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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
(VENICE COMMISSION)

BOSNIA AND HERZEGOVINA

THE ELECTION LAW OF BOSNIA AND HERZEGOVINA
(EXTRACTS)

***AMICUS CURIAE* BRIEF FOR THE CONSTITUTIONAL COURT**
OF BOSNIA AND HERZEGOVINA
ON THE MODE OF ELECTION OF DELEGATES
TO THE HOUSE OF PEOPLES OF THE PARLIAMENT

Extracts of the Election Law of Bosnia and Herzegovina (Official Gazette of BiH nos. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10. 18/13 and 7/14

SUBCHAPTER B

HOUSE OF PEOPLES OF THE PARLIAMENT OF THE FEDERATION OF BOSNIA AND HERZEGOVINA

Article 10.10

The Cantonal Legislature shall elect fifty eight (58) delegates to the House of Peoples, seventeen (17) from among Bosniacs, seventeen (17) from among Serbs, seventeen (17) from among Croats and seven (7) delegates from the rank of Others.

Article 10.12

(1) The number of delegates from each constituent people and group of Others to be elected to the House of Peoples from the legislature of each canton shall be proportionate to the population of the canton as reflected in the last census. The Election Commission will determine, after each new census, the number of delegates elected from each constituent people and from the group of Others that will be elected from each canton legislature.

(2) For each canton, the population figures for each constituent people and for the group of Others shall be divided by the numbers 1,3,5,7 etc. as long as necessary for the allocation. The numbers resulting from these divisions shall represent the quotient of each constituent people and of the group of Others in each canton. All the constituent peoples' quotients shall be ordered by size separately, the largest quotient of each constituent people and of the Others being placed first in order. Each constituent people shall be allocated one seat in every canton. The highest quotient for each constituent people in each canton shall be deleted from that constituent peoples' list of quotients. The remaining seats shall be allocated to constituent peoples and to the Others one by one in descending order according to the remaining quotients on their respective list.

Article 10.15

The results of vote shall be communicated to the Election Commission of Bosnia and Herzegovina for the final allocation of seats. Mandates shall be distributed, one by one, to the lists or candidate with the highest quotients resulting from the proportional allocation formula referred to in Article 9.6 of this Law. When a list wins a mandate, the mandate shall be allocated from the top of the list.

Article 10.16

(1) If the required number of delegates to the House of Peoples from among each constituent people or from the group of Others in a given cantonal legislature are not elected then the remaining number of Bosniac, Croat, Serb or Other delegates shall be elected from the other canton until the required number of delegates from among each constituent people is elected.

(2) The Election Commission of BiH shall re-allocate, immediately after completion of the first round of election of the delegates to the House of Peoples in all cantons, the seats that cannot be filled from one canton. The Election Commission of BiH shall re-allocate that seat to the non-elected candidate who has the highest quotient on all lists running for the appropriate constituent people or for the Others in all cantons.

CHAPTER 20
TRANSITIONAL AND FINAL PROVISIONS

Article 20.16A

(1) Until Annex 7 of the GFAP has been fully implemented, the allocation of seats by constituent people normally regulated by Chapter 10, Subchapter A of this law shall be done in accordance with this Article.

(2) Until a new census is organized, the 1991 census shall serve as a basis so that each Canton will elect the following number of delegates:

- 1) from the Legislature of Canton number 1, Una-Sanai Canton, five (5) delegates, including two (2) Bosniacs, one (1) Croat and two (2) Serbs shall be elected.
- 2) from the Legislature of Canton number 2, Posavina Canton, three (3) delegates, including one (1) Bosniac, one (1) Croat and one (1) Serb shall be elected.
- 3) from the Legislature of Canton number 3, Tuzla Canton, eight (8) delegates, including three (3) Bosniacs, one (1) Croat, two (2) Serbs and two (2) Others shall be elected.
- 4) from the Legislature of Canton number 4, Zenica-Doboj Canton, eight (8) delegates, including three (3) Bosniacs, two (2) Croats, two (2) Serbs and one (1) Other shall be elected.
- 5) from the Legislature of Canton number 5, Bosnian-podrinje Canton – Gorazde, three (3) delegates, including one (1) Bosniac, one (1) Croat and one (1) Serb shall be elected.
- 6) from the Legislature of Canton number 6, Central Bosnia Canton, six (6) delegates, including one (1) Bosniac, three (3) Croats, one (1) Serb and one (1) Other shall be elected.
- 7) from the Legislature of Canton number 7, Herzegovina-Neretva Canton, six (6) delegates, including one (1) Bosniac, three (3) Croats, one (1) Serb and one (1) Other shall be elected.
- 8) from the Legislature of Canton number 8, West Herzegovina Canton, four (4) delegates, including one (1) Bosniac, two (2) Croats and one (1) Serb shall be elected.
- 9) from the Legislature of Canton number 9, Canton Sarajevo, eleven (11) delegates, including three (3) Bosniacs, one (1) Croat, five (5) Serbs and two (2) Others shall be elected.
- 10) from the Legislature of Canton number 10, Canton 10, four (4) delegates, including one (1) Bosniac, two (2) Croats and one (1) Serb shall be elected.