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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

(VENICE COMMISSION)

**DRAFT ELECTION LAW
OF BOSNIA & HERZEGOVINA**

28 July 1999

Chapter 1

General Provisions

Article 1.1

This law shall regulate the election of the members 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 Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, the Cantons, and 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.

The same person can be registered in the Central Voters List 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 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 1991 Census, 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 1991 Census 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 months prior to the election day.

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 absentee for the municipality in which the person had his or her permanent place of residence according to the 1991 Census, 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 1991 Census until that person acquired refugee status.

A citizen of Bosnia and Herzegovina who temporarily resides abroad and does not have status of a displaced person or refugee status, but has the right to vote, shall have the right to register and to vote in person or absentee, for the municipality where the person had a permanent place of residence 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.

A citizen of Bosnia and Herzegovina who temporarily resides abroad, had acquired the status of a displaced person prior to his or departure for abroad, and has the right to vote shall have the right to register and to vote in person or absentee, for the municipality where the person had a permanent place of residence according to the 1991 Census, 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 1991 Census until that person acquired status as a displaced person, or for the municipality in which the person had his or her current residence at least six months prior to the election day and can provide proof of that residence.

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 stand as a candidate 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 party position or function as established in the previous paragraph, that party 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 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 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 may 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, Ombudsmen and their deputies, members of the Human Rights Courts/Chambers/Councils, members of police and armed forces 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 one public elected office. It is also incompatible to hold at the same time, such an office and an office in an executive body of authority unless otherwise provided by law. The same provisions are also applicable to persons referenced in paragraph 1 of this article.

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 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 mandate in Bosnia and Herzegovina, within forty-eight (48) hours after the election or appointment in another country.

Article 1.9

A mandate belongs to the elected office holder and not to the political party or coalition which nominated him or her and it 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 months or longer;
4. under a valid court decision he or she has been deprived of the ability to engage in business activities;
5. he or she is elected or appointed to an office which is incompatible
5. with the office of an elected member of a certain body as stipulated by law;
6. he or she ceases to have the right to vote for two years 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 all levels shall terminate on the day when one of the reasons established by law occurs. The competent body shall, no later than three days after the reason for removal 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 Permanent Election Commission.

Article 1.11

In the event that an elected member's mandate terminates, the next candidate on the party, list of independent candidates or coalition's candidates list shall receive the mandate unless otherwise stipulated by this law. In the event that there are no more qualified candidates on the party, list of independent candidates or coalition's candidates list the mandate shall remain vacant.

Article 1.12

The elections at all levels of authority in Bosnia and Herzegovina shall be held on the first Saturday in October as a general rule except as otherwise stipulated by this law.

The Permanent Election Commission shall notify all competent authorities at all levels when an election shall be conducted at least one hundred and eighty (180) days prior to the holding of an election, unless otherwise provided by Chapter 15 of this law.

The Permanent Election Commission shall publish the dates of the elections for all levels of authority in the "Official Gazette of Bosnia and Herzegovina," Entity official gazettes 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 16.7 paragraph 5 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 Permanent Election Commission 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. cannot 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 2.16 paragraph 3 of this law;
4. stands as a candidate for the elections at any level of authority; and

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 years, starting from the day the decision became final.

The Permanent Election Commission 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

The election commission members shall be appointed for a period of five years except as provided for in Article 2.16 of this law. Members may only be appointed to the same election commission for two consecutive terms of office, unless otherwise specified by this law.

Polling Station Committee members shall be appointed for each election.

Article 2.5

The composition of an election commission or Polling Station Committee should be multi-ethnic, reflecting the national composition of the population bearing in mind the 1991 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 Permanent Election Commission 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 Permanent Election Commission 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 Permanent Election Commission shall appoint the members of the election commission or Polling Station Committee in accordance with the first paragraph of this article.

Article 2.6

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 as the previous member was appointed. The term of appointment shall expire when the previous member's appointment would have expired.

Article 2.7

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 a member by a two-third (2/3) majority 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 Permanent Election Commission.

Article 2.8

Except as established by regulations by the Permanent Election Commission 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 2.9

Election commissions and Polling Station Committees except for the Permanent Election Commission 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 Permanent Election Commission shall make a decision by a two-third (2/3) majority vote of the total number of the members. If a decision cannot be reached by a two-third (2/3) majority of the total number of members at the first meeting, then at the second meeting a simple majority of the total number of the members shall make the decision.

Article 2.10

Except in the case regulated by article 19.1 of this law, the Permanent Election Commission shall consist of seven members: two Croats, two Bosniacs, two Serbs, and one other member. The Permanent Election Commission shall submit to the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina a list of at least four candidates for each member of the Permanent Election Commission. The Permanent Election Commission shall choose the list of candidates by consensus.

The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall elect each member in accordance with its procedures. If the Permanent Election Commission fails to propose nominees to the House of Representatives thirty days prior to the expiration of their mandate, then the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall nominate and elect the members of the Permanent Election Commission.

The Permanent Election Commission members shall be elected from legal experts with experience in the administration of elections.

In the event a member of the Permanent Election Commission is absent as established in Article 2.6 of this law the Permanent Election Commission shall notify the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina which shall appoint a new member who is of the same Constituent Peoples including others as the previous member from a list of four nominees submitted by the Permanent Election Commission.

Article 2.11

A Chairman of the Permanent Election Commission shall be elected from the members of the Permanent Election Commission by the members of the commission. One Croat, one Bosniac, one Serb and the other member of the Permanent Election Commission shall each serve as a Chairperson for one fifteen (15) month rotation in a five year period.

Article 2.12

The Permanent Election Commission shall establish rules of procedure which regulates its work including the election of its Chairman.

Article 2.13

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

Article 2.14

The Permanent Election 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 Permanent Election Commission 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. confirm the certification 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. responsible for the timely printing, distribution and security of ballots and forms at all electoral levels of authority;
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 at 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 they are in non-compliance or violation of this law and order the remedial action required to be taken by the appropriate body;
12. publicise all rules of procedures, regulations and election results and all other necessary information, including all voter information necessary for the implementation of the electoral process, in the official gazettes or 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 of resignation of his or her own volition; and
15. perform all other duties as authorised by this law.

Article 2.15

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

The Permanent Election Commission Secretariat shall have a General Secretary who is appointed by the Permanent Election Commission.

Article 2.16

A Municipal Election Commission shall comprise of between three and five members.

The Permanent Election Commission shall determine the number of the Municipal Election Commission members in accordance with the size of the electorate in the municipality.

The Municipal Election Commission shall comprise the President of the Municipal Court, who shall be the President of the Commission and the Secretary of the Municipal Council/Municipal Assembly. The remaining

members of the Municipal Election Commission shall be appointed by the Municipal Council/Municipal Assembly, subject to the approval of the Permanent Election Commission.

If the President of the Municipal Court or Secretary of the Municipal Council/Assembly is not eligible for membership on the Municipal Election Commission as established in Article 2.3 of this law or they refuse the appointment, then the position shall be appointed by the Municipal Council/Assembly subject to the approval of the Permanent Election Commission.

When a Municipal Court has the jurisdiction of more than one municipality, the President of this Municipal Court shall appoint other Judge(s) from the same court to serve on the other Municipal Election Commission(s).

Article 2.17

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 Permanent Election Commission 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 Polling Station Committees;
5. ensure the safety 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 Permanent Election Commission notify voters of information necessary for the administration of elections;
7. be responsible for the technical arrangements at the Polling Station and other technical preparations for the elections;
8. be responsible when ballots are counted at the Polling Stations for the proper conduct of the counting of ballots at Polling Stations within the municipality;
9. compile the results of elections from all Polling Stations in the municipality area, separately for each body for which elections were administered and forward them to the Permanent Election Commission; and
10. form all other tasks as authorised by law and by the Permanent Election Commission regulations.

Article 2.18

The Polling Station Committee shall consist of a president and four 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 Permanent Election Commission 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 2.19

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 2.20

The manner of election and the composition of all other election commissions shall be determined by the laws of the Entities 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 names of the persons who under a valid decision of the competent authority have been deprived of his or her ability to engage in business activities.

The Permanent Election Commission 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, 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 Permanent Election Commission 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 Permanent Election Commission 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 and other Voter 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 public 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 Permanent Election Commission.

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 center 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

Permanent residence, as it is used in this Law, is either the municipality where a citizen is registered as a permanent resident, or the citizen's residence according to the 1991 Census.

Current residence, for the purpose of this law, 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 1991 Census.

Article 3.4

A citizen of Bosnia and Herzegovina who has the right to vote, shall register into the Central Voters 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 is a displaced person and has the right to vote under this law, shall register into the Central Voters 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 1991 Census, 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 1991 Census 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 months prior to the election day.

A citizen of Bosnia and Herzegovina who has refugee status and has the right to vote under this law, shall register into the Central Voters Register for the municipality where he or she had a permanent place of residence according to the 1991 Census, 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 1991 Census until that person acquired refugee status.

A citizen of Bosnia and Herzegovina who has the right to vote under this law, is temporarily residing abroad and does not have the status of a refugee or status as a displaced person, shall register into the Central Voters Register for the municipality where the 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.

A citizen of Bosnia and Herzegovina who has the right to vote under this law, is temporarily residing abroad, and had acquired the status of a displaced person prior to his or her departure for abroad, shall register into the Central Voters Register for the municipality based on his or her voting option for the place of his or her permanent residence according to the 1991 Census, 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 1991 Census until he or she acquired status as a displaced person, or for the municipality in which the person has his or her current residence at least six months prior to the election day and can provide proof of the residence.

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.

The Permanent Election Commission shall have the authority to require that other information on citizens of Bosnia and Herzegovina is entered into the Central Voters Register.

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 pursuant to Article 3.2 of this law must be submitted by the applicant personally.

The Permanent Election Commission shall closely 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 Permanent Election Commission 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 due to the fact that he or she has registered as a voter, nor due to his or her registration to vote for a municipality other than the one in which he or she currently resides.

No person shall be required to present any document issued to them 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 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 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 Permanent Election Commission 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 a 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.

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.

Article 3.11

The Permanent Election Commission shall establish in its regulations, the method and procedure for entering of voters into the Central Voters Register who:

- a) apply for registration for the first time, but whose names are not on the 1991 Census;
- b) reside and submit an application for registration from outside the territory of Bosnia and Herzegovina, including procedures for their registration by mail;
- c) are homebound due to old age, illness or disability;
- d) are prisoners or are confined to institutions and have the right to vote;
- e) are citizens of a lower age than eighteen (18) years but above an age defined by the Permanent Election Commission which

permits them to register, but not to be listed in the extract of eligible voters on election day. Articles referring to citizens above eighteen (18) years of age in this law will be applied on those having reached the age of registration, except for the Articles on voting right; and

- f) 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 Permanent Election Commission 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 Permanent Election Commission, relevant to regulations established pursuant to the previous paragraph, shall closely regulate the method of entering voters into the Central Voters Register in those cases where the documentation from the master evidence files have been destroyed, damaged or removed from the municipalities.

The Permanent Election Commission shall closely 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 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

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 Permanent Election Commission by the deadline established for receipt of such applications in order to be eligible to vote in the next election. The application form and relevant instructions shall be designed by the Permanent Election Commission. 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 voter who has previously registered to vote by-mail will be sent a confirmation form by the Permanent Election Commission which will allow him or her to confirm his or her existing registration. If the voter fails to

complete and return the request for confirmation he or she will not be sent a by-mail ballot.

A refugee or person temporarily residing abroad who has previously registered to vote by-mail will be sent a confirmation form by the Permanent Election Commission which will allow him or her to confirm his or her existing registration. If this refugee or this person temporarily residing abroad fails to complete and return the request for confirmation he or she will not be sent a by-mail ballot for the next election.

A person 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 Permanent Election Commission.

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 in 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 11, 12 and 13 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.

Article 4.4

In order to be certified for participation in the elections, a political party must present to the Permanent Election Commission 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-Herzegovina, which shall either include five hundred (500) signatures of voters with permanent residence in a different Entity and who still live in that Entity or have the support of at least two (2) Municipal Councils/Assemblies, which are not from the same Entity;
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-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. fifty (50) signatures of registered voters for the elections in the municipality in which the number of registered voters in the Register in the previous elections did not exceed ten thousand (10,000) voters, or one hundred (100) signatures for the election in the municipality in which this number exceeded ten thousand (10,000) registered voters.

Article 4.5

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, except for the elections for the members of the Presidency of Bosnia and Herzegovina.

For the purposes of this article the member of the body shall submit a signed confirmation form that he or she is a member of this political party.

Article 4.6

A political party shall submit its application for certification no later than one hundred and fifty (150) days before the date of the elections.

The Permanent Election Commission 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 Permanent Election Commission 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 Permanent Election Commission shall decide whether or not to certify or reject the application for participation in the elections.

If the Permanent Election Commission rejects the application, the applicant shall have the right to request the Permanent Election Commission to reconsider the decision within forty-eight (48) hours. The Permanent Election Commission shall make a decision within seventy-two (72) hours.

Article 4.7

If two political parties have identical names or names that are so similar that it could cause confusion or mislead a voter, the Permanent

Election Commission shall add the necessary information to the party's name such as adding in brackets the name of the President of the party.

Article 4.8

In order to be certified for the elections, an independent candidate must present an application to the Permanent Election Commission 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. The candidature application for a member of the Presidency of Bosnia and Herzegovina shall either include two hundred and fifty (250) signatures of voters with permanent residence in a different Entity and who still live in that Entity or have the support of at least one (1) Municipal Council/ Assembly, which is not from the same Entity;
2. one thousand and five hundred (1,500) signatures for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
3. five hundred (500) 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 (200) signatures of registered voters for the elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia and Herzegovina;
5. thirty (30) signatures of registered voters for the municipal elections.

Article 4.9

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 4.7 of this law, except for the signature requirement established for the election for the members of the Presidency of Bosnia and Herzegovina.

Article 4.10

An independent candidate shall submit his or her application for candidacy one hundred and fifty (150) days prior to the election and it shall contain: the name and surname, address, unique personal identification number, date and signature of the independent candidate. The Permanent Election Commission 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 Permanent Election Commission rejects the application, the applicant shall have the right to request the Permanent Election Commission

to reconsider the decision within forty-eight (48) hours. The Permanent Election Commission shall make a decision within seventy-two (72) hours.

An independent candidate may not at the same time stand for office as an independent candidate in more than one electoral unit or also 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 or one Municipal Council/Assembly may support only one political party or independent candidate in one Entity on the signature of support form.

Article 4.12

Two or more certified political parties that choose to form a coalition must submit an application for certification under one name to the Permanent Election Commission. The name of the coalition shall not be identical to or so similar to a certified political party or certified coalition's name that it could cause confusion or mislead a voter.

A coalition shall submit its application for certification no later than one hundred and twenty (120) days before the date of the elections.

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

If the Permanent Election Commission 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 Permanent Election Commission shall decide whether or not to certify or reject the application for participation in the elections.

If the Permanent Election Commission rejects the application the applicant shall have the right to request the Permanent Election Commission to reconsider the decision within forty-eight (48) hours. The Permanent Election Commission shall make a decision within seventy-two (72) hours.

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 who is a member of a coalition, may not withdraw from the certified coalition until the election results are confirmed.

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 Assemblies two or more certified independent candidates may join together and submit a single candidates list. The list of independent candidates shall submit its application for certification no later than one hundred and twenty (120) days before the date of the elections.

The Permanent Election Commission 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 Permanent Election Commission 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 Permanent Election Commission shall decide whether or not to certify or reject the application for participation in the elections.

If the Permanent Election Commission rejects the application, the applicant shall have the right to request the Permanent Election Commission to reconsider the decision within forty-eight (48) days hours. The Permanent Election Commission shall make a decision within seventy-two (72) hours.

Article 4.16

A political party or independent candidate shall enclose government stamps with its application for certification in the amount determined by the Permanent Election Commission 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 member of the coalition or independent candidate 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 application for certification shall include a statement signed by the president of a political party, coalition or the independent candidates stating that the activities of the party, coalition or the independent candidates will comply with the General Framework Agreement for Peace in Bosnia and Herzegovina.

Article 4.19

The certified political party, coalition or list of independent candidates shall submit to the Permanent Election Commission 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 and their deputies.

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 Permanent Election Commission for certification.

Article 4.20

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 11, 12 and 13 of this law the number of candidates on the candidates list of a political party or coalition may be five (5) higher than the number of mandates that are to be allocated in that multi-member constituency.

At least one third of the candidates list shall include female candidates. The female candidates shall be equally distributed on the candidates list. For the purpose of this article, equally distributed shall mean that there is at least one(1) female candidate amongst the first three (3) candidates, two (2) female candidates between the first six(6) candidates, and three(3) female candidates amongst the first nine(9) candidates et seq. The number of female candidates shall be at least equal to the total number of candidates on the list, divided by three rounded down to the closest integer.

The candidates list shall contain the name, surname, address of permanent residence, unique personal 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 4.21

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 Permanent Election Commission. If the candidate is incapacitated or rejects the mandate after the election results are confirmed by the Permanent Election Commission, the name of the candidate shall be removed from the candidates list and the mandate shall be allocated to the next eligible candidate on the candidates list. 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 Permanent Election Commission. A candidate may not withdraw his or her candidacy before the certification of the election results.

Article 4.22

Political parties, coalitions and lists of independent candidates must be submitted to the competent election commission referenced to in Article 4.19 of this law no later than one hundred and ten (110) days prior to the elections.

The competent election commission referred to in Article 4.19 of this law shall submit to the Permanent Election Commission the Political Party, the Coalition and the independent candidates lists no later than one hundred (100) days prior to the elections.

The Permanent Election Commission shall review the candidates list and approve or reject the candidates list no later than thirty (30) days after the submission of the candidates list. The Permanent Election Commission shall notify the political party, coalition or list of independent candidates no later than thirty-five (35) days after the submission of the candidates list to the Permanent Election Commission.

The Permanent Election Commission shall review the application and certify, reject or return the application to the political party or coalition to correct the candidates list.

If the Permanent Election Commission rejects the candidates list, the political party, coalition or independent candidate shall have the right to request the Permanent Election Commission to reconsider the decision within forty-eight (48) hours. The Permanent Election Commission shall make a decision within seventy-two (72) hours.

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 4.23

The Permanent Election Commission shall keep the record of the applications for certification for participation in the elections.

Article 4.24

After the certification of the submitted candidates lists the Permanent Election Commission 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 5.12 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.

Chapter 5

Conduct of Elections

Article 5.1

Polling shall be made 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 Permanent Election Commission. The Permanent Election Commission 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 seven (7) 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 is 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 Permanent Election Commission, shall deliver, no later than the eve of the 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

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

The Permanent Election Commission shall establish methods and procedures 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 5.5

The Polling Station Committee shall be provided by the Permanent Election Commission the number of ballots which is equal to the number of voters according to the excerpt from the Central Voters Register for that Polling Station. The Permanent Election Commission shall determine the number of extra ballots to be provided to a Polling Station. The manner in which all ballots issued to a Polling Station are accounted for shall be defined in procedures issued by the Permanent Election Commission.

The number of ballots received and distributed to Polling Stations shall be verified by the competent Municipal Election Commission in accordance with instructions of the Permanent Election Commission.

The Permanent Election Commission shall issue regulations for the control of ballots.

Article 5.6

If a voter cannot be found on the excerpt from the Central Voters Register, 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 Permanent Election Commission. The Permanent Election Commission shall confirm the voter's right to vote before the envelope is opened and the ballot is counted.

Article 5.7

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 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 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 hours or less. If the delay is more than three hours, then the Municipal Election Commission shall decide the length of time for which voting shall be extended.

Article 5.8

The voting shall be secret and shall be conducted in person, by the way of a ballot.

Article 5.9

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 a representative 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.

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

Article 5.10

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.

An identification document, in terms of the preceding paragraph, shall be one of the following:

- 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 5.11

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

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

When a voter is given a ballot, a member of the Polling Station Committee shall be obliged to identify the voter, shall encircle his or her name and surname in the excerpt from the Central Voters Register, shall issue a ballot to the voter and the voter shall sign the excerpt from the Central Voters Register.

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 ballot".

Article 5.12

The ballot shall contain the:

1. date of the election;
2. name of the body for which election is being made;
3. names of the electoral lists of candidates 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 the all the candidates; and
4. instruction on the manner of 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 lottery number shall be stated on the ballot before designation of each political party, coalition or independent candidate. The Permanent Election Commission 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 5.13

A voter may cast his or her vote only for one candidacy, either from a political party, coalition, independent candidate or list of independent candidates, unless otherwise provided by this law.

Votes shall be cast in a manner, prescribed by the Permanent Election Commission, that indicates the political party, coalition, independent candidate or list of independent candidates for which the vote is cast.

Article 5.14

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

A voter shall not display a marked ballot.

A voter shall fold the completed ballot in such a way that it cannot be seen how he or she has voted, and shall put the ballot in the appropriate ballot box.

Article 5.15

A ballot shall be invalid if:

- it is not completed or is completed in such a way that it is not possible to reliably ascertain for which party, coalition, independent candidate or list of independent candidates a voter has cast his or her vote;
- names of candidates have been added in writing;
- more than one party, coalition, or independent candidate or list of independent candidates has been marked unless otherwise provided by this law; and
- the voter can be identified based on markings added by the voter to the ballot, such as a signature.

Article 5.16

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

Article 5.17

The Chairman 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 Chairman of a Polling Station Committee may require assistance by the police. Voting shall be suspended during presence of the police officers at the Polling Station.

The Chairman 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 Article 18 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 party and other insignia and symbols.

Article 5.18

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 prescribed by the Permanent Election Commission. The following information shall be recorded in the Poll Book:

- a list of all election material delivered to the Polling Station;
- a list of all accredited observers at the Polling Station;
- observations on all important events occurring at the Polling Station; and
- 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 be deleted.

Article 5.19

The Permanent Election Commission shall establish the methods and procedures 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 Permanent Election Commission determines that certain ballots should be counted at one or more centralised counting centres. The Permanent Election Commission shall establish the methods and procedures for counting ballots and establishing the results at a centralised counting centre.

Article 5.20

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.

It shall then count separately, the number of voters who signed the excerpts from the Central Voters Register, and the number of voters who signed the special form described in Article 5.6 of this law, and the total number of voters who appeared at the Polling Station to vote. After that, it shall then open ballot boxes one by one, and count the total number of tendered ballot envelopes 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 invalid ballots.

Article 5.21

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 Municipal Election Commissions. The Permanent Election Commission shall closely regulate the manner and procedure of classifying the ballots according to the municipalities as well as their forwarding to the competent Municipal Election Commissions.

Article 5.22

Before the polls open, and in the presence of members of the Polling Station Committee and any accredited observers who may be present, the Polling Station Committee shall:

- display the empty ballot boxes and seal them;
- 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 the total number of all ballots received by the Polling Station.

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:

- the number of voters who signed the excerpt from the Central Voters Register;
- the total number of voters who appeared at the Polling Station to cast their ballots based on the signatures in the excerpt from the Central Voters Register and the number of voters added to the special form described in Article 5.6 of this law;
- the total number of valid votes cast for each political party, coalition, list of independent candidates and independent candidate;
- 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;
- the total number of spoiled ballots;
- the total number of tendered ballots contained in the ballot box; and
- 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.

Article 5.23

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 5.6 of this law, all tendered ballots cast by persons who were not found in the excerpt from the Central Voters Register for the Polling Station concerned, valid ballots, invalid ballots, separately unused and spoiled ballots, and all other forms required by the Permanent Election Commission. The Chairman of the Polling Station Committee shall retain a copy of the report of results.

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

Article 5.24

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 at which the elections were conducted and shall make a report accordingly, which shall be submitted to the Permanent Election Commission within 24 hours after closing of the polls. The consolidated summary of results for the Municipality shall contain the same information as required under paragraph 2 of Article 5.21 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 procedures of the Permanent Election Commission.

Article 5.25

While establishing the election results for the bodies at each level, the Permanent Election Commission shall take into account a ballot cast by mail by a voter abroad, provided the ballot is received by 1700 hours of the first Monday after the close of the Polling Stations.

By mail ballots received after 1700 hours of the first Monday after the close of the Polling Stations shall not be counted.

In order for a timely received 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 5.10 of this law.

Article 5.26

The Permanent Election Commission shall establish procedures for the validation of the election results.

The Permanent Election Commission shall establish, within a period of time as determined by its regulations, the election results for the bodies of authority at every level.

The Permanent Election Commission 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.

Article 5.27

After the announcement of the election results by the Permanent Election Commission, a certified political party, coalition, list of independent candidates, independent candidate, accredited observer, or group of twenty (20) voters who voted at the same Polling Station, may request that a recount of ballots be conducted by the Permanent Election Commission in specified electoral units. A registered party, coalition, list of independent candidates, independent candidate, accredited observer, or group of twenty (20) voters who voted at the same Polling Station, may also request that a recount of ballots be conducted by the Permanent Election Commission of absentee ballots, ballots cast outside Bosnia and Herzegovina or tendered ballots.

The Permanent Election Commission shall consider a request for recount if the request meets each of the following requirements: (i)the request is in writing and signed by the accredited observer, group of twenty(20) voters who voted at the same Polling Station, independent candidate, president of the political party, leaders of the list of independent candidates or all presidents of parties which formed a coalition, (ii)the request states with specificity the facts which justify a recount, including the specific articles of the this law which were disregarded or violated, (iii)the request states with specificity the approximate number of ballots believed to have been effected, (iv)the request states how the results would have been affected by the violation of this law, and (v)the request is presented to the Permanent Election Commission within three(3) days of the date the Permanent Election Commission announced the election results.

The Permanent Election Commission may order a recount, on its own initiative, even if no request for recount has been made under paragraph one of this article or if the request for recount has been deemed invalid under paragraph two of this article.

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

Article 5.28

In the event the Permanent Election Commission 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 5.29

After completion of a recount of ballots, the Permanent Election Commission shall establish the election results for the bodies at individual levels of authority.

Chapter 6

Protection of the Electoral Right

Article 6.1

The protection of the electoral right is secured by the competent authorities responsible for the conduct of elections established in Article 2.1 of this law and the Election Complaints and Appeals Council.

Article 6.2

Anyone who has a legal interest, or whose right established by this law was violated, can file a complaint to the competent authority for the conduct of elections or the Election Complaints and Appeals Council no later than three days after the violation occurred.

Article 6.3

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

Article 6.4

The competent authority responsible for the conduct of elections whose decision or action is complained of, shall adjudicate the complaint. It shall have the right to call witnesses and to solicit evidence it deems appropriate.

It shall adjudicate the complaint and make 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.

The Permanent Election Commission shall establish Rules of Procedures for adjudicating complaints within the competence of the other competent authorities for the conduct of elections.

Article 6.5

The Municipal Election Commission shall have first instance competence in the following matters in their municipality :

- violations of voter registration procedures by the municipal authorities;
- violations of the Rules of Conduct as established under Chapter 7 of this law that occur at the Polling Stations;
- complaints involving actions of personnel in Voter Registration Centres and Polling Station Committees.

Municipal Election Commissions shall adjudicate the appeals of decisions of lower level bodies including but not limited to, decisions made at Voter Registration Centres and Polling Stations.

Article 6.6

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

Article 6.7

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

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 Permanent Election Commission and the Election Complaints and Appeals Council may conduct hearings, allow parties to present additional evidence or base their decisions on the written record of the lower commissions.

Article 6.8

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 the Polling Stations and 2) violations of the rules established in Chapter 17 of this law.

The Election Complaints and Appeals Council shall be competent to adjudicate appeals from decisions of the election commissions other than the Permanent Election Commission concerning violations of the Rules of Conduct that occur at the Polling Stations as established in Chapter 7 of this law.

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 Permanent Election Commission 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 members or two members and the Chairperson.

Article 6.9

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 17 of this law is filed directly to the Permanent Election Commission, it shall refer the complaint to either the Election Complaints and Appeals Council or the competent Municipal Election Commission.

Article 6.10

The Election Complaints and Appeals Council shall consist of three members and a Chairperson: one Croat member, one Bosniac member, one Serb member and a member from the Permanent Election Commission. The members of the Council shall be selected by the Permanent Election Commission from amongst senior judges or legal experts with the appropriate expertise and experience in the administration of elections. The Chairperson of the Election Complaints and Appeals Council shall be selected by the Permanent Election Commission from amongst its members.

The Chairperson of the Election Complaints and Appeals Council may not also at the same time be the Chairperson of the Permanent Election Commission. The Chairperson of the Election Complaints and Appeals Council may not participate when the Permanent Election Commission 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.

Articles 2.1 paragraph two and 2.13 shall apply to the members of the Election Complaints and Appeals Council. However, the Permanent Election Commission shall be responsible for revoking the immunity of the members of the Election Complaints and Appeals Council.

Article 6.11

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 2.20 of this law.

The Election Complaints and Appeals Council shall have the authority to impose the following penalties subject to the approval of the Permanent Election Commission: fines not to exceed ten thousand (10,000) convertible marks; removal of a candidate from a candidates list when it is determined that the candidate was personally responsible for the violation; and 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.

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 Permanent Election Commission.

Article 6.12

The Permanent Election Commission 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 Permanent Election Commission shall also have the authority to impose the following penalties: fines not to exceed ten thousand (10,000) convertible marks; removal of a candidate from a candidates list when it is determined that the candidate was personally responsible for the violation; and de-certification of a political party, coalition, list of independent candidates or independent candidate(s); and prohibit an individual from working in a Polling Station, voter registration centre, or municipal election commission or other election commission established in Article 2.20 of this law.

Article 6.13

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

When submitting the report, the election commission, Polling Station Committee or the Election Complaints and Appeals Council shall also refer to the evidence that is known to them, 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.

Chapter 7

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

Article 7.1

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 political campaign period and on election day for investigation or prosecution of serious violations of international humanitarian law unless: (1) the person has been officially indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY) and has failed to comply with an order to appear before that Tribunal; 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 or a Court of the Federation of Bosnia and Herzegovina 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 7.2

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

- a) conduct the election campaign in a peaceful environment;
- b) organise and hold public meetings in which they can freely express their positions in order to gain support from the voters; and
- c) publish and distribute placards, posters and other materials related to the election campaign.

For the purposes of public meetings as stated in sub-paragraph b) 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 7.3

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 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 7.4

Candidates of political parties and coalitions as well as independent candidates and other participants in the election process are not allowed to:

- a) 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;
- b) disturb gatherings of other political parties, coalitions and independent candidates, as well as to incite others to conduct such activities;
- c) provide or reveal inaccurate information about other political parties, coalitions, list of independent candidates or independent candidates;
- d) prevent journalists from carrying out their duties, in accordance with the rights of their profession and the election rules;
- e) 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;
- f) induce a person to vote who does not have the legal right to vote;
- g) induce a person to vote more than once in the same election, or to vote in the name of another person;
- h) use language which could provoke someone to violence or spread hatred, or to publish or use pictures, symbols or any other materials that could have such effect;
- i) discriminate against someone 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.

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

Article 7.5

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:

- a) holding meetings for the purpose of election campaigning;
- b) presenting at the Polling Station and the surrounding area, any kind of materials for the purpose of influencing voters;
- c) making use of the local or international media for the purposes of influencing voters; and
- d) using megaphones or other public address systems for the purpose of influencing voters.

Chapter 8

Presidency of Bosnia and Herzegovina

Article 8.1

The Bosniac and Croat Members of the Presidency of Bosnia and Herzegovina shall be elected by voters registered to vote in the Federation of Bosnia and Herzegovina. A voter registered to vote in the Federation may vote for either the Bosniac or Croat Member of the Presidency, but not for both.

The Serb Member of the Presidency of Bosnia and Herzegovina shall be elected by voters registered to vote in the Republika Srpska.

Article 8.2

Each candidate for the office of the Presidency shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the office of Presidency as provided in this chapter.

The "ticket", for the purposes of this chapter, shall consist of the two names of the candidate and his or her deputy.

Article 8.3

The ballot for the Presidency of Bosnia and Herzegovina shall be a preferential ballot. A voter shall mark his or her vote on the ballot by:

- 1) writing the number 1 in the square opposite the name of the ticket for whom the person votes as his or her first preference for Member of the Presidency; and
- 2) writing the numbers 2, 3, 4, and so on, in the squares opposite the names of all the remaining tickets so as to indicate the order of the voter's preference for the remaining tickets.

The maximum number of preferences that a voter may mark is equal to the number of tickets on the ballot. A ballot shall not be invalid because a voter marks a number of preferences less than the number of tickets on the ballot.

Where a voter has placed a mark in the square opposite the ticket, instead of a number, the voter shall be regarded as having written the

number 1 in the square, provided that the voter has not placed a mark or the number 1 in the square opposite another ticket.

If any ticket receives more than fifty percent (50%) of first preference votes, that ticket is elected.

If there is no winning ticket after first preference votes have been counted, the ticket receiving the fewest first preference votes is eliminated. If two or more tickets tie in the number of fewest first preferences, the ticket to be eliminated first shall be determined on the basis of the drawing of lots. The eliminated ticket's votes shall be transferred to the remaining tickets according to the second preferences shown by voters on the ballots for the eliminated ticket. After this transfer of second preferences, if any ticket receives more than fifty percent (50%) of the votes counted in this second round of counting, that ticket is elected. If there is still no winner after the transfer and count of these votes, then the ticket which now has the fewest votes is eliminated and that ticket's votes are transferred according to the next preference shown. This process shall continue until one ticket has more than fifty percent (50%) of the total votes counted in a round of counting. The ticket that receives more than fifty percent (50%) of the votes counted in a round of counting is elected.

If a second preference vote cast by a voter who gave his or her first preference to an eliminated ticket has also been cast in favor of an eliminated ticket, then that voter's second preference shall be ignored, and the third, or, if necessary, subsequent, preference of the voter redistributed. If a ticket which has received second or subsequent preferences is eliminated, the third or subsequent, as appropriate, preferences of the voter who gave his or her second, or subsequent preferences to said ticket shall be transferred to tickets which have not yet been eliminated.

The transfer of preferences from eliminated tickets to remaining tickets shall continue until a ticket receives more than fifty percent (50%) of the votes counted in a round of counting. If a tie occurs between the two remaining tickets, the winner shall be determined on the basis of the drawing of a lot.

Article 8.4

The Chair of the Presidency of Bosnia and Herzegovina shall be rotated amongst the Members of the Presidency every eight (8) months. The Permanent Election Commission shall conduct a lottery to determine the order of rotation. The order of rotation determined by the lottery shall apply to subsequent eight (8) month rotations of the Chair.

Article 8.5

If a Member of the Presidency dies, or is unable to permanently carry out his or her functions due to incapacitation, then the Member's deputy shall succeed to the office of Presidency held by the Member.

Article 8.6

If a Member of the Presidency resigns, then there shall be an election by the members of the House of Representatives and the delegates of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina which shall be convened in a special caucus to fill the vacancy. If a Member of the Presidency resigns, then his or her deputy shall also be deemed to have resigned.

In the election held under this article, only a member of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, who is of the same constituent people and from the territory of the same Entity as the resigning Member of the Presidency, may be elected to fill the vacancy. A candidate must stand for election with a deputy, who must also be a member of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and be of the same constituent people and from the territory of the same Entity as the resigning Member of the Presidency.

In the election held under this article, members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, who were elected from the territory of the same Entity as the resigning Member of the Presidency, are eligible to vote. If the resigning Member of the Presidency was the Croat Member, then the Croat Delegates of the House of Peoples are eligible to vote with those members of the House of Representatives of the Parliamentary Assembly who are eligible to vote. If the resigning Member of the Presidency was the Bosniac Member, then the Bosniac Delegates of the House of Peoples are eligible to vote with those members of the House of Representatives of the Parliamentary Assembly who are eligible to vote. If the resigning Member of the Presidency was the Serb Member, then the Serb Delegates of the House of Peoples are eligible to vote with those members of the House of Representatives of the Parliamentary Assembly who are eligible to vote. The candidate receiving the highest number of votes shall be elected. If a tie occurs, the winner shall be determined on the basis of the drawing of lots.

Article 8.7

A Member of the Presidency who misses one-third (1/3) of the regularly scheduled meetings of the Presidency, over a period of one year, shall be deemed to have resigned and there shall be an election under Article 8.6 of this law.

Article 8.8

A successor to the office of Member of Presidency shall complete the mandate of the Member he or she succeeds to. 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 in accordance with rotation schedule set forth in Article 8.4 of this law.

Article 8.9

If a deputy to a Member of the Presidency dies, resigns, becomes permanently incapacitated, or succeeds to the position of Member of the Presidency as set forth in Article 8.5 of this law, then the deputy vacancy shall be filled used the procedure set forth in Article 8.6 of this law.

Article 8.10

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 8.11

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 one of this article, then the Member's deputy shall assume the rights, duties, and responsibilities of this 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

President and Vice President of the Republika Srpska

Article 9.1

The President and Vice President of the Republika Srpska shall be elected by voters registered to vote in the Republika Srpska. Each candidate for the office of the President shall run together with a candidate for office of the Vice President on a single ticket.

The 'ticket', for the purposes of this chapter, shall consist of the two names of the candidates for the offices of President and Vice President.

Article 9.2

The Permanent Election Commission shall determine the form of the ballot for the President and Vice President of the Republika Srpska. The ballot for the President and Vice President of the Republika Srpska shall be a preferential ballot and the preferential voting system set forth in Article 8.3 of this law shall be used.

Chapter 10

**President and Vice President
of the Federation of Bosnia and Herzegovina**

Article 10.1

In electing the President and Vice-President of the Federation, a caucus of the Bosniac Delegates and a caucus of the Croat Delegates to the House of Peoples of the Federation shall each nominate one person. Election as President and Vice-President shall require approval of the two nominees jointly by a majority vote in the House of Representatives of the Federation, then by a majority vote in the House of Peoples, including a majority of the Bosniac Delegates and a majority of the Croat Delegates. Should either House reject the joint slate, the caucuses shall reconsider their nominations. The persons elected shall serve alternate one-year terms as President and Vice-President during a four-year period. Successive Presidents may not be from the same constituent people.

Article 10.2

An Other Delegate to the House of Peoples of the Federation of Bosnia and Herzegovina may vote in either the caucus of the Bosniac Delegates or the caucus of the Croat Delegates to the House of Peoples when these caucuses are nominating the President and Vice-President of the Federation of Bosnia and Herzegovina.

Chapter 11

Parliamentary Assembly of Bosnia and Herzegovina

Subchapter A

House of Peoples of the Parliamentary Assembly

Article 11.1

Delegates from the Federation to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall be selected, by members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, from among Bosniac and Croat citizens from the Federation of Bosnia and Herzegovina.

Delegates from the Republika Srpska to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall be selected, by members of the National Assembly of the Republika Srpska, from among Serb citizens from the Republika Srpska.

Article 11.2

Each political party or coalition represented in the Parliament of the Federation of Bosnia and Herzegovina shall have the right to nominate lists of candidates for the election of Delegates from the Federation to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The right to nominate lists of candidates shall mean the right to nominate a list of Bosniac candidates and a list of Croat candidates. Croat members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina shall vote for the Croat candidate lists, the Bosniac members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina shall vote for the Bosniac candidate lists.

Each political party or coalition represented in the National Assembly of the Republika Srpska shall have the right to nominate a list of Serb candidates for the election of Delegates from the Republika Srpska to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The members of the National Assembly of the Republika Srpska shall vote for the Serb candidate lists.

Each candidate list must have at least ten (10) candidates. If there is a vacancy due to death, resignation, or permanent incapacitation of a Delegate to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, then the vacancy shall be filled by the next eligible candidate on the same political party or coalition list as the Delegate who died, resigned, or is permanently incapacitated. If there are no remaining

candidates on the list, then by-elections shall be held for the vacancy within thirty (30) days of the date of the vacancy.

In the election of Delegates, the proportional representation formula set forth in Article 11.10 of this law shall be used.

The vote shall be cast as a secret ballot.

Article 11.3

If a Delegate, from amongst the members of the Parliament of the Federation of Bosnia and Herzegovina or the National Assembly of the Republika Srpska, is elected to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, his/her mandate as a member to the Parliament of the Federation of Bosnia and Herzegovina, or to the National Assembly of the Republika Srpska, terminates.

Article 11.4

The mandate of a Delegate to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall be for four (4) years, provided the mandate does not expire at an earlier date due to dissolution of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina.

If a body that appointed Delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina is dissolved, then the mandates of the Delegates appointed by that body shall expire upon the appointment of new Delegates by the elected members of the body after new elections.

Article 11.5

The election of the Delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall take place no later than thirty (30) days after the elections for the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina and the National Assembly of the Republika Srpska.

Subchapter B

House of Representatives of the Parliamentary Assembly

Article 11.6

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 in the territory of the Federation of Bosnia and Herzegovina, and fourteen (14) of whom shall be directly elected by voters registered to vote in the territory of the Republika Srpska.

Of the twenty-eight (28) members who shall be directly elected by voters registered to vote in 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 11.10 of this law, and seven (7) shall be compensatory mandates elected from the territory of the Federation as a whole under the proportional representation formula set forth in Article 11.11 of this law.

Of the fourteen (14) members who shall be directly elected by voters registered to vote in the territory of the Republika Srpska, nine (9) shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 11.10 of this law, and five (5) shall be compensatory mandates elected from the territory of the Republika Srpska as a whole under the proportional representation formula set forth in Article 11.11 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. This ballot shall also count for the allocation of compensatory mandates under Article 11.11 of this law.

The Permanent Election Commission shall determine the form of the ballot. The form of the ballot must allow a voter to vote for one of the following options:

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

received one valid vote for the purpose of allocating mandates

Article 11.7

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 four (4) 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 shall elect four (4) members.

Article 11.8

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, Laktaš, Srbac, Prnjavor, Bosanski Petrovac / Petrovac, Sanski Most / Srpski Sanski Most, Banja Luka, ^elinac, Drvar / Srpski Drvar, Ključ / Ribnik, Mrkonjić Grad, Jajce / Jezero, Skender Vakuf / Kneževci, Kotor Varoš, [ipovo, 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 [amac / [amac, Orašje / Srpsko Orašje, Modriča, Gradačac / Pelagićevo, Brčko, Bijeljina, Doboj, Gračanica / Petrovo, Lopare, Ugljevik and Teslić, and shall elect three (3) members.

Constituency 3 consists of the municipalities of Kalesija / Osmaci, Zvornik, [ekovići, 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, ^ajniće, Rudno, Stolac / Berkovići, Ljubinje, Bileća, Trebinje and Milići, and shall elect three (3) members.

Article 11.9

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 due to death, resignation, or incapacitation of the elected candidate as provided in Article 11.14 of this law.

Article 11.10

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 candidates 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 legislative body have been distributed.

Article 11.11

Compensatory mandates shall be allocated in the following manner:

Only political parties and coalitions 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 11.10 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 11.10 of this law, is deducted. The remaining number is the number of compensatory mandates the list wins.

If a party or coalition receives a negative number of mandates according to the procedure in the previous paragraph, the 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 elected from the territory of the respective Entity.

Article 11.12

A compensatory mandate won by a political party or coalition according to Article 11.11 of this law is given to the list of the same political party or coalition in the constituency where the quotient that has not been allocated a mandate for the same list is higher than in any other constituency. The mandates are allocated one by one until all mandates are distributed.

Article 11.13

If a tie occurs because the quotients are identical in the distribution according to Articles 11.10 and 11.11 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 among eligible candidates on the list according to the number of votes received by candidates on the 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 eligible candidates remaining are those who received the same number of votes, 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 11.12 of this law.

Article 11.14

If an elected independent candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, 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 who has died, resigned, or is incapacitated, and shall assume the rights, duties, and responsibilities of this independent candidate. If both the independent candidate and his or her deputy die, resign, or are unable to permanently carry out his or her functions due to incapacitation, then the mandate shall remain vacant until the next regularly scheduled elections.

If a political party or coalition candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the mandate shall go to the next eligible candidate on the list. If there are no eligible candidates remaining on the list, then the mandate shall remain vacant.

Article 11.15

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 in a manner that complies with democratic principles.

Chapter 12

Parliament of the Federation of Bosnia and Herzegovina

Subchapter A

House of Peoples of the Parliament

Article 12.1

The Cantonal Legislatures shall elect seventy-nine (79) Delegates to the House of Peoples of the Federation of Bosnia and Herzegovina.

Article 12.2

Delegates to the House of Peoples of the Federation of Bosnia and Herzegovina shall be selected from the members of the Cantonal Legislatures. Delegates shall be elected by the respective legislators in the each Canton's Legislature.

Article 12.3

The Permanent Election Commission shall determine the total number of Delegates for each Canton by dividing the number of registered voters in the Federation, one year before the date of election, by the number seventy-nine (79), and then dividing the number of registered voters in each Canton by the number that resulted from the first division. Each Canton shall have the number of Delegates that corresponds with the whole number resulting from this calculation, provided that each Canton shall have a minimum of three (3) Delegates. Seats which are not allocated shall be allocated to Cantons in the order of the highest remainders

The Permanent Election Commission shall determine the rules for allocation of seats for Bosniac, Croat seats, and Others from each Canton in a manner that distributes the seats among constituent peoples and Others by taking into account the 1991 Census, and so that there is at least one delegate from each constituent peoples and Others that has at least one member in the legislature of that Canton. If there is a tie during any allocation in this article, a lot is to be drawn.

The total number of Bosniac seats in the House of Peoples shall be thirty (30), the number of Croat seats shall be thirty (30), and the number of Other seats shall be nineteen (19).

Article 12.4

Each political party represented in a Cantonal Legislature, or a group of three members of the same Cantonal Legislature, has the right to nominate candidates for the election of Delegates from that Canton to the House of Peoples of the Federation of Bosnia and Herzegovina. Each candidate on the lists shall be identified as Bosniac, Croat, or Other.

Each member Delegate in the Cantonal Legislature shall cast one vote for a list. The mandates shall be distributed among the lists in proportion to the votes cast for the list, by the proportional allocation formula described in Article 14.6 paragraphs 1 and 2 of this law. In establishing the quotas for the Bosniacs, Croats, and Others as provided in this chapter, the seat distribution shall be carried out in the following manner:

1. Mandates shall be distributed, one by one, to the lists with the highest quotients resulting from the proportional allocation formula. When a list wins a mandate, the mandate is filled from the top of the list.
2. If, during the allocation process, a list has won a mandate but the candidate to be elected is from a group whose quota is already filled, the first candidate on the same list belonging to a group whose quota is not yet filled, shall be elected. If the list does not have such a candidate, then the mandate goes to the list with the next highest quotient.
3. This procedure shall be repeated until all the prescribed quotas are filled.

If a seat cannot be distributed according to this procedure, then it shall remain vacant.

The vote shall be cast as a secret ballot.

Article 12.5

The election of Delegates to the House of Peoples of the Federation of Bosnia and Herzegovina shall take place as soon as a Cantonal Legislature convenes after the elections for the Cantonal Legislatures.

Article 12.6

The mandate of a Delegate to the House of Peoples of the Federation of Bosnia and Herzegovina shall be for four (4) years, provided the mandate does not expire at an earlier date due to dissolution of the Cantonal Legislature which appointed the Delegate.

Subchapter B

House of Representatives of the Parliament

Article 12.7

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina shall consist of one hundred forty (140) members, directly elected by voters registered to vote in the territory of the Federation of Bosnia and Herzegovina.

A certain number of members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 11.10 of this law. There shall be compensatory mandates from the territory of the Federation as a whole under the proportional representation formula set forth in Article 11.11 of this law. The House of Representatives of the Parliament of the Federation shall determine, based solely on the guidelines set forth in Article 12.8 of this law, what shall be the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

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 12.11 of this law.

The Permanent Election Commission shall determine the form of the ballot. The form of the ballot must allow a voter the voting options established in Article 11.6 paragraph 5 of this law.

Article 12.8

The House of Representatives of the Parliament of the Federation 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 one hundred and forty (140) mandates for the House of Representatives of the Parliament of the Federation, 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 two (2) members and a maximum of fifteen (15) members.

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, as determined by the Permanent Election Commission, 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 12.9

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 due to death, resignation, or incapacitation of the elected candidate as provided in Article 12.14 of this law.

Article 12.10

Mandates are allocated in each multi-member constituency under the formula set forth in Article 11.10 of this law.

Article 12.11

Compensatory mandates shall be allocated under the formula set forth in Article 11.11 of this law.

Article 12.12

A compensatory mandate won by a political party or coalition according to Article 12.11 of this law is given to the list of the same political party or coalition in the constituency where the quotient that has not been allocated a mandate for the same list is higher than in any other constituency. The mandates are allocated one by one until all mandates are distributed.

Article 12.13

If a tie occurs because the quotients are identical in the distribution according to Articles 12.10 and 12.11 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 among candidates on the list in the manner set forth in Article 11.13 paragraph 2 of this law.

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 11.12 of this law.

Article 12.14

If an elected independent candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the vacancy shall be addressed in the manner set forth in Article 11.14 paragraph 1 of this law.

If a political party or coalition candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the mandate shall be addressed in the manner set forth in Article 11.14 paragraph 2 of this law.

Article 12.15

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 in a manner that complies with democratic principles.

Chapter 13

National Assembly of the Republika Srpska

Article 13.1

The National Assembly of the Republika Srpska shall consist of eighty-three (83) members, who shall be directly elected by voters registered to vote in the Republika Srpska. A certain number of members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 11.10 of this law. There shall be compensatory mandates from the Republika Srpska as a whole under the proportional representation formula set forth in Article 11.11 of this law. The National Assembly of the Republika Srpska shall determine, based solely on the guidelines set forth in Article 13.2 of this law, what shall be the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

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 allocation of compensatory mandates under Article 13.5 of this law.

The Permanent Election Commission shall determine the form of the ballot. The form of the ballot must allow a voter the voting options established in Article 11.6 paragraph 5 of this law.

Article 13.2

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 two (2) members and a maximum of fifteen (15) members.

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 Permanent Election Commission, 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 13.3

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 due to death, resignation, or incapacitation of the elected candidate as provided in Article 13.8 of this law.

Article 13.4

Mandates are allocated in each constituency under the formula set forth in Article 11.10 of this law.

Article 13.5

Compensatory mandates shall be allocated under the formula set forth in Article 11.11 of this law.

Article 13.6

A compensatory mandate won by a political party or coalition according to Article 13.5 of this law is given to the list of the same political party or coalition in the constituency where the quotient that has not been allocated a mandate for the same list is higher than in any other constituency. The mandates are allocated one by one until all mandates are distributed.

Article 13.7

If a tie occurs because the quotients are identical in the distribution according to Articles 13.4 and 13.5 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 among candidates on the list in the manner set forth in Article 11.13 paragraph 2 of this law.

If a political party or coalition does not have enough eligible candidates on the list to fill mandates 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 11.12 of this law.

Article 13.8

If an elected independent candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the vacancy shall be addressed in the manner set forth in Article 11.14 paragraph 1 of this law.

If a political party or coalition candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the mandate shall be addressed in the manner set forth in Article 11.14 paragraph 2 of this law.

Article 13.9

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 in a manner that complies with democratic principles.

Chapter 14

Cantonal Assemblies, Municipal Councils/Assemblies, and City Councils/Assemblies

Article 14.1

Mandates for Cantonal Assemblies and Municipal Councils/Assemblies and City Councils/Assemblies shall be allocated under the proportional representation system set forth in Article 14.4 of this law.

Article 14.2

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

Every independent candidate 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 due to death, resignation, or incapacitation of the elected candidate as set forth in Article 11.14 paragraph 1 of this law.

Article 14.3

The ballot shall contain the names of the lists of candidates of political parties, coalitions, independent candidates and lists of independent candidates, and the names of all candidates on these lists.

The Permanent Election Commission shall determine the form of the ballot in accordance with Articles 5.12 and 11.6 paragraph 5 of this law.

Article 14.4

Elections for the Cantonal Assembly and the Municipal Council/Assembly shall be conducted in accordance with Article 11.10 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 among eligible candidates on the list according to the number of votes received by candidates on the list, 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 eligible candidates remaining are those who received the same number of votes, then distribution of the mandates among the remaining candidates from the list will be done according to their order on the list.

Article 14.5

If a political party or coalition candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the mandate shall pass to the next candidate as set forth in Article 11.14 paragraph 2 of this law.

Article 14.6

The Mayor or the President of the Municipal Executive Board shall be elected from the Municipal Council/Assembly 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 Mayor or the President of the Municipal Executive Board. 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 oldest candidate shall be elected.

Article 14.7

In the event that the Mayor or the President of the Municipal Executive Board resigns or is removed by the Municipal Council/Assembly, the Municipal Council/Assembly shall elect a new Mayor or President of the Municipal Executive Board in accordance with Article 14.6 of this law.

The election of a new Mayor or a new President of the Municipal Executive Board shall trigger a new appointment of Municipal officials managing Municipal Administrative bodies or a new election of the members of the Municipal Executive Board as set forth in Articles 14.8 and 14.9 of this law.

Article 14.8

The Municipal officials managing Municipal Administrative bodies in the Federation of Bosnia and Herzegovina shall be appointed by the Mayor. Each

political party, coalition, list of independent candidates or group of Municipal Councillors shall propose at least two candidates for the function they are entitled to according to the system of proportional representation set forth in Article 14.4 of this law.

Article 14.9

The Municipal Assemblies of the Republika Srpska shall elect the members of the Municipal Executive Board, according to the system of proportional representation of political parties, coalitions, lists of independent candidates or groups of members as set forth in Article 14.4 of this law.

Article 14.10

The President of the Canton shall be elected from the Cantonal Assembly by a majority vote of the total number of members of the Cantonal Assembly. Each member of the Cantonal Assembly may nominate a candidate for the position of the President of the Canton. 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 oldest candidate shall be elected.

Article 14.11

In the event that the President of the Canton resigns or is removed by the Cantonal Assembly, the Cantonal Assembly shall elect a new President of the Canton and a new Cantonal Government as set forth in Articles 14.10 and 14.13 of this law.

Article 14.12

Cantons 6 and 7 which have a special regime shall be exempt from articles 14.10 and 14.11 of this law that pertains to the election of the President of the Canton.

Article 14.13

The Cantonal Assembly shall elect the Cantonal Government according to the system of proportional representation of political parties, coalitions, lists of independent candidates or groups of members as established in Article 14.4 of this law.

In Cantons 6 and 7 which have a special regime this proportional representation system will be applied in accordance with the appropriate Canton Constitutions.

Article 14.14

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 14.4 of this law. Distribution of mandates among the candidates from the same list shall be done according to the order on the list of candidates.

Each City Council/Assembly shall elect a Mayor as set forth in Article 14.6 of this law.

Article 14.15

The City officials managing City Administrative bodies in the Federation of Bosnia and Herzegovina shall be appointed by the Mayor of the City. Each political party, coalition, list of independent candidates or group of Councillors shall propose at least two candidates for the function they are entitled to according to the system of proportional representation set forth in Article 14.4 of this law.

Article 14.16

The City Assemblies of the Republika Srpska shall elect the members of the Executive Board of the City, according to the system of proportional representation of political parties, coalitions, lists of independent candidates or groups of Councillors as set forth in Article 14.4 of this law.

Article 14.17

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 14.18

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 14.19

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 ethnic composition of the population of the Municipality, Canton or City shall be taken into consideration.

Chapter 15

Repeated, Postponed, and Early Elections

Article 15.1

The Permanent Election Commission 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.

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

Article 15.2

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 Permanent Election Commission.

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 15.3

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

Early elections shall be conducted no later than sixty (60) days from dissolution of the elected body if not decided otherwise by the Constitution of the Entity.

Article 15.4

The Permanent Election Commission shall establish any deadlines that are necessary to hold elections under this chapter.

Chapter 16

Campaign Finance

Article 16.1

A political party, coalition, list of independent candidates and independent candidate who participated in the elections for bodies of authority at all levels in Bosnia and Herzegovina shall be obliged to file with the Permanent Election Commission, no later than thirty (30) days after the certification of the election results, a financial report for the period from the day of submitting the application for certification for the elections to the day of the certification of the results, containing the following:

- All cash at hand;
- 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 Permanent Election Commission;
- 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 thousand (1,000) convertible marks, together with the date and amount of any such receipt;
- 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 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 16.2

The Permanent Election Commission shall prescribe rules and 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 the Permanent Election Commission may require.

Article 16.3

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 Permanent Election Commission.

Those who file reports shall inform the Permanent Election Commission 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 Permanent Election Commission upon request.

Article 16.4

An independent candidate shall be directly responsible for filing reports with the Permanent Election Commission.

Article 16.5

The Permanent Election Commission 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 16.6

The Permanent Election Commission 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 Permanent Election Commission may initiate. The Permanent Election Commission may initiate investigation or take appropriate implementing actions, on its own initiative or in response to a complaint filed by a person.

The Permanent Election Commission 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 Permanent Election Commission shall seek to achieve voluntary compliance with the political party, coalition, list of independent candidates or independent candidate determined to be in violation.

Article 16.7

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

- current income and sources of income, including all incomes, wages, profit from property, contributions as defined in Article 16.1 of this law, account receivables and other incomes realised in Bosnia and Herzegovina and abroad for a period of the past twelve (12) months;
- 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.
- 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 16.8

All candidates elected at all levels of authority except the level of Bosnia and Herzegovina, shall be obliged to submit to the Permanent Election Commission, within thirty (30) days from the verification of mandates, a signed statement of their property situation referred to in Article 16.7 of this law on a special form.

Article 16.9

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

The Permanent Election Commission shall issue an instruction regulating in detail the design and the manner of filling in forms from Articles 16.7 and 16.8 of this law.

Article 16.10

The Permanent Election Commission shall announce, ninety (90) days before the election, the number of voters entered on the Central Voters Register for each electoral unit. No political party, coalition, list of independent candidates or independent candidate shall, based on the number of voters announced by the Permanent Election Commission, spend more than two (2) convertible marks per voter in an electoral unit for the purposes of the election campaign.

Chapter 17

Media

Article 17.1

During the forty-five (45) days prior to the beginning of the elections at the municipal, cantonal, Entity and Bosnia and Herzegovina level, broadcast media shall equitably, fairly and accurately 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.

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

Article 17.2

All public broadcast media shall provide, during the forty-five (45) days prior to the first day of the elections, free broadcast time for direct access by political parties, coalitions, list of independent candidates and independent candidates, subject to regulations of the Permanent Election Commission. The regulations of the Permanent Election Commission 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 17.3

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

Article 17.4

All paid political advertisements on public broadcast media are prohibited.

Article 17.5

All paid political advertising for commercial broadcast media shall be subject to regulations established by the Permanent Election Commission in consultation with the appropriate media regulatory body. The regulations shall specify the number of paid political advertisements that a sponsor is allowed; the time period and the duration of the advertisement; and that the price shall be at the lowest commercial rate.

All paid political advertisements shall state that the advertisement is a paid political advertisement and identify who is paying for the advertisement.

Commercial broadcast media will comply with the competent laws and regulations concerning media and editorial policies including the airing of paid political advertisements.

Article 17.6

No media coverage of any political activity related to the electoral process 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 the Polling Stations.

Article 17.7

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 the Polling Stations.

Article 17.8

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 18

Election Observers

Article 18.1

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 and Counting Centres.

Article 18.2

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 one representative at a public election commission meeting, Voter Registration Centre, Counting Centre or Polling Station.

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 18.3

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

Article 18.4

The Permanent Election Commission shall accredit and issue accreditation identification to associations of citizens. The Permanent Election Commission 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 personal identification numbers of the nominated representatives.

Article 18.5

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.

1. The Permanent Election Commission shall accredit observers which will observe the work of the Permanent Election Commission and the Central Counting Centre(s).
2. Entity and Cantonal Election Commission shall accredit observers which will observe the work of their commissions.
3. A Municipal Election Commission shall accredit observers which will observe the work of the Municipal Election Commission, Voter Registration Centres and Polling Stations in its jurisdiction.

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

Article 18.6

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

Article 18.7

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

Article 18.8

An observer that has been denied accreditation by a Municipal, Cantonal, or Entity Commission may file an appeal with the Permanent Election Commission.

Article 18.9

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 19

Transitional and Final Provisions

Article 19.1

Until the High Representative mandate terminates or he or she so decides, the members of the Permanent Election Commission shall be appointed by the High Representative. Of the seven members of the Permanent Election Commission, four members shall be appointed from each constituent peoples including others and three members shall be from the International Community.

Article 19.2

Until the High Representative mandate terminates or he or she so decides, the High Representative shall appoint the Secretary General of the Permanent Election Commission Secretariat.

Article 19.3

Until the High Representative mandate terminates or he or she so decides, the High Representative shall appoint the members of the Election Complaints and Appeals Council.

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 of the last elections conducted in Bosnia and Herzegovina under the authority of the Provisional Election Commission. The Permanent Election Commission 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 who previously registered to participate in any election supervised by the Provisional Election Commission.

Article 19.7

If a vacancy occurs for a member of the Presidency of Bosnia and Herzegovina before elections for the Presidency are held under this law, then the vacancy, regardless of the cause of the vacancy, shall be filled under the procedure set forth in Article 8.6 of this law.

Article 19.8

The rotation established in Article 8.4 of this law shall not apply until the first elections for the Presidency of Bosnia and Herzegovina are conducted under this law. 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.

Article 19.9

This law shall not regulate the conduct of elections for the Municipal Elections and the implementation of the results of the Municipal Elections that are scheduled to be held on 8 April 2000. The Municipal Elections and the implementation of results of these elections shall be regulated by the Provisional Election Commission Rules and Regulations.

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.

The Permanent Election Commission and the Election Complaints and Appeals Council shall adopt regulations and procedures necessary for the conduct of elections within sixty (60) days after the Permanent Election Commission has been constituted.

This Election Law shall enter into force eight days after its publication in the Official Gazette of Bosnia and Herzegovina, and shall also be published in the official gazettes of the entities.

Chapter 20

Special Provisions

Article 20.1

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

Article 20.2

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 20.3

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.

Mixed Member Proportional Election System System Overview

Introduction

The Mixed Member Proportional (MMP) electoral system proposed in the draft Permanent Election Law for Bosnia and Hercegovina is from a widely used family of electoral systems. The same system is currently being used in South Africa, Norway, Sweden and Denmark, whilst similar systems are in use all over the world.

Under the MMP system, Bosnia and Hercegovina is divided into multi-member constituencies. Approximately 75% of the mandates of the BiH House of Representatives are constituency mandates and elected directly from these multimember constituencies using a Proportional Representation system.

Political Parties and coalitions put forward an Open List of candidates in each of the multi-member constituencies so that voters are able to express their preference not only for a party or coalition, but also the candidates within the party or coalition that they support.

The other 25% of the mandates of the BiH House of Representatives are compensatory mandates and are elected in a way that compensates for any disproportionality resulting from the elections in these multimember constituencies. These compensatory mandates ensure that the overall election result is proportional.

Voting

Each voter will receive one ballot for the election of members to the BiH House of Representatives. This ballot will be the ballot for the multi-member constituency in which the voter is registered to vote. The names of all candidates proposed by each party or coalition standing for election in that multi-member constituency will be on this ballot.

A voter has a choice: he/she can vote for a political party or coalition, and accept the election of candidates from that list in the order that the list has proposed, or express support for any number of candidates on the list of only one party or coalition. Voting for a number of candidates on the list of one list has the effect of changing the order in which candidates are elected from that candidate list. It is not possible to vote for candidates on more than one party or coalition candidate list. A ballot filled out in this manner is considered as invalid.

Whether a voter casts a vote for a political party or coalition, or for a number of candidates on the list, that ballot counts as one vote for the party or coalition.

Allocation of Mandates

In each multi-member constituency the number of votes that each party or coalition receives is counted. Based on these numbers of votes, the constituency mandates are allocated to parties and coalitions using a proportional representation seat allocation formula (the draft law proposes a Saint Lague formula, which is used in the current *Rules and Regulations*).

The compensatory mandates are still not allocated at this point. The first step in allocating these mandates is to add up the total number of votes that each party or coalition has received across the whole electoral unit¹.

The proportional seat allocation formula is then applied to this total number of votes and the number of mandates that each party or coalition would win is calculated, as if all of the mandates, both the constituency mandates and the compensatory mandates, were to be elected using a pure proportional electoral system.

From this calculated number, the number of constituency mandates already won by each party or coalition is subtracted and the result of this subtraction is the number of compensatory mandates, so far unallocated, that the party or coalition receives.

When a party or coalition wins a compensatory seat in this manner, it is allocated to the party or coalition in the multimember constituency where that party or coalition has the highest quotient value which has not yet won a mandate.

This process is explained in the example below :

Example

In elections from the territory of the RS to the BiH House of Representatives, 14 members are elected from the RS, 9 of these from 3 multi-member constituencies, and 5 elected by compensatory mandates.

It will be assumed that each of the three multi-member constituencies elects 3 members, and the electoral populations of these constituencies is 350,000 voters, 300,000 voters and 250,000 voters respectively. The number of votes received by each party in each of the multi-member constituencies is as follows :

	Number of Votes Received					
	Party A	Party B	Party C	Party D	Party E	Total
Constituency 1	90,000	50,000	35,000	45,000	130,000	350,000
Constituency 2	70,000	90,000	30,000	60,000	50,000	300,000
Constituency 3	60,000	40,000	30,000	90,000	30,000	250,000
Total	220,000	180,000	95,000	195,000	210,000	900,000

¹ The phrase 'electoral unit' is deliberately used here because, for elections to the House of Representatives of Bosnia Hercegovina, the Federation and Republika Srpska are treated as different electoral units, one electing 28 members to the House and the other electing 14 members to the House. In this case, the number of votes that each party wins is totalled for each Entity.

The Saint Lague seat allocation formula is applied to the number of votes that each party wins in each of the three constituencies. This formula involves the division of the number of valid votes received by each party by a series of divisors. The series of divisors for Sainte-Lague is 1,3,5,7,9, et seq. The number of divisions that are made is determined by the number of seats to be allocated in each constituency.

The numbers resulting from the division of the number of votes that each party receives by these divisors are called quotients. The highest quotients receive the mandates that are to be allocated, so that if there are three mandates to be allocated, then the party or parties with the three highest quotients are allocated the three mandates in the constituency.

The results of these seat allocation calculations are as follows :

Constituency 1

Divisor	Party A	Party B	Party C	Party D	Party E
1	90,000	50,000	35,000	45,000	130,000
3	30,000	16,667	11,667	15,000	43,333
5	18,000	10,000	7,000	9,000	26,000

Party E, Party A and Party B win a mandate because with quotients of 130,000, 90,000 and 50,000 respectively they have the three highest quotients.

Constituency 2

Divisor	Party A	Party B	Party C	Party D	Party E
1	70,000	90,000	30,000	60,000	50,000
3	23,333	30,000	10,000	20,000	16,667
5	14,000	18,000	6,000	12,000	10,000

Party B, Party A and Party D win a mandate.

Constituency 3

Divisor	Party A	Party B	Party C	Party D	Party E
1	60,000	40,000	30,000	90,000	30,000
3	20,000	13,333	10,000	30,000	10,000
5	12,000	8,000	6,000	18,000	6,000

Party D, Party A and Party B win a mandate

So far 9 mandates have been allocated to the political parties as follows :

	Number of Mandates
Party A	3
Party B	3
Party C	0
Party D	2
Party E	1

There are still 5 compensatory mandates to be allocated to the political parties. In order to do this, the total number of votes received by each political party across all 3 multi-member constituencies in the RS is taken, and the Saint Lague seat allocation formula used to calculate how many mandates each party would be win if all 14 of the mandates were allocated by a pure proportional representation system.

	Party A	Party B	Party C	Party D	Party E
1	220,000	180,000	95,000	195,000	210,000
3	73,333	60,000	31,667	65,000	70,000
5	44,000	36,000	19,000	39,000	42,000
7	31,429	25,714	13,571	27,857	30,000
9	24,444	20,000	10,556	21,667	23,333
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The quotients in bold indicate where a political party would have won a mandate in a pure proportional representation system. The number of mandates that each party would have won in this pure PR system is used to calculate the number of compensatory seats in the following way :

	Mandates won if all 14 mandates allocated by pure PR (X)	Mandates already won in multimember constituencies (Y)	Number of compensatory Mandates won (X – Y)
Party A	3	3	0
Party B	3	3	0
Party C	2	0	2
Party D	3	2	1
Party E	3	1	2

Party D's one compensatory mandate is elected from the party's candidate list in constituency 1 where it has quotient value of 45,000 which has not won a mandate, compared to 20,000 and 30,000 in constituencies 2 and 3 respectively.

Party E wins two compensatory mandates and these are elected from constituency 1 and 2 with quotient values of 43,333 and 50,000, compared to a next quotient value of 30,000 in constituency 3.

Party C also wins two compensatory mandates. The first of these is elected from constituency 1, with a quotient value of 35,000. The second is elected from either constituency 2 or 3. In both constituencies, Party C has the same quotient value which has not won a mandate yet, 30,000. In this case, a lottery is conducted to decide which of the constituencies, 2 or 3, the extra mandate is allocated from.

The strength of this electoral system is that, because geographically defined constituencies elect members to the parliament, these members can be held directly accountable to the electorate in a constituency. This will help to ensure that elected members are responsive to voters. Furthermore, the use of compensatory seats ensures that the overall results are proportional.

Statement of the Chairman of the Election Law Working Group

Mandate of the President and Vice President of the Republika Srpska

The draft of the Election Law proposes that the mandate for the President and Vice President of the Republika Srpska shall be four years. This will ensure that the elections to the Presidency and the Vice Presidency of the Republika Srpska are held at the same time as other State and Entity elections in Bosnia and Herzegovina.

It should be noted that this provision in the draft Election Law which regulates the length of the mandate of the President and Vice President of Republika Srpska is in direct conflict with Article 83 paragraph 2 of the Constitution of the Republika Srpska, which states that the President and the Vice President shall be elected for a period of five years.

Regulation of elections to the House of Peoples of the Federation of Bosnia and Herzegovina

The Constitution of the Federation of the Bosnia and Herzegovina, specifies that the Cantonal Legislature shall consist of one House comprising no fewer than thirty and no more than fifty members (Article 5, part V of the Constitution of the Federation of Bosnia and Herzegovina). The delegates of the Federation House of Peoples shall be elected from the members of the above mentioned Cantonal legislatures (Article 9, part IV, of the Constitution of the Federation of Bosnia and Herzegovina) and shall consist of 30 Bosniacs, 30 Croats, as well as Others (Article 6, part IV, of the Constitution of the Federation of Bosnia and Herzegovina).

Article 18, part IV of the Constitution of the Federation of Bosnia and Herzegovina gives the Bosniac and Croat Delegates of the Federation House of Peoples the possibility to block a decision in the House by stipulating that it is against the vital interest of “their” people. This provision may be invoked by a majority vote of the Bosniac or Croat Delegates.

Article IV.1.a of the Constitution of Bosnia and Herzegovina regulates that the designated Croat and Bosniac Delegates from the Federation of Bosnia and Herzegovina shall be selected, respectively, by the Croat and Bosniac Delegates to the House of Peoples of the Federation.

Taking into account the direct impact the election of the members of the House of Peoples of the Federation of Bosnia and Herzegovina has on the selection of delegates to the House of Peoples of Bosnia and Herzegovina, there is a necessity, in the Election Law of Bosnia and Herzegovina, to regulate the election of members to the House of Peoples of the Federation of Bosnia and Herzegovina.

Technical Requirements of Open Lists

An Open List system of Proportional Representation is proposed in the draft Election Law for the election of members to Municipal Councils/Assemblies, Canton Assemblies, and State and Entity parliaments. As is the case with all electoral systems, this system has a number of technical limitations.

The very nature of the Open List Proportional Representation system is such that the ballot has to list the names of each political party, coalition, independent candidate and list of independent candidates proposing candidate lists for election, and the name of every candidate on each of these lists.

It stands to reason, therefore, that the more members that are to be elected to these bodies, the more candidates will be proposed by each political party, coalition or list of independent candidates, and the larger the ballot will have to be in order to fit all of the names on the ballot of the candidates being proposed.

This is not a problem for the State and Entity parliaments of Bosnia and Hercegovina, as the draft Election Law proposes the election of members to these bodies from smaller multi-member constituencies.

It has been estimated, though, that in Banja Luka Municipality, with 70 members in the Municipal Assembly, the ballot would have to be in excess of 20 pages long in order to display the names of all candidates proposed for election to the Municipal Assembly.

Creative ballot design and a larger A3 sized ballot could significantly help the problem of fitting all of the candidate names on a reasonably sized ballot.

However, the easiest way of reducing this problem to manageable proportions is to reduce the number of members currently elected to Municipal Councils/Assemblies and Canton Assemblies. By limiting the number of members elected to Municipal Councils/Assemblies to 31, the number of candidates that will be proposed for election in Banja Luka Municipality is instantly halved, and the problem of ballot design substantially reduced.

A further consideration raised by the number of members elected under Open Lists Proportional Representation system concerns the length of time it takes to count the ballots. The initial counting procedure would not be different from the current Closed Party List electoral system being used in Bosnia Hercegovina.

This initial stage of counting would establish the overall number of mandates won by each political party, coalition, independent candidate and list of independent candidates. Once these results have been established, the candidates that each list elects has to be calculated, and this requires that the number of votes that the candidates on each of the lists winning mandates is counted.

The more candidates that there are on each list, the longer this second stage of the Open List counting will take. The number of candidates on each list of candidates will be determined by the number of members being elected to the Assembly/Council. Having up to 70 members elected, as in Banja Luka Municipality, or even up to 50 members, as is the upper limit for the

number of members elected to Canton Assemblies, would make this second stage of counting a very time consuming process.

Although these are mainly technical matters, the operational requirements of an Open List Proportional Representation system are such that the current number of members elected to Municipal and Cantonal Councils/Assemblies precludes the efficient operation of the Open List system. Therefore, the current provisions in the draft Election Law which regulate the number of members elected to Municipal and Cantonal Councils/Assemblies, are crucial to the successful operation of the Open List system, which all of the Election Law Working Group members have agreed is the appropriate electoral solution for Bosnia and Hercegovina.

It should be noted that the provision in the draft Election Law which regulates the number of members elected to Canton Assemblies is in direct conflict with Article 5 (1), Part V of the Constitution of the Federation of Bosnia and Hercegovina.