by the High Representative or the Parliamentary of Bosnia and Herzegovina pursuant to paragraph seven of this article, a citizen of Bosnia and Herzegovina who is a displaced person and has the right to vote, shall have the right to register and to vote in person or absentee for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where the person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until that person acquired status as a displaced person, or in person for the municipality of his or her current residence, under the condition that he or she became a resident of that municipality at least six (6) months prior to the election day.

A citizen of Bosnia and Herzegovina who is a displaced person and has the right to vote under this article, shall register depending on the voting option this person chooses, for the municipality where he or she had a permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where this person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until this person acquired status as a displaced person, or for the municipality where this person has current residence and provides proof that he or she has registered as a current resident at least six (6) months prior to the election day.

The citizen of Bosnia and Herzegovina who is occupying a house or an apartment for which s/he does not have an ownership or occupancy right, while an enforcement document is issued by a competent court or administrative authority on the restitution of a house or an apartment, or CRPC decision, has no right to vote in the place of current domicile, until s/he abandons real-estate property owned by other, and may register to vote only in the municipality where s/he had the permanent residence in accordance to the last Census in Bosnia and Herzegovina.

Current residence, for the purpose of this article, is the municipality where a displaced citizen of Bosnia and Herzegovina has temporary residence, until conditions are met for his or her return to the municipality where he or she had permanent residence according to the last Census conducted by the State of Bosnia and Herzegovina.

Until otherwise decided by the High Representative or the Parliamentary of Bosnia and Herzegovina pursuant to paragraph seven of this article, a citizen of Bosnia and Herzegovina who is a refugee and who has the right to vote shall have the right to register and to vote in person or by mail for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except

in the case where the person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until that person acquired refugee status.

A citizen of Bosnia and Herzegovina who has refugee status and has the right to vote under this article, shall register for the municipality where he or she had a permanent place of residence according to the last Census conducted by the State of Bosnia and Herzegovina, except in the case where he or she can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of Bosnia and Herzegovina until that person acquired refugee status.

The special rights to register and to vote provided to displaced persons and refugees in this article shall expire on a day determined by the High Representative. If the High Representative does not so decide before his or her mandate terminates, then the special rights to displaced and refugee voters shall continue until so decided by the Parliamentary Assembly of Bosnia and Herzegovina.

The following factors should be considered before deciding on the expiration of the special rights to vote granted to displaced persons and refugees:

- Status of implementation of property laws;
- Number of persons registered as displaced persons;

#### Article 19.9

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

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

No person may stand as a candidate, hold an elected mandate or an appointed office, who fails to vacate real estate property which is owned by a refugee or displaced person, or fails to leave an apartment where a refugee or displaced person has an occupancy right, within 120 days of the filing with the competent administrative body of a request for enforcement of a CRPC certificate which confirms the ownership or occupancy right of that displaced person or refugee. In no case will a person be in violation of this article unless he or she has received 30 days notice by the election commission of Bosnia and Herzegovina of the existence of a request for an enforcement decision of a CRPC certificate.

#### Article 19.9 A

Until the High Representative's mandate terminates or he or she so decides the exclusions in the following four paragraphs shall have effect:

No person who has been removed by the Provisional Election Commission or the Election Appeals Sub-Commission, for having personally obstructed the implementation of the General Framework Agreement for Peace or violated the Provisional Election Commission *Rules and Regulations* shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

No person who has been removed from public office by the High Representative shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

No military officer or former military officer who has been removed from service pursuant to Chapter 14 of the *Instructions to the Parties* issued by COMSFOR under Article VI Paragraph 5 of Annex 1A to the General Framework Agreement for Peace, shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

No person who has been de-authorized or de-certified by the IPTF Commissioner for having obstructed the implementation of the General Framework Agreement for Peace, shall be permitted to be a candidate in the elections or hold an elected mandate or an appointed office.

#### Article 19.9 B

Until the High Representative's mandate terminates or he or she so decides the Election Commission of Bosnia and Herzegovina shall ensure that the application for certification of any political party and any other documents submitted under Article 4.3 of this Law and under the internal regulations of the Election Commission, do not include a person referred to in Article 19.9A, paragraphs 2 and 3.

Should the documents referred to in paragraph 1 of this Article show that such a person holds a central party position, that political party shall not be eligible for certification.

#### Article 19.10

The Election Commission of Bosnia and Herzegovina may allow political parties that registered for the municipal elections in 2000 to supplement their candidates list with additional names. Supplemental lists shall be submitted pursuant to rules and regulations adopted by the Election Commission of Bosnia and Herzegovina.

#### Article 19.11

The Entities shall bring their laws and regulations in compliance with this law within forty-five (45) days after the entering into force of this law.

Pursuant to Article 6.3 of this law, the Election Commission of Bosnia and Herzegovina and the Election Complaints and Appeals Council shall adopt regulations and procedures necessary for the conduct of elections within sixty (60) days after the bodies are constituted, and which shall be published in the Official Gazette of Bosnia and Herzegovina and the official gazettes of the Entities.

#### Article 19.12

The election of the President and Vice Presidents of Republika Srpska, the President and Vice Presidents of the Federation of Bosnia and Herzegovina, the election of the delegates to the Council of Peoples of Republika Srpska, and the election of the delegates to the House of Peoples of the Federation of Bosnia and Herzegovina shall be regulated in a manner consistent with the constitutions of the Entities.

#### Article 19.13

If the Entities fail to establish multi-member constituencies, according to Article 19.11 of this law, by December 31 2001 the following multi-member constituencies shall be used for elections held in 2002.

Of the ninety eight (98) members of the House of Representatives of the Federation of Bosnia and Herzegovina who shall be directly elected by voters registered to vote for the territory of the Federation of Bosnia and Herzegovina, seventy three (73) shall be elected from among twelve (12) multi-member constituencies, and twenty five (25) shall be compensatory mandates elected from the territory of the Federation of Bosnia and Herzegovina as a whole. The mandates shall be distributed in accordance with Articles 9.6 to 9.9 of this law.

The seventy three (73) multi-member constituency mandates for the House of Representatives of the Federation of Bosnia and Herzegovina shall be allocated according to the following:

Constituency 1 consists of Canton 1 and elects nine (9) members.

Constituency 2 consists of Canton 2, part of Canton 3 (Gradacac, Gracanica, Doboj-East) and voters from Brcko District who have registered to vote for to the Federation of Bosnia and Herzegovina and elects five (5) members.

Constituency 3 consists of part of Canton 3 (Lukavac, Srebrenik, Tuzla, Celic) and elects seven (7) members.

Constituency 4 consists of part of Canton 3 (Teocak, Banovici, Zivinice, Kalesija, Sapna and Kladanj) and elects four (4) members.

Constituency 5 consists of part of Canton 4 (Doboj-South, Tesanj, Maglaj, Zepce, Zavidovici, Zenica and Usora) and elects eight (8) members.

Constituency 6 consists of part of Canton 4 (Kakanj, Vares, Olovo, Visoko and Breza) and elects four (4) members.

Constituency 7 consists of Canton 5 and part of Canton 9 (Novi Grad-Sarajevo, Ilidza, Hadzici and Trnovo) and elects six (6) members.

Constituency 8 consists of Canton 6 and elects nine (9) members.

Constituency 9 consists of Canton 7 and elects eight (8) members.

Constituency 10 consists of Canton 8 and elects three (3) members.

Constituency 11 consists of part of canton 9 (Ilijas, Vogosca, Centar-Sarajevo, Stari Grad-Sarajevo, Novo Sarajevo) and elects seven (7) members.

Constituency 12 consists of Canton 10 and elects three (3) members.

Of the eighty three (83) members of the National Assembly of the Republika Srpska who shall be directly elected by voters registered to vote for the territory of the Republika Srpska, sixty two (62) shall be elected from among six (6) multi-member constituencies and twenty one (21) shall be compensatory mandates elected from the territory of the Republika Srpska as a whole. The mandates shall be distributed in accordance with Articles 9.6 to 9.9 of this law.

The sixty-two (62) multi-member constituency mandates for the National Assembly of the Republika Srpska shall be allocated according to the following:

Constituency 1 consists of municipalities Bosanska Krupa / Krupa na Uni, Bosanski Novi / Novi Grad, Bosanska Dubica / Kozarska Dubica, Prijedor, Bosanska Gradiska / Gradiska, Laktasi, Srbac, Prnjavor, Sanski Most / Srpski Sanski Most, and Kostajnica and elects thirteen (13) members.

Constituency 2 consists of municipalities Bosanski Petrovac / Petrovac, Banja Luka, Celinac, Drvar / Srpski Drvar, Kljuc / Ribnik, Mrkonjic Grad, Jajce / Jezero, Skender Vakuf / Knezevo, Kotor Varos, Sipovo, and Kupres / Srpski Kupres and elects twelve (12) members.

Constituency 3 consists of municipalities Derventa, Bosanski Brod / Srpski Brod, Odzak / Vukosavlje, Modrica, Doboje, Gracanica / Petrovo, and Teslic and elects ten (10) members.

Constituency 4 consists of municipalities Bosanski Samac / Samac, Orasje / Srpsko Orasje, Gradacac / Pelagicevo, Bijeljina, Lopare, Ugljevik, and voters from Brcko District who have registered to vote for the Republika Srpska and elects nine (9) members.

Constituency 5 consists of municipalities Kalesija / Osmaci, Zvornik, Sekovici, Vlasenica, Bratunac, Srebrenica, Sokolac, Han Pijesak, Ilidza / Srpska Ilidza, Stari Grad / Srpski Stari Grad, Novo Sarajevo / Srpsko Novo Sarajevo, Trnovo (RS), Pale (RS), Rogatica, and Milici and elects eleven (11) members.

Constituency 6 consists of municipalities Visegrad, Mostar / Srpski Mostar, Nevesinje, Kalinovik, Gacko, Foca / Srbinje, Gorazde / Srpsko Gorazde, Cajnice, Rudo, Stolac / Berkovici, Ljubinje, Bileca, and Trebinje and elects seven (7) members."

#### Article 19.14

The Parliamentary Assembly of Bosnia and Herzegovina shall conduct a review of financial penalties and expenses limitations established by this Law at least every four (4) years and determine whether they are in compliance with the economic and financial situation in Bosnia and Herzegovina.

#### Article 19.15

Financial penalties established by this Law are income of the budget of the Institutions of Bosnia and Herzegovina.

#### Article 19.16

Until the final regulation of the procedure for the election of the delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, their election shall be conducted in accordance with the Constitution of Bosnia & Herzegovina.

#### Article 19.17

This Election Law shall enter into force eight (8) days after its publication in the Official Gazette of Bosnia and Herzegovina. This Election Law shall also be published in the Official Gazettes of the Entities and the Official Gazette of the District of Brcko.