ELECTION LAW OF BOSNIA AND HERZEGOVINA
(Unofficial consolidated text[1])

Chapter 1

General Provisions

Article 1.1

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

Article 1.1a

Certain expressions used in this Law shall have the following meaning:

(1) "Political subject" shall mean a political party, an independent candidate, a coalition, or a list of independent candidates certified for participation in elections in accordance with this Law.

(2) "Electoral unit" shall mean:

a) A "basic electoral unit" which means a municipality, the City of Banja Luka, the District of Brčko, the city electoral unit of the City of Mostar and electoral units of the city area of the City of Mostar where a total number of representatives is elected and constituted for a certain level of authority and which does not contain the multimember electoral units;

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[1] This unofficial consolidated text contains the text of the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 23/01), the Decision on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 7/02), the Decision on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 9/02), the Law on changes and addenda of the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 20/02), Correction of the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 25/02), the Law on changes and addenda of the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 4/04), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 20/04), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 25/05), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 52/05), Correction of the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 65/05), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 77/05), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 11/06), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 24/06), the Law on adopting the law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 32/07), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 33/08), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 37/08), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 32/10), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 18/13), the Law on changes and addenda to the Election Law of Bosnia and Herzegovina ("Official Gazette of BiH", number 7/14), and the Law on changes and addenda to the BiH Election Law ("Official Gazette of BiH, no. 31/16) –**text in bold**

The unofficial consolidated text is for internal use only and no reference cannot be made to the latter when used officially.

b) A cantonal electoral unit where a total number of representatives is elected and constituted for a certain level of authority and which does not contain multimember electoral units.

c) An entity electoral unit where the Entity level of authority is elected and constituted, containing multimember electoral units, and

d) An entity electoral unit where the State level of authority is elected.

3) "Multi-member electoral unit" shall mean an electoral unit where more than one but less than the total number of representatives for a certain level of authority is elected.

4) "Electoral cycle" shall mean the mandate period relating to a certain level of authority.

5) "Election threshold" shall mean a certain percentage of votes received (valid ballots) that must be won by a political subject in order for it to be eligible to participate in the allocation of mandates.

6) "Election campaign" shall mean actions and procedures in the period established by this Law within which a political subject informs the voters and the public, as prescribed by the Law, about their programs and candidates for the forthcoming elections.

7) "Compensatory mandates" shall mean the mandates that are allocated to the lists of political parties or coalitions according to the number of valid votes received, and serve to compensate for inadequate proportional representation at the entity level arrived at by summing up the results for the particular multimember electoral units in the entity.

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

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

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

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

12) "Election period" shall mean the period from the day the elections are announced to the day when the election results are validated.

13) "Election year" shall mean the period that corresponds to a calendar year in which elections are planned to be held.

14) "Eligible voter (loc. birač)", for the purpose of this Law, shall mean a national of Bosnia and Herzegovina registered in the Central Voters Register.

15) "Active voter (loc. glasač)", for the purpose of this Law, shall mean a national of Bosnia and Herzegovina who is registered in the Central Voters Register and who has exercised the right to vote (i.e. the active voting right).

Article 1.2

(1) The cost and expense for the conduct of the elections shall be material cost and expense and reimbursement costs for the operations of election management bodies.

(2) The material cost and expense shall be the cost for conduct of elections by the election management bodies within their scope of competence under Articles 2.9 and 2.13 of this Law and the Decision of the Central Election Commission of Bosnia and Herzegovina (hereinafter: the Central Election Commission of BIH) that regulates the scope of competence of entity election commissions, pursuant to Article 2.21 of this Law.

(3) The reimbursement costs for the operations of election management bodies shall be the costs referred to in Article 2.12, paragraph (9) and Article 2.19, **paragraph (16) and (17)** of this Law.

Article 1.2a

(1) The Budget of the Institutions of BiH and International Obligations of BiH (hereinafter: the BiH budget) shall provide for the cost and expense for the conduct of elections by the Central Election Commission of BiH referred to in Article 2.9 and Article 2.19, **Paragraph (17)** of this Law.

(2) The budgets of entities and cantons shall provide for the cost and expense for the conduct of elections by the election management bodies referred to in Article 2.21 of this Law, pursuant to the Decision of the Central Election Commission of BiH that regulates their scope of competence as well as the provision of missing funds for financing obligations referred to in Paragraph (3) of this Article.

(3) The budgets of municipalities and cities shall provide for the cost and expense for the conduct of elections by municipal election commissions referred to in Article 2.13 as well as reimbursement costs referred to in Article 2.12, Paragraph (9) and Article 2.19, **Paragraph (16)** of this Law.

(4) The Budget of the Brčko District of BiH shall provide for the cost and expense for exercise of the competencies of the Election Commission of the Brčko District and reimbursement costs for the Election Commission and polling stations committees of the Brčko District of BiH pursuant to the Election Law of the Brčko District of BiH.

(5) The costs and expense for the exercise of the competencies and for the conduct of the elections shall be independently administered within the approved budget by the Election Commission referred to in Paragraphs (1), (2), (3) and (4) of this Article, which is authorized to determine the method of their use and supervise their allocation and use.

(6) Funds for the conduct of the elections must be provided by the institutions referred to in paragraphs (1), (2), (3) and (4) of this Article within 15 days from the day the decision to announce the elections is issued by the Central Election Commission of BiH.

Article 1.2b

If the mandate of a Head of Municipality/City Mayor, who was elected directly, has terminated in accordance with law, the costs and expense required for the conduct of the new elections shall be provided from the budget of the Municipality/City for which the elections are conducted for the Head of Municipality /City Mayor, as appropriate.

Article 1.3

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

Article 1.3a

(1) Except in the cases defined by Article 1.10 of this Law, the members of the representative bodies elected in accordance with this Law may not be recalled.

(2) Mandate of the members of representative bodies elected in the regular elections shall be four years and shall commence on the day when the election results have been published in the "Official Gazette of BiH".

(3) The elected holder of the mandate, who has been elected in the direct and indirect elections, shall have the obligation to sign a declaration by which he/she shall refuse or accept the mandate on the form prescribed by the Central Election Commission of BiH **no later than seven days following receipt of the declaration**.

Article 1.4

(1) Each citizen of Bosnia and Herzegovina (hereinafter: the BiH citizen) 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.

(2) To exercise his or her right to vote, a BiH citizen must be recorded in the Central Voters' Register, pursuant to this law.

Article 1.5

(1) All BiH citizens who have the right to vote, pursuant to this Law, shall have the right to vote in person in the municipality of their permanent residence.

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

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

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

(5) The Central Election Commission of BiH shall appoint the polling station committees for voting in the diplomatic and consular representation offices of BiH by ensuring the representation of members from among each constituent people in each polling station committee.

Article 1.6

(1) 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 be recorded in the Central Voters Register or stand as a candidate (the candidate for the purpose of this Law refers to persons of both genders) or hold any appointed, elective or other public office on the territory of BiH.

(2) As long as any political party or coalition maintains a person referred to in paragraph (1) of this Article on a position or function in the political party, that party or coalition shall be deemed ineligible to participate in the elections.

Article 1.7

No person, who is serving a sentence imposed by a Court of BiH, a Court of the Republika Srpska or a Court of the Federation of BiH and the Court of the District of Brčko or who has failed to comply with an order to appear before a Court of BiH, a Court of the Republika Srpska or a Court of the Federation of BiH and the Court of the District of Brčko for serious violations of humanitarian law where the International Criminal Tribunal for the Former Yugoslavia has reviewed the file prior to arrest and found that it meets international legal standards, may be recorded in the Central Voters Register or stand as a candidate or hold any appointed, elected or other public office on the territory of BiH.

Article 1.7a

No person who is serving a sentence imposed by a court of a foreign country or has failed to comply with an order to appear before a court of a foreign country for serious violations of humanitarian law where the International Criminal Tribunal for the Former Yugoslavia has reviewed his or her case file prior to arrest and found that it meets international legal standards, may be recorded in the Central Voters' Register or stand as a candidate or hold any appointive, elective or other public office on the territory of BiH.

Article 1.8

(1) Judges of regular and Constitutional courts, prosecutors and their deputies, attorneys and their deputies holding public office, Ombudsmen and their deputies, members of the Human Rights Courts/Chambers/Councils, notaries members of police forces, civil servants, **general auditors and duty general auditors in the institutions in Bosnia and Herzegovina and governor and vice governors of the BiH Central Bank,** members of the Armed Forces of BiH, members of the Intelligence and Security Agency, and diplomatic and consular representatives of BiH abroad who have a diplomatic status in accordance with the 1961 Vienna Convention on Diplomatic Relations, may stand as a candidate for public

elected office only if they resign from their position or abide by the laws regulating their status. **If the BiH Central Election Commission determines that a person referred to in this paragraph had failed to resign from a position or to act in line with the law regulating his/her status in the period from certification of the candidacy to printing of the ballots, name of this person shall be removed from the certified candidates' lists, and if it is determined after the ballots were printed, no mandate will be awarded to this person if he/she wins one.**

(2) If a delegate in the House of Peoples of the Parliamentary Assembly of BiH holds, at the same time, a mandate of a member of the House of Representatives of Parliamentary Assembly of BiH, Parliament of the Federation of BiH, National Assembly of Republika Srpska or cantonal assembly he/she shall be bound to inform in writing, within 3 days, the Central Election Commission of BiH which of the mandates he/she selected thus terminating other mandates that he/she holds.

(3) If a delegate in the House of Peoples of the Parliamentary Assembly of BiH acquires the right to a mandate in the House of Representatives of Parliamentary Assembly of BiH, House of Representatives of the Parliament of the Federation of BiH, National Assembly of Republika Srpska or cantonal assembly pursuant to Article 9.10 of this Law and if he/she does not inform, within 3 days, the Central Election Commission of BiH on waiving of that right, the mandate shall not be allocated to him/her and it shall be distributed to the next qualified candidate on the list of the constituency according to Article 9.8, paragraph (2) of this Law. If after a question of the Central Election Commission of BiH the delegate decides to use that right his/her mandate of a delegate in the House of Peoples of the Parliamentary Assembly shall cease.

(4) One person can hold maximum one (1) directly elected public office, or maximum one (1) directly elected office and one (1) indirectly elected office, unless otherwise specified by the Law. It is also incompatible to hold at the same time one directly or indirectly elected office and one position in an executive body of authority**, except in the period until executive bodies of authority elected at the regular elections in the same electoral cycle are constituted.** It is also incompatible to hold more than one position in an executive body of authority.

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

(6) For the purpose of this article, an executive office notably includes the Presidency of BiH, the Council of Ministers of BiH, the President and Vice Presidents of the Federation of BiH, the President and Vice Presidents of the Republika Srpska, the government of the Federation of BiH including the Prime Minister, the government of the Republika Srpska including the Prime Minister, the government of the District of Brčko, the Cantonal government, the Mayor of a city, the Deputy Mayor of a city, the city government, the Mayor of a municipality, the Deputy Mayor of a municipality, executives appointed by the Mayor, and other executive functions as defined by law.

Article 1.9

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

(2) Should an elected office holder, during his/her term of office, withdraw from a political party, coalition or list of independent candidates that participated in the elections or nominated him/her on its candidates list, the elected office holder shall become an independent representative.

Article 1.10

(1) 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:

1. on the day when he/she resigns;
2. if he/she has been recalled in accordance with law;
3. on the day of his/her death;
4. on the day when a court judgment becomes final and binding by which he/she has been sentenced to a prison sentence of six (6) months or longer;
5. on the day when a court decision becomes final and binding by which he or she has been deprived of legal capacity (declared mentally incompetent);
6. on the day when he or she is elected or appointed to an office which is incompatible with the office of an elected member of a certain body as stipulated by law;
7. if he/she has cancelled his/her permanent residence on the territory of the electoral unit in which he/she was recorded as a voter in the Central Voters Register and from which he/she was elected, after the end of a six-month-period following the date of cancellation; or
8. if for reasons stipulated by law he or she loses the right to be elected.

(2) The mandate of an elected member of a body of authority at any level shall terminate on the day when one of the reasons for termination established by law occurs. The Central Election Commission of BiH shall, within maximum fifteen (15) days after the reasons for termination have occurred or became known, take the decision to terminate the mandate of an elected member of a government authority and shall notify thereof the government authority in which the elected member had the mandate.

(3) **If an elected member of a body of authority** resigns, the resignation shall be completed on a form produced by the Central Election Commission of BiH.

Article 1.11

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

Article 1.12

Competent bodies at all levels of authority shall not discriminate against a person because of his or her affiliation to a political party or coalition; or because of his or her support for an

independent candidate or a list of independent candidates.

Article 1.13

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

Article 1.14

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

(2) At least 150 days prior to the holding of an election, the Central Election Commission of BiH shall announce the elections in accordance with this law and shall notify all competent authorities at all levels and the public when an election shall be conducted, unless otherwise provided by Chapter 14 of this law.

(3) The Central Election Commission of BiH shall publish the dates of the elections for all levels of authority in the "Official Gazette of BiH," Entity official gazettes, "Official Gazette of the District of Brčko" and in the media.

CHAPTER 2
ELECTION MANAGEMENT BODIES

Article 2.1

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

(2) 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 15.7, paragraph (2) of this Law.

(3) All bodies of authority at all levels, officials in BiH and diplomatic and consular representation offices of BiH shall be obliged to assist the competent authorities responsible for the conduct of elections.

Article 2.2

(1) Member of the election commission and polling station shall be a person eligible to vote.

(2) **Member of the election commission shall be a person with appropriate qualifications and experience in conduct of the elections, and member of the polling station committee shall be a person with appropriate qualifications.**

(3) The Central Election Commission of BiH shall determine what required qualifications are needed for member of the election commission and polling station committee established in paragraph (2) of this Article.

(4) Composition of election commission and polling station committee **shall reflect gender representation in line with the Law on gender equality in Bosnia and Herzegovina, unless election commission and polling station committee has three members, when gender representation exists in case when one of the genders is represented with 1/3 of the total number of members.**

(5) Members of the competent authorities responsible for the conduct of elections shall have to undergo the continued training during their mandate, in accordance to the educational curricula issued by the Central Election Commission of BiH.

(6) If a member of the election commission or polling station committee fails to undergo the training referred to in paragraph (5) of this Article during his/her mandate, he/she shall be released from the duty.

Article 2.3

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

1. is not eligible to stand as a candidate in accordance with Articles 1.6, 1.7 and 1.7a 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 member of the executive board or the central board);
3. holds an elected mandate or is a member of an executive body of authority except in cases referred to in Article 2.12, paragraph (4) of this Law;
4. stands as a candidate for the elections at any level of authority; or
5. has been sanctioned for a serious violation of the electoral laws or regulations where the person was found to be personally responsible for the violation, in the previous four years, starting from the day the decision became final.

(2) The Central Election Commission of BiH 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

(1) The election commission member shall be appointed for a period of seven years.

(2) Polling Station Committee members shall be appointed for each election.

Article 2.5

(1) The Central Election Commission of BiH shall consist of seven members: two Croats, two Bosniaks, two Serbs, and one other member.

(2) The nominees for the Central Election Commission of BiH shall be jointly nominated by the members of the Commission for Selection and Nomination. The Central Election Commission of BiH nominees shall be legal experts with experience in the administration of elections and/or electoral experts and may not hold any office in the bodies of a political party, association or foundations organizationally or financially related to the political party, and may not be involved in any political party activity.

(3) The Commission for Selection and Nomination shall have seven members out of whom two shall be appointed by the President of the High Judicial and Prosecutorial Council from amongst members of the Council, three members shall be appointed by the Administrative Commission from amongst members of the Commission from the House of Representatives of Parliamentary Assembly of BiH and two shall be appointed by the President of the Central Election Commission of BiH from amongst members of the Central Election Commission of Bosnian Herzegovina.

(4) The constituent peoples, two Bosniaks, two Serbs, two Croats and one from amongst the Others must be represented in the Commission for Selection and Nomination.

(5) The Commissions for Selection and Nomination shall meet for the purpose of decision making on issues of appointments regulated by this Law. The procedure of announcement and determination of proposed candidates shall follow the Rules of Procedures adopted by the Commission for Selection and Nomination. A decision on the list of nominees for the Central Election Commission of BiH shall be made by two third (2/3) majority vote.

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

(7) The Commission for Selection and Nomination shall have the obligation to provide the House of Representatives of the Parliamentary Assembly of BIH with the candidate list not later than 30 days prior to the expiration of the mandates of the members of the Central Election Commission of BiH.

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

(9) In the event that the House of Representatives of the Parliamentary Assembly of BIH fails to conduct the procedure referred to in Paragraph 6 of this Article, the members of the Central Election Commission of BIH shall continue to perform their duties until such time as the new members of the Central Election Commission of BIH have been appointed.

(10) The cost and expense for the public announcement of an open competition shall be provided from the Budget of the Central Election Commission of BiH.

Article 2.6

The President of the Central Election Commission of BiH shall be elected from amongst its members. One Croat, one Bosniak, one Serb and the other member of the Central Election Commission of BiH shall each serve as the President for one 21 month rotation in a seven year period.

Article 2.6a

(1) A Member of the Central Election Commission of BiH shall exercise his/her employment rights within the Central Election Commission of BiH, in accordance with the law.

(2) The document confirming the selection, appointment and termination of the mandate of the members of the Central Election Commission of BiH shall be issued by the House of Representatives of the Parliamentary Assembly of BIH.

(3) Each member of the Central Election Commission of BiH shall be entitled to a salary and other allowances arising from his/her employment status in the amount determined by the Law on Salaries and Compensations in the Institutions of Bosnia and Herzegovina.

Article 2.7

The Central Election Commission of BiH shall establish Regulations which regulate its work including the election of its President.

Article 2.8

(1) Members of the Central Election Commission of BiH shall not be held criminally or civilly liable for any acts carried out within the scope of their duties and obligations which are provided by this Law and other laws.

(2) The immunity referred to in Paragraph 1 of this Article may be invoked by the members of the Central Election Commission of BiH at any time for the acts committed within the scope of their duties and obligations in the Central Election Commission of BiH, but may not be treated as a general impediment preventing criminal prosecution or the institution of civil proceedings against them.

Article 2.9

The Central Election Commission of BiH is an independent body, which derives its authority from and reports directly to, the Parliamentary Assembly of BiH. The Central Election Commission of BiH 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;

2.a issue a decision to hold the direct elections in BiH, as provided by this Law;

3. propose a budget for the Central Election Commission of BiH and report on its spending;
4. be responsible for accuracy, update and overall integrity of the Central Voters Register for the territory of BiH;

4.a ensure the statistical records that are classified by gender, age, polling stations for every part of the election process;

5. certify the participation of political parties, coalitions, lists of independent candidates and independent candidates for all levels of direct elections in BiH;
6. verify and certify the lists of candidates and the candidates for all levels of direct and indirect elections in BiH covered by this law;
7. be responsible for the timely printing, distribution and security of ballots and forms for all levels of direct elections in BiH;
8. define the contents and the form of the ballot for all levels of direct elections in BiH;
9. determine and verify election results for all direct and indirect elections covered by this Law, certify that elections were conducted in accordance with this Law and publish results of all direct and indirect elections covered by this Law;
10. issue certificates to persons who receive mandates at all levels of direct and indirect elections in BIH covered by this Law;
11. notify an election commission or Polling Station Committee or any other competent authority responsible for the conduct of elections that it does not comply with or violates a provision of this law and order the remedial action required to be taken by the competent body;
12. publicize all Rules of Procedure, Regulations and election results of the direct and indirect elections in BIH covered by this Law, voter information and all other information necessary for the implementation of this law and all electoral laws, in the Official Gazettes and the media, both inside and outside BiH as appropriate;
13. conduct all election activities for the elections for the members of the Presidency of BiH and the members of the House of Representatives of the Parliamentary Assembly of BiH;
14. take the decision to terminate the mandate of an elected official at all levels of direct and indirect elections in BiH covered by this Law, but also where necessary conduct the preliminary fact-finding procedure (in the case where a member resigns, that it is done of his or her own volition);
15. review the decision taken by the competent authority to terminate the mandate of an elected official by recall, in order to ensure that the elected official's mandate was terminated in accordance with this Law;
16. report annually to the Parliamentary Assembly of BiH on the electoral administration in BiH, the implementation of this law and initiates amendments to this law; and
17. perform all other duties as authorized by law.

Article 2.10

The Central Election Commission of BiH shall annul elections in an electoral unit or at an individual Polling Station should it establish that irregularities occurred, during the voting or counting of ballots, which may affect the election results.

Article 2.11

(1) The administrative, technical and professional duties for the Central Election Commission of BiH shall be conducted by the Secretariat of the Central Election Commission of BiH, established by the Central Election Commission of BiH.

(2) The Central Election Commission of BiH Secretariat shall have a General Secretary who is appointed by the Election Commission of BiH and according to the procedure and in the way provided by the Law.

(3) The Central Election Commission of BiH shall enact the Rulebook on Internal Organization of the Secretariat of the Central Election Commission of BiH, following a proposal submitted by the Secretary General, subject to the approval of the Council of Ministers of BiH.

Article 2.12

(1) A Municipal Election Commission shall consist of three, five or seven members. A municipal election commission may appoint the municipal election commission Secretary, who shall perform administrative and technical duties.

(2) The Central Election Commission of BiH shall determine the number of the Municipal Election Commission's members in accordance with the number of the registered voters and the size of a municipality.

(3) Other criteria may be used by the Central Election Commission of Bosnia and Hercegovina to determine the number of Municipal Election Commission's members.

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

(5) The members of the Municipal Election Commission shall be appointed by the Municipal Council/Municipal Assembly, subject to the approval of the Central Election Commission of BiH based on a public vacancy according to the procedure established by the Central Election Commission of BiH under a separate regulation.

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

(7) A member of the Municipal Election Commission cannot be either a representative or attorney of the political subject participating in the elections, nor a person sentenced to an imprisonment sentence of six months or longer under a final and binding court decision.

(8) Amongst the members of the Municipal Election Commission from paragraph (5) of this Article the Municipal Council/Assembly shall appoint the President, subject to the approval of the Central Election Commission of BiH.

(9) Members of election commissions of the basic electoral unit shall be entitled to a permanent monthly remuneration. The decision on the amount shall be determined by the Central Election Commission of Bosnia and Herzegovina in its regulation, so that in the election period it is paid out in the maximum amount of a lump sum paid for the councilor in that basic electoral unit, while out of the election period it will be 30% of that amount.

Article 2.13

The Municipal Election Commission shall:

1. monitor and supervise (control) the work of the Center for Voters' Register referred to in Article 3.8 of the Law;
2. designate Polling Stations in the territory of the municipality for voting on all levels of authority in BiH;
3. conduct the appointment procedure, appoint and train the members of the Polling Station Committee;
4. ensure the security of, and deliver to the Polling Station Committees the polling material for voting at all levels of the elections in BiH;
5. as directed by the Central Election Commission of BiH notify voters of information necessary for the administration of elections;
6. be responsible for the technical arrangements at the Polling Station and any other technical preparations for the elections;
7. be responsible for the proper conduct of the counting of ballots at Polling Stations and municipal counting centers;
8. compile the results of elections from all Polling Stations in the municipality, separately for each body for which elections were administered and forward the results to the Central Election Commission of BiH; and
9. perform all other tasks as authorized by law and by the Regulations of the Central Election Commission of BiH.

Article 2.14

(1) The composition of an election commission shall be multiethnic, reflecting representation of the constituent peoples including the others, in the electoral unit for which the competent election management body is established, bearing in mind the most recent national Census **Composition of an election commission shall reflect gender representation in line with the Law on gender equality in Bosnia and Herzegovina, unless election commission has three members, when gender representation exists in case when one of the genders is represented with 1/3 of the total number of members.**

(2) If the election commission is not composed in accordance with the previous paragraph, the Central Election Commission of BiH shall annul the appointment of the members and inform the appointing body. The appointing body shall within 15 days of the decision of the Central Election Commission of BiH reappoint the body in compliance with the criteria established in paragraph (1) of this Article.

(3) If the election commission or Polling Station Committee is not properly constituted again, the Central Election Commission of BiH shall appoint the members of the election commission or Polling Station Committee in accordance with paragraph 1 of this article.

Article 2.15

(1) In the event a member of an election commission resigns, dies, becomes incapacitated, is removed from the commission or cannot be a member of an election commission or Polling Station Committee as established in Article 2.3 of this law, the new member of the body shall be appointed **under procedure set forth in Article 2.12, paragraph (5) of this Law**.

(2) The appointment of a new member of a municipal election commission shall be carried out no later than 30 days of the date of expiration of the term of the previous member, and

during the election period, the Municipal Council or the Municipal Assembly shall appoint a replacing member of the Municipal Election Commission, without conducting the election procedure provided in Article 2.12, paragraph (5) of this Law, no later than seven days of the date of expiration of the term of the previous member. **The BiH Central Election Commission may appoint a new member of the municipal election commission if appointment of the new member is not made within 30 days.**

(3) The mandate of the replacing member referred to in paragraph (2) of this Article, shall run until such time as the regular member has returned, or until a new member has been elected as under the procedure provided by Article 2.12 paragraph (5) of this Law.

(4) In the event that the mandate for the election commission member ends in the election period, the mandate of the same member shall be renewed to last until the end of the election period, or until such time as the election results have been validated, after which a new member of the election commission shall be appointed under the procedure provided by this Law.

Article 2.16

(1) If a member of a municipal election commission has a prolonged absence without a valid reason, obstructs the work of the commission or violates the provisions of this Law or other regulations, the Municipal Council/Municipal Assembly, with the prior approval of the Central Election Commission, or the Central Election Commission of BiH itself may remove that member. According to Article 2.12, Paragraph 5, a new member of the municipal election commission shall be appointed.

(2) If a member of a municipal election commission has a prolonged absence with a valid reason, a new member of the municipal election commission shall be appointed pursuant to Article 2.12, Paragraph 5 of this Law, as his/her replacement for the period of absence.

(3) The valid reasons in terms paragraph (2) of this Article shall include illness, education, professional training and other reasons regarded valid by the authority competent to appoint the municipal election commission.

Article 2.17

Except as established by Regulations of the Central Election Commission of BiH, all election commissions' sessions shall be public. The election commissions shall ensure that the public is notified of their sessions in a timely manner.

Article 2.18

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

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

Article 2.19

(1) The Polling Station Committee shall consist of three or five members of whom one shall be appointed President.

(2) The President and members of the Polling Station Committee shall have deputies.

(3) The appointment of the President and members of the Polling Station Committee and their deputies shall be made by the Municipal Election Commission no later than thirty days prior to the date of the election.

(4) A complaint may be filed to the Municipal Election Commission against the decision of the Municipal Election Commission appointing the President, members of the Polling Station Committees, and their deputies. An appeal may be filed to the Central Election Commission of Bosnia and Herzegovina against the decision of the Municipal Election Commission deciding the complaint.

(5) A political party that is a coalition member or an independent candidate that is a member of the list of independent candidates shall not be entitled in that election unit to participate independently in the lottery procedure and the procedure of appointment as members of the Polling Station Committee.

(6) A political party that is a member of several certified coalitions for different government authorities shall be entitled to participate in the lottery procedure as part of a coalition that is certified for the highest authority comprising the election units of a lower level government authority.

(7) If the Municipal Election Commission does not appoint the members of the Polling Station Committee and their deputies in accordance with Paragraph 3 of this Article, then the Central Election Commission of BiH shall appoint the members of the Polling Station Committee and their deputies.

(8) The political subject in that election unit, which has a certified candidate list or a candidate for participation in the elections in accordance with this Law, shall be entitled to participate in the lottery procedure for allocation of positions in the Polling Station Committee.

(9) The lottery procedure referred to Paragraph 8 of this Article shall be conducted by the Municipal Election Commission within the period of no less than sixty (60) days prior to the Election Day.

(10) After the lottery is conducted, but not longer than within 7 days following the lottery, the political stakeholders participating in the lottery procedure shall provide the relevant Municipal Election Commission with the list of candidates who qualify as members of the Polling Station Committee in which they won the positions by way of the lottery procedure.

(11) Should a political subject fail to provide the names of the candidates for the Polling Station Committee members within the period provided by Paragraph 10 of this Article, such failure will be considered as the waiver from the position allocated in the Polling Station Committee, or should the number of the candidates for the Polling Station Committee members proposed by a certified political party be lower than the required number of the Polling Station Committee membership, the Municipal Election Commission shall appoint the Polling Station Committee members independently, taking into account the multi-ethnic composition of the Polling Station Committee where possible.

(12) The lottery procedure shall be conducted in accordance with the mandatory instructions issued by the Central Election Commission of BiH.

(13) Only one representative of a political subject can be a member of a Polling Station Committee.

(14) Candidates appointed as presidents and deputy presidents of the Polling Station Committees shall have the obligation to attend **special** training required for the work in a Polling Station Committee organized by the Municipal Election Commission. Once the test of knowledge has been completed, the Municipal Election Commission shall award certificates to the successful presidents and their deputies.

(15) The presidents and deputy presidents of the Polling Station Committees who have received the certificate shall have the obligation to participate in the training of the Polling Station Committee members, which is organized by the Municipal Election Commission. Once the test of knowledge has been completed, the Municipal Election Commission shall award certificates to the successful Polling Station Committee members and their deputies.

(16) Members of a Polling Station Committee are entitled to a salary. The decision on the amount of the salary shall be made by the Municipal Election Commission.

(17) The decision on the amount of payment for the members of the Polling Station Committees for the conduct of the General Elections shall be made by Central Election Commission of BiH.

Article 2.20

(1) 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.

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

Article 2.21

(1) Entity Election Commissions shall be created by Entity law in accordance with this law. Their competencies shall be determined by the Central Election Commission of BiH in accordance with this law.

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

CHAPTER 3
VOTERS' REGISTER

Article 3.1

(1) The Central Voters Register constitutes the records of citizens of BiH who have the right to vote in accordance with this Law and shall be established, maintained and used for the following purposes: to organize and conduct elections in accordance with law, to conduct referendums, to conduct recalls of elected officials and to elect bodies of the local self-governance in accordance with Law.

(2) The Central Voters Register and excerpts from the Central Voters Register are public documents.

(3) The right of access to the Central Voter Register shall be exercised in accordance with this Law.

(4) Political subjects certified for participation in elections, and whose candidate lists are certified for participation in elections in accordance with this Law, shall be provided upon their request with an electronic or printed excerpt from the Central Voter Register for the level of government or for the electoral unit in which they participate in elections.

Article 3.2

(1) The Central Voters Register is unique, permanent and shall be regularly updated.

(2) The following BiH citizens shall be recorded in the Central Voter Register:

a) those of age (18) or older;

b) those who will become eighteen (18) years of age on the Election Day;

c) those who have the right to vote in accordance with this Law, but are temporarily residing abroad; and

d) those having the right to vote as provided by Article 20.8, paragraph (6) of this Law.

(3) The Central Voters Register shall not contain names of BIH citizens whose full legal capacity has been withdrawn by the final and binding decision of a competent authority. In the event that such a person has already been recorded, he/she shall be deleted from the Central Voters Register, whereas in the event that the competent authority has issued the final and binding decision restoring his/her legal capacity, he/she shall be recorded in the Central Voter Register.

Article 3.3

The Central Voters Register shall be made and maintained on the basis of data from official records on permanent and temporary residence of citizens of BiH maintained by a competent State authority, from other public identification documents and official records on citizens of BiH maintained by the Central Election Commission of BIH and other competent authorities and on the basis of public documents and data received directly from citizens.

Article 3.4

(1) The Central Voters Register shall be maintained and processed electronically.

(2) The records of the Central Voters Register or its excerpts shall be available for access and data contained therein shall be processed by the same methodology and by using the same computer program, at all locations where the data are processed and collected for the purposes of the Central Voters Register.

(3) The records of the Central Voters Register shall be processed and maintained by using computerized data processing, according to the uniform methodology and program whose contents and manner of use are determined concertedly by the competent authority of BiH and the Central Election Commission of BiH.

Article 3.5

(1) The Central Voters Register shall be maintained ex-officio.

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

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

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

a) Competent Registry Office on death of all citizens over eighteen (18) years of age; and

b) Competent Ministry of BiH on deregistration of BiH citizenship

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

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

a) Municipal Election Commissions on Polling Stations; and

b) Central Election Commission of BIH and Municipal Election Commissions on changes of voting options.

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

(8) The competent Registry Offices shall provide to the authority competent for maintaining the official records concerning the Citizens' Single Identification Number, Permanent and Temporary Residence of the Citizens of BiH with the data on all changes that affect the accuracy of the Central Voters Register, in writing, not later than within seven (7) days from the date the change has occurred.

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

Article 3.6

(1) The Central Election Commission of BIH is responsible for accuracy, correctness and general integrity of the Central Voter Register.

(2) In terms of maintaining the Central Voters Register, Central Election Commission of BIH shall:

a) inform competent authorities about the established deficiencies and take the appropriate measures and actions towards removing the irregularities and establishing the accurate and updated Central Voters Register,
b) draw up the excerpts from the Central Voters Register for displaced persons of BiH,
c) draw up the excerpts from the Central Voters Register for voters who participate in an out-of-country voting,
d) keep special records on the persons whose right to vote was withdrawn in accordance with the Law; and
e) complete and verify the final excerpts from the Central Voters Register to be used for the elections.

(3) The excerpts from the Central Voters Register for voters referred to in paragraph (2), item b) of this Article shall be drawn up on the basis of data received from the competent State authorities and citizens in accordance with this Law.

(4) The excerpts from the Central Voters Register for the voters referred to in paragraph (2), item c) of this Article shall be drawn up on the basis of data possessed by the Central Election Commission of BIH and data delivered by the citizens who participate in the out-of-country voting.

(5) The competent authorities referred to in paragraphs (3) and (4) shall responsible for accuracy, update and timely delivery of data necessary to draw up the excerpts from the Central Voters Register.

(6) The Central Election Commission of BIH shall issue its regulations guiding the following:

a) deadlines for and method of completion and verification of the final Central Voters' Register and
b) deadlines for delivery of data on the changes in the records of displaced persons and records of citizens who participate in the out-of-country voting.

Article 3.7

(1) The Central Election Commission of BiH makes the excerpt from the Central Voter Register for each basic electoral unit, containing the data on all voters with the right to vote for the particular basic electoral unit, on the basis of data contained in the records of the Central

Voters Register. Such excerpts shall be delivered to the given Municipal Election Commission not later than twenty (20) days prior to the Election Day.

(2) The excerpt shall be made according to the place of permanent residence of a citizen of BiH and by Polling Station.

(3) The Central Election Commission of BIH may issue an excerpt from the Central Voters Register also for other electoral units where the particular elections are to be conducted, for the purpose of conducting the procedure of recalling the elected official and to conducting a referendum, on the basis of data contained in the Central Voters Register.

(4) A citizen of BIH is included in one excerpt of the Central Voters Register, for one basic electoral unit and in one Polling Station.

Article 3.8

(1) In each municipality, the competent municipal authority shall establish a Voters Register Center.

(2) The competent municipal authority shall conduct the training of staff of this Center, in co-operation with the Municipal Election Commission.

(3) Voters Register Center shall:

a) provide technical support to the Municipal Election Commission in identifying the Polling Stations on the municipal territory and in allocation of voters by Polling Station;
b) update data referred to in Item a) of this Paragraph in accordance with changes in number of voters and regulations of the Central Election Commission of BIH;
c) provide access to the excerpt from the Central Voters Register of the territory of its municipality;
d) provide data for the Central Voters Register established by the regulations of the Central Election Commission of BIH;
e) technically support the Municipal Election Commission regarding the requests and appeals of voters related to the excerpt from the Central Voters Register;
f) carry out other tasks assigned by the Central Election Commission of BIH and by the Municipal Election Commission, in accordance with the regulations of the Central Election Commission of BIH.

(4) The Voters Register Center shall keep records of submitted requests and appeals referred to in paragraph (2), Items d) and e) of this Article and is obliged to keep the supporting documentation submitted together with the requests and appeals.

(5) The Central Election Commission of BIH shall issue detailed regulations to provide for the manner, the responsibility for the work, the deadline for the establishment and other issues relevant to the functioning of the Voters Register Center.

Article 3.9

(1) A citizen of BiH who has the right to vote shall be recorded in the Central Voters Register for the basic electoral unit where he is registered as a permanent resident in BiH, unless otherwise specified by this Law.

(2) A citizen of BiH who has the right to vote under this Law and who is temporarily residing abroad shall be recorded in the Central Voters Register for the basic electoral unit in which he was registered as a permanent resident in BiH before the departure abroad.

(3) A citizen of BiH who has the right to vote under this Law and who has the status of a refugee from BiH shall be recorded in the Central Voters Register for the basic electoral unit where he used to have permanent residence in accordance with the provisions of Article 20.8 of this Law.

(4) A citizen of BiH who has the right to vote under this Law and who has a status of a displaced person shall be recorded in the Central Voters Register for the basic electoral unit on the basis of the expressed voting option, in accordance with the provisions of Article 20.8 of this Law.

(5) An application for determination or a change in the voting option, in accordance with paragraph (4) of this Article, shall be submitted by applicants in person, in due time and in the form as prescribed by the Central Election Commission of BIH.

(6) If a citizen of BiH fails to submit an application for determination or a change in the voting option pursuant to Paragraph 5 of this Article, he shall be recorded in the Central Voters Register for the basic electoral unit where he was recorded in the last elections, and if he was not recorded in the Central Voters Register at all, he shall be recorded in the Central Voters Register for the basic electoral unit in which he had a permanent residence according to the last Census conducted by BiH.

Article 3.10

(1) Records of the Central Voters Register shall contain the following information on citizens of BiH who have the right to vote:

a) Last and first name and name of one of parents,
b) Date of birth,
c) National Identification number,
d) Gender,
e) Name of the Municipality where this person has a permanent or temporary residence,
f) Address of the permanent/temporary residence (street, street number and town),
g) Name of the Municipality and/or electoral unit for which this person is eligible to vote,
h) Voting option,
i) Polling Station
j) Date of registration of the permanent or temporary residence,
k) Field with the heading: “Notes”.

(2) Excerpts from the Central Voters Register shall be made on the basis of the electronic records of the Central Voters Register.

(3) The format and contents of an excerpt from the Central Voters Register, used for the conduct of the elections, shall be determined by the Central Election Commission of BIH.

Article 3.11

Central Voters Register data shall be published and its contents made available to the public taking into account the principles of protection of personal information, pursuant to the Law on Protection of Personal Information.

Article 3.12

(1) Permanent residence is the municipality in which a citizen has settled down with the intention to permanently reside there and where the permanent residence is registered pursuant to the Law on Permanent and Temporary Residence of Citizens of BiH.

(2) Permanent residence of a citizen of BiH who has the status of a displaced person or a refugee is his municipality of permanent residence in accordance with the last Census conducted by BiH.

Article 3.12a

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

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

Article 3.13

(1) Entry of a voter in the Central Voters Register shall be made by the competent authorities in accordance with the provisions of Article 3.5 of this Law.

(2) Any citizen of BiH shall have access to an excerpt from the Central Voters Register and shall be entitled to request its correction if it is the correction of his personal data. Such request shall be submitted in writing to the authority referred to in paragraph (4) of this Article.

(3) Personal data referred to in paragraph (2) of this Article are data described in Article 3.10, paragraph (1), Items a), b), c), e) and j).

(4) Corrections of personal data in the Central Voters Register shall be made by the competent authority responsible for keeping records of such data.

Article 3.14

(1) The Central Election Commission of BiH shall adopt regulations to determine the manner and procedure to draw up excerpts from the Central Voters Register in case of:

a) homebound voters due to old age, illness or disability and
b) voters who are prisoners or are confined to institutions and have the right to vote.

Article 3.15

(1) A citizen of BiH who has the right to vote under this Law and is temporarily residing abroad and is recorded in the Central Voters Register, in order to be included in the excerpt from the Central Voters Register for out-of-country voting, is obliged to submit an application to the Central Election Commission of BiH for every elections. Proof of identity of the applicant as prescribed by this law and accurate details of the address abroad, as well as a declaration concerning the voting option: in a diplomatic and consular representation office (DCRO) or by mail, shall be attached to the application, signed by the applicant.

(2) A citizen of BiH who has the status of a refugee from BIH and has the right to vote under this Law, and is recorded in the Central Voter Register, in order to be included in the excerpt from the Central Voters Register for out-of-country voting, is obliged to submit an application to the Central Election Commission of BIH for every elections. The application must be received before the deadline set by the Central Election Commission of BIH in the period after the elections are announced and contain the declaration concerning the voting option: in a diplomatic and consular representation office (DCRO) or by mail. The applicant should attach to the signed application, the following proofs:

a) proof of identity of the applicant as prescribed by this Law;
b) accurate details of the address abroad and
c) proof of the permanent residence in BiH in accordance with Article 20.8 of this Law, if he wants a change of the data recorded in the Central Voters Register for the basic electoral unit that he has the right to vote for.

(3) A refugee from BiH who is not recorded in the Central Voters Register, in order to be recorded in the Central Voters Register and to exercise thereby his right to vote under this Law, must submit an application to the Central Election Commission of BiH. The application must be received before the deadline set by the Central Election Commission of BiH in the period after the elections are announced. The applicant should attach to the signed application, the following proofs:

a) proof of identity of the applicant,
b) proof of the citizenship of BiH,
c) proof of change of the permanent residence in BiH, in accordance with Article 20.8 of this Law and
d) accurate details of the address abroad.

(4) The following documents shall be admissible as valid proof on identity of the applicant, pursuant to Item a) of paragraph (3) of this Article:

a) Passport
b) Driving license
c) Valid personal identity card issued by the host country and
d) Refugee card issued by the Government of the host country or another international organization.

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

(6) If the requirements referred to in paragraphs (1), (2) and (3) of this Article are met, the applicant shall be recorded in the excerpt from the Central Voters Register for out-of-country voting.

(7) The applicant referred to in paragraphs (1), (2) and (3) of this Article shall be held responsible for authenticity of data attached to the application.

(8) The Central Election Commission of BIH shall prescribe the layout of the application form referred to in paragraphs (1), (2) and (3) of this Article, the manner and procedure to verify the accuracy of data in the documents submitted by refugees from BIH who request to be recorded in the Central Voters Register, to verify the proofs of identity and permanent residence of the refugees and shall issue relevant instructions regarding the procedure for recording voters in the excerpts of the Central Voters Register for out-of -country voting.

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

Article 3.16

(1) A citizen of BiH referred to in Article 3.15, paragraphs (1), (2) and (3) of this Law shall be obliged to provide all changes affecting the data that he previously submitted to the Central Election Commission of BiH and based of which he is recorded in the excerpt from the Central Voters Register for out-of-country voting. The changes of the data must be submitted not later than the deadline established for the submission of applications for out-of-country voting in the next elections.

(2) If a citizen of BiH referred to in Article 3.15, paragraph (1) of this Law fails to submit an application before the deadline established for out-of-country voting in the next elections, he shall be recorded in the excerpt from the Central Voters Register for voting in the appropriate Polling Station in the basic electoral unit of his permanent residence.

(3) If a citizen of BiH referred to in Article 3.15, paragraph (2) of this Law, fails to submit proof of his permanent residence in BIH in accordance with Article 20.8 of this Law, he shall be recorded in the excerpt from the Central Voters Register for voting out-of-country with the right to vote for the basic electoral unit of his permanent residence according to the information available to the authority which performs technical maintenance of the records of the Central Voters Register.

(4) If a citizen of BiH, who is recorded in the excerpt from the Central Voters Register for out-of-country voting has returned to BiH before the deadline established for submission of applications for out-of-country voting in the next elections, he is obliged to submit a request to change his voting option to the competent Voters Register Center.

(5) Voters Register Center shall receive through the Municipal Election Commission and process all requests referred to in paragraph (4) of this Article in accordance with the regulations of the Central Election Commission of BIH and shall deliver these data to the Central Election Commission of BIH in order to record changes in excerpt from the Central Voters Register for out-of-country voting.

(6) If a citizen of BiH who is recorded in the excerpt of the Central Voters Register for out-of-country voting has returned to BiH after the expiry of the deadline established for submission of applications for out-of-country voting in the next elections, he shall be

allowed to vote with the tender-ballot/enveloped ballot in the Polling Station in the basic electoral unit he has right to vote for.

Article 3.17

(1) A citizen of BiH who has the right to vote and is not found in the completed excerpt from the Central Voters Register may vote if he presents a valid identification document referred to in Article 5.12 of this Law and a confirmation on permanent residence.

(2) A voter referred to in paragraph (1) of this Article shall vote in a Polling Station according to his permanent residence.

(3) The Central Election Commission of BIH shall regulate the manner and procedure of voting for the voters referred to in paragraph (1) of this Article and the manner to verify these voters right to vote

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 Central Election Commission of BiH.

Article 4.2

In order to be certified for the elections for all bodies of authority at all levels in BiH, 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 recorded in the Central Voters Register in the municipality in which he or she is standing for office or in the municipality found within the boundaries of the electoral unit if he or she is standing for office at the higher levels of authority, no later than by the day when the elections are announced; 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.

Article 4.3

In order to participate in the elections, a political party must be registered with the competent authority in accordance with the law. The application for certification must be accompanied by evidence not older than 60 days that the political party is registered with the competent authority. The political party must apply for certification under the same name that it registered with the competent authority.

Article 4.4

(1) The application for certification of a political party or independent candidate must include a list setting out the name, original signature, number of a valid ID Card and National Identity number of each voter recorded in the Central Voters Register who supports the application of the political party or independent candidate. **The application shall include the account number for financing of election campaign.**

(2) The signature form shall be prescribed by the Central Election Commission of BiH. These forms shall be pre-printed forms and shall contain a space for the name of the political party or independent candidate, and sequential serial numbers.

(3) Political parties and independent candidates shall only collect signatures on the forms assigned to them by the election commission of BiH. Other forms submitted by a political party or independent candidate shall not be accepted.

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

(5) In order to be certified for participation in the elections, a political party **or an independent candidate** must present to the Central Election Commission of BiH its application for participation in the elections, which contains at least:

1. **five thousand (5,000) signatures of voters recorded in the Central Voters Register for the elections for the members of the Presidency of BiH;**

2. **five thousand (5,000) signatures of voters recorded in the Central Voters Register for the elections for the members of the House of Representatives of the Parliamentary Assembly of BiH;**

3. **three thousand (3,000) signatures of voters recorded in the Central Voters Register for the elections for the members of the House of Representatives of the Parliament of the Federation of BiH or for the members of the National Assembly of the Republika Srpska or for the elections for the President and Vice Presidents of Republika Srpska,**

4. **five hundred (500) signatures of voters recorded in the Central Voters Register for elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia-Herzegovina in a canton in which number of voters recorded in the Central Voters' Register on the day elections were announced did not exceed 100.000 voters, or one thousand (1000) signatures for elections in a canton in which this number exceeded 100.000 of voters recorded in the Central Voters' Register;**

5. one hundred (100) signatures of voters recorded in the Central Voters Register for the elections for the Municipal Council/Municipal Assembly and for the Head of Municipality in a municipality where the number of voters recorded in the Central Voters Register on the day when the elections are announced did not exceed ten thousand (10,000) voters, or two hundred (200) signatures for the election in the municipality in which this number exceeded ten thousand (10,000) voters recorded in the Central Voters Register.

6. five % of signatures of voters recorded in the Central Voters Register for the election of Municipal Council or Municipal Assembly and for the Head of Municipality, in a municipality where the number of voters recorded in the Central Voters Register on the day when the elections are announced did not exceed a thousand (1000) voters recorded in the Central Voters Register;

7. supporting signatures submitted for the higher level of authority shall also be applicable to the lower levels of authority included in the higher level of authority.

Article 4.5

(1) Except for the elections for the members of the Presidency of BiH, 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.

(2) A political party shall be exempt from the signature requirement established in Article 4.4 of this Law also in the event that application for verification of candidacy is filed for the body at the same or lower level of authority in comparison with the body in which the political party member already holds a mandate. **Signatures of support collected for a certain level of authority can be used at the early elections in the same election cycle.**

Article 4.6

(1) A political party shall submit its application for certification to the Central Election Commission of BiH no later than one hundred and thirty-five (135) days before the date of the elections.

(2) The Central Election Commission of BiH shall certify the application of a political party for participation in the elections if the application meets the requirements as established by this law no later than within 15 days following the day the application is received.

(3) If the Central Election Commission of BiH identifies incorrect or incomplete information, or if it identifies any other deficiency or irregularity in the application in the sense of this law or of an act issued by the Central Election Commission of BiH, after the date of receipt of such notification it shall notify the applicant thereof, who shall be bound to correct the information within two (2) days. Upon the expiration of this deadline in the event that the political party fails to remove the deficiency or irregularity from the application, the Central Election Commission of BiH shall not certify the application of that political party for participation in the elections, the Election Commission of BiH shall decide whether or not to certify or reject the application for participation in the elections.

Article 4.7

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

Article 4.9

An independent candidate, who has a mandate in his/her capacity as independent candidate, shall, in the event that he/she stands as a candidate for election of an authority at the same or lower level than the authority where he/she holds his/her mandate, be exempt from the obligation of collecting the signatures referred to in **Article 4.4** of this Law, except the obligation of collecting the signatures for election of the members of the BiH Presidency, President and Vice Presidents of the Republika Srpska.

Article 4.10

(1) An independent candidate shall submit his or her application for candidacy no later than 135 days prior to the election and it shall contain: the name and surname, ethnicity and valid ID Card number, address, national identification number, date and signature of the independent candidate.

(2) The Central Election Commission of BiH shall certify the application of an independent candidate for participation in the elections if the application meets the requirements as established by this law not later than within 15 days following the date the application is received.

(3) The Central Election Commission of BiH 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.

(4) If the Central Election Commission of BiH identifies incorrect or incomplete information, or if it identifies any other deficiency or irregularity in the application in the sense of this law or of an act issued by the Central Election Commission of BiH, it shall notify the applicant thereof, who shall be bound to correct the information within two (2) days, after the date of receipt of such notification. Upon the expiration of this deadline, in the event that the independent candidate fails to remove the deficiency or irregularity from the application, the Central Election Commission of BiH shall not certify the application of that independent candidate for participation in the elections, the Election Commission of BiH shall decide whether or not to certify or reject the application for participation in the elections.

(5) An independent candidate may not at the same time stand for office as an independent candidate in more than one electoral unit or run for office on a political party, list of independent candidates or coalition's candidates list.

(6) After certification an independent candidate may not withdraw his or her candidacy.

Article 4.11

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

Article 4.12

(1) Two or more certified political parties that choose to form a coalition must submit an application for certification under one name to the Central Election Commission of BiH and a decision on the selection of the authorized representative of coalition signed by all presidents of political parties-coalition members and shall also provide the data about the coalition seat and/or address where all correspondence shall be sent to.

(2) **If the name of a coalition is identical to or so similar to a political party or coalition's name that it could cause confusion or mislead a voter, the Central Election Commission of BiH shall determine who has the right to use the name for the purposes of the elections.**

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

(4) If all requirements established by this Law are met, the Central Election Commission of BiH shall certify the application of a coalition for participation in the elections no later than within 7 (seven) days following the day the application is received.

(5) If the Central Election Commission of BiH identifies incorrect or incomplete information, or if it identifies any other deficiency or irregularity in the application in the sense of this law or of an act issued by the Central Election Commission of BiH it shall notify the applicant thereof, who shall correct the information within two days, after the date of receipt of such notification Upon the expiration of this deadline, in the event that the coalition fails to remove the deficiency or irregularity from the application, the Central Election Commission of BiH shall not certify the application of that coalition for participation in the elections.

Article 4.13

(1) A political party that is a member of a coalition cannot participate as a member of another coalition or as a separate political party for the same authority.

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

Article 4.14

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

Article 4.15

(1) For the elections at all levels of authority two or more certified independent candidates may join together and submit a single candidates list under one name **and a decision on appointment of an authorized persons for representation before the BiH Central Election Commission**. The list of independent candidates shall submit its application for certification no later than 110 days before the date of the elections.

(2) The Central Election Commission of BiH shall certify the list of independent candidates' application for participation in the elections if it meets the requirements as established by this law no later than within seven days following the date the application is received.

(3) If the Central Election Commission of BiH identifies incorrect or incomplete information, or if it identifies any other deficiency or irregularity in the application in the sense of this law or of an act issued by the Central Election Commission of BiH it shall notify the applicant **of the list of independent candidates**, who shall correct the information within two days, after the date of receipt of such notification. Upon the expiration of this deadline, in the event that the **applicant** of the list of independent candidates fails to remove the deficiency or irregularity from the application, the Central Election Commission of BiH shall not certify the application of the list of independent candidates for participation in the elections.

Article 4.16

(1) **A political party or independent candidate shall enclose a proof that the government stamps have been paid with its application for certification in the amount determined by the Central Election Commission of BiH for the elections in question. The cash amount paid as the Certification fee shall be refunded if a political party or independent candidate wins:**

1. **for members of the BiH Presidency 1/3 of the total number of the votes elected member of the BiH Presidency won in the elections;**

2. **for president and vice president of Republika Srpska 1/3 of the total number of votes elected president and vice presidents of Republika Srpska, amongst appropriate constituent people, won in the elections;**

3. **for the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, the House of Representatives of the BiH Federation, for the National Assembly of Republika Srpska, and for Cantonal Assemblies in the BIH Federation more than 3% of the total number of valid votes in that constituency;**

4. **for the municipal/city mayors 1/3 of the total number of votes elected municipal/city mayor won in the elections;**

5. **for the municipal councilors more than 3% of the total number of valid votes in that constituency.**

(2) **If a coalition or a list of independent candidates had won the votes referred to in paragraph (1) of this Article, it shall be deemed that every political party in the coalition or every independent candidate on the list have met the fee refund conditions.**

Article 4.17

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

Article 4.18

The certified political party, coalition or list of independent candidates shall submit to the Central Election Commission of BiH the candidates' lists for certification. **Name and last name of the candidate on the candidates' list of a certified political subject must be identical to the name and last name of the candidate in the Central Voters' Register.**

Article 4.19

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

(2) **The number of candidates on a candidates' list may be higher for 5 candidates than the number of mandates that are to be allocated.**

(3) Every candidates list shall include candidates of male and female gender, who are equally represented. The equal representation of the genders shall exist in case when one of the genders is represented with minimum of 40% of the total number of candidates on the list.

The minority gender candidates shall be distributed on the candidates list in the following manner: at least one minority gender candidate amongst the first two candidates, two minority gender candidates amongst the first five candidates, and three minority gender candidates amongst the first eight candidates, et seq.

(4) The candidates list shall contain the name and last name of every candidate on the list, their personal identification number (JMBG number), permanent residence address, declared affiliation with a particular constituent people or group of "Others", signature of the president of the political party and/or signature of coalition's representative authorized to represent coalition before the BiH Central Election Commission. The proposal of the list shall be accompanied by the declaration of each of the candidates on the list validating the acceptance of candidacy and the statement confirming that there are no impediments referred to in Article 1.8, paragraph (1) and Article 1.10, paragraph (1), point 5 of this Law. The declaration and statement must be certified in the way described by law or with the competent Municipal Election Commission.

(5) The declaration of affiliation with the particular constituent people or the group of "Others" referred to in the **Paragraph (4) of this Article** shall be used as the grounds for the exercise of rights to hold an elected or appointed office for which the statement of ethnic affiliation with the particular constituent people or the group of "Others" is a condition in the election cycle for which the candidates list has been submitted.

(6) A candidate shall be entitled not to declare his or her ethnic affiliation with a particular constituent people or with the group of "Others" on the candidacy list. However, any such failure to declare the personal affiliation shall be considered as a waiver of the right to an elected or appointed office for which the declaration of affiliation with the particular constituent people of the group of "Others" is a condition.

(7) If the number of candidates on the candidates list exceeds the number required by **paragraph (2)** of this Article or if the candidates list fails to meet the requirements established in **paragraph (3)** of this Article**,** the Central Election Commission of BIH shall certify the candidate list up to the number fulfilling the requirements established by this Law.

Article 4.20

The name of a candidate on a political party, coalition or independent candidates list may not be withdrawn after the candidates list is certified by the Central Election Commission of BiH. If the candidate is incapacitated or rejects the mandate after the election results are certified by the Central Election Commission of BiH, the name of the candidate shall be **erased** from the candidates list and the mandate shall be allocated in accordance with Article 9.10, except for lists in cantons and municipalities which shall be allocated in accordance with Article 13.5. The candidate, or in the event that the candidate is incapacitated, his or her representative must submit the rejection of the mandate in writing to the Central Election Commission of BiH. A candidate may not withdraw his or her candidacy before the certification of the election results.

Article 4.21

(1) Political parties, lists of independent candidates and coalition's candidates' lists must be submitted to the Central Election Commission of BIH no later than 90 days prior to the elections.

(2) No later than 25 days after a candidates list has been submitted to it, the Central Election Commission of BiH shall review the candidates list and shall certify or reject candidates on the list. The Central Election Commission of Bosnia and Hercegovina shall notify the political party, coalition or list of independent candidates of any rejected individual candidates. A political party, coalition, or list of independent candidates shall have five days after the date of receipt of such notification to correct a candidates list by replacing candidates or providing further documentation if requested by the Central Election Commission of BiH.

(3) From the certification 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 **nor may a candidate withdrawn his/her candidacy.**

(4) **Following certification of the candidates' list and until such time as the printing of the ballots has commences, a political party, coalition or list of independent candidates shall be entitled to replace a candidate on the list only in case of death of the candidate or if in the meanwhile circumstances referred in Article 1.10, paragraph (1), point 5 of this Law occurred.**

Article 4.22

(1) The Central Election Commission of BiH shall keep the record of the applications for certification for participation in the elections.

(2) All changes of data kept in the record of applications for certification for participation in the elections shall be reported to the Central Election Commission of BiH by a political party, coalition, independent candidate and list of independent candidates within ten (10) days of the date of the change.

Article 4.23

(1) After the certification of the submitted candidates lists the Central Election Commission of BiH shall publish a list of candidates with the names of the certified political parties, coalitions, independent candidates and lists of independent candidates for each election in the sequence of the lottery number resulting from the lottery established in Article 5.15 of this law. The lists of candidates shall be published no later than 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.

(2) The Central Election Commission of BIH shall remove from the candidate list the candidates referred to in **Article 4.21, paragraph (4) of this Law** and order the political party, coalition or list of independent candidates to replace the candidates on the candidate list within the period of 48 hours and such candidates shall be subject to verifications in accordance with the provision of this Law.

(3) If the political party, coalition or independent candidate list fails to replace such candidates within the period of time required under **paragraph (2)** of this Article, the candidates' list without the names of candidates referred to in **Article 4.21, paragraph (4) of this Law** shall be shall be considered complete and certified.

Article 4.24

(1) Each political party and coalition certified to submit candidates for the House of Representatives of the Parliamentary Assembly of BiH, the House of Representatives of the Parliament of the Federation of BiH, or the National Assembly of the Republika Srpska shall submit a list of candidates for compensatory mandates to the Central Election Commission of Bosnia and Hercegovina. Such list shall be submitted for each of the bodies listed above for which the political party or coalition is certified, within five days of the date of certification of the candidates' lists, as per Article 4.21 of this Law.

(2) The list of candidates for compensatory mandates shall include only the names of candidates already included on the regular candidates lists submitted by the political party or coalition for one or more multi-member constituencies. Candidates on a list of candidates for compensatory mandates may be from the list of any multi-member constituency within the same entity and at the same electoral level. **Every candidates' list for compensatory mandates shall include candidates of male and female gender, who are equally represented. The equal representation of the genders shall exist in case when one of the genders is represented with minimum of 40% of the total number of candidates on the list. The minority gender candidates shall be distributed on the candidates' list for compensatory mandates in the following manner: at least one minority gender candidate amongst the first two candidates, two minority gender candidates amongst the first five candidates, and three minority gender candidates amongst the first eight candidates, et seq.**

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

(4) Lists of candidates for compensatory mandates shall not be published on the ballot, but shall only be used for purposes of awarding compensatory mandates pursuant to Articles 9.7, 10.6, and 11.6 of the Law. The lists shall be published by the Central Election Commission of BiH in the "Official Gazette of BiH" and in the media.

Article 4.25

(1) For the purpose of this Chapter, each document or writ submitted to the Central Election Commission BiH by a political party, coalition, independent candidate or independent candidate list shall be considered valid only if it is signed by the person/s indicated in the application for certification as persons authorized for representation and whose signatures are deposited with the Central Election Commission of BiH.

(2) For the purpose of this Chapter, the Central Election Commission of BIH shall have all relations with political parties, coalitions, independent candidate and lists of independent candidates exclusively through the head office of the political party, coalition, independent candidate or independent candidate lists or through a person authorized to represent them before the Central Election Commission of BiH.

CHAPTER 5
CONDUCT OF ELECTIONS

Article 5.1

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

(2) The Polling Stations shall be designated by the Municipal Election Commission no later than 65 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 Central Election Commission of BiH. The Central Election Commission of BiH may change the location of a Polling Station if it determines that the location is not an appropriate location for polling.

(3) 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.

(4) Each Polling Station shall be designated by a serial number.

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

Article 5.2

(1) A Polling Station shall be designated in accordance with the number of voters, which should generally be up to 800 but not greater than 1000 taking into consideration the distance of voters from the Polling Station.

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

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

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

Article 5.3

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

(2) In the event that the polling material referred to in the paragraph (1) of this Article is not delivered as complete and correct, the Polling Station Committee shall inform the Municipal Election Commission thereof, and the Municipal Election Commission shall be required to remove all detected deficiencies without delay, but not later than by the time the Polling Station is opened.

(3) 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.

Article 5.4

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

(2) The number of ballots received and distributed to Polling Stations shall be verified by the competent Municipal Election Commission in accordance with Regulations issued by the Central Election Commission of BiH.

(3) The Central Election Commission of BiH shall issue Regulations for the control of ballots.

Article 5.5

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

Article 5.6

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

(2) When opening the Polling Station, the President of the Polling Station Committee shall have the obligation to assign duties, in accordance with the regulation of the Central Election Commission of Bosnia and Herzegovina, to each member of the Polling Station Committee and to register them in the section of the Polling Station Poll Book designated for the entry of the said data.

(3) The President of a Polling Station Committee may expel from the Polling Station and surrounding area any person disrupting order at the Polling Station. Any expulsion from the Polling Station shall be recorded in the Polling Station Poll Book. The Polling Station Committee shall decide on expulsion of an observer accredited under Chapter 17 of this law.

(4) 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.

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

Article 5.7

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

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

(2) A member of the Polling Station Committee, a voter or an accredited observer shall be entitled to enter into the Poll Book his or her opinion or objections concerning the voting process or deliver them in writing, and receive a receipt issued by the President of the Polling Station committee certifying the submission of such objections. In addition, the President may also inform thereof the Municipal Election Commission. If the person has not signed the Poll Book personally then his or her opinion or objections will not be considered.

(3) If a member of the Polling Station Committee, a voter or an accredited observer is prevented from entering his/her opinions or objections into the Poll Book, such opinions or objections may then be communicated by them to the Municipal Election Commission.

Article 5.8

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

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

Article 5.9

(1) 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.

(2) 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.

(3) If the polling was interrupted because of the disturbance of order for three (3) hours or less, the polling shall be prolonged for the period of the interruption, which shall be decided by

the President of the Polling Station Committee. If the interruption is more than three (3) hours, then the Municipal Election Commission shall decide the length of time for which polling shall be prolonged.

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

Article 5.10

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

Article 5.11

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

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

Article 5.12

(1) 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.

(2) 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.

(3) 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.

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

1. identification card;
2. passport;
3. driver’s license;

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

Article 5.13

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

(2) The signature of a voter in the excerpt of the Central Voter Register must correspond to the signature on the identification document the voter presented to the Polling Station committee member, about which the Polling Station Committee member shall have the obligation to warn him, and it is the responsibility of the member of the Polling Station Committee to ascertain that.

Article 5.14

(1) The Central Election Commission of BiH shall determine the format and layout (form and contents) of the ballots for direct elections at all levels of authority in BiH.

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

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

(3) A voter may cast his or her vote only as provided in this Article.

Article 5.15

(1) A ballot shall contain only the following elements:

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

(2) 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 Central Election Commission of BiH shall publicize the location, date, and time at which the lottery for ballot order shall be held. Representatives of political parties, coalitions, lists of independent candidates, independent candidates, and other accredited observers may attend the lottery.

Article 5.16

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

Article 5.17

A ballot shall be invalid if:

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

Article 5.18

(1) If a voter cannot be found on the excerpt from the Central Voters Register because the voter registered to vote out of country and has returned to vote in person in BiH, 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/enveloped ballot in accordance with the other provisions of this law.

(2) The voter's identification documentation shall be retained until the voter returns the tendered/enveloped 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/enveloped ballots found in the ballot box and shall 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 Central Election Commission of BiH. The Central Election Commission of BiH shall confirm that the voter is registered to vote out of country and the voter's right to vote before the envelope is opened and the ballot is counted. If it cannot be confirmed that the voter is registered to vote out of country and has the right to vote, then the envelope shall not be opened or counted.

Article 5.19

(1) 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.

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

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

(4) A person may, in terms of paragraphs (1) and (2) of this Article, help only one voter.

Article 5.20

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

Article 5.21

(1) A BiH citizen, who has the right to vote and is abroad, shall have the right to vote by mail. The Central Election Commission of BiH shall regulate the manner and procedure of voting by citizens by mail.

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

Article 5.22

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

(2) All ballots shall be counted at the Polling Stations, except where the Central Election Commission of BiH determines that ballots should be counted at one or more Main centers for counting. The Central Election Commission of BiH shall establish Regulations for counting ballots and establishing the results at a centralized counting center. The voting results at a Main center for counting shall be posted at the counting center so that the results can be publicly viewed, and the copies of voting results shall be delivered to accredited observers at the centralized counting upon their request.

(3) The Central Election Commission of BiH shall appoint a director of the Main Center for Counting and three deputies. The director and deputies shall be from different constituent peoples of BiH and one shall be a representative of Others. The director and deputies shall be persons with a minimum of three years of experience in conducting the elections and may not be active members of any political party.

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

Article 5.23

(1) If 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.

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

(3) The Polling Station Committee shall then count separately, the number of voters who signed the excerpts from the Central Voters Register, the number of voters who signed the special

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

Article 5.24

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

Article 5.25

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

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

(2) The Polling Station Poll Book and the appropriate forms shall be signed by all members of the Polling Station Committee. If a member refuses to sign, then the President or one of the signing members shall record this and the reason the member will not sign, and copies of voting results shall be delivered to accredited observers of activities of the Polling Station Committee, upon their request.

Article 5.26

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

(2) The President of the Polling Station Committee shall post the table containing a detailed overview for the voting results categorized by political entity and candidate at the Polling Station so that the results can be publicly viewed.

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

Article 5.27

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

(2) The Municipal Election Commission shall post the table containing a detailed overview for the consolidated summary of the results categorized by political entity and candidate so that the consolidated summary can be publicly viewed, and copies of comprehensive voting results categorized by political entity and candidate shall be delivered to accredited observers of activities of the Municipal Election Commission, upon their request.

Article 5.28

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

(2) By mail ballots that are not delivered in compliance with paragraph (1) of this Article shall not be counted.

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

Article 5.29

(1) The Central Election Commission of BIH shall establish the results of all direct and indirect elections covered by this Law, after the expiry of the deadline for filing the appeals/complaints, or after the decisions have become final and binding.

(2) The Central Election Commission of BiH shall provide in its Regulations the order of establishing the election results for the bodies of authority at every level, the manner of making the detailed tabulation of election results available to the public and announcing the election results. The detailed tabulation of election results, without violating the secrecy of the vote required by Article 5.10, shall include results at the polling station level categorized by political entity and candidate.

Article 5.29a

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

a) First results at 24:00 hours on the election day,
b) twice within the following 24 hours,
c) each 24 hours within the following five days,
d) each 48 hours in the following days until the announcement of the final, official and complete election results.

Article 5.30

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

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

(3) A Municipal Election Commission may request that a recount of ballots be conducted by the Central Election Commission of BiH in a Polling Station in its municipality.

(4) The Central Election Commission of BiH shall consider a request for recount if the request meets each of the following requirements:

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

(5) The Central Election Commission of BiH may order a recount, ex officio, even if no request for recount has been made under paragraph 1 of this Article or if the request for recount has been deemed invalid under paragraph 3 of this Article.

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

Article 5.31

In the event the Election Commission of BiH 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 the candidate from the list of members of national minorities and independent candidates appearing on the ballot for which a recount is being conducted, and other accredited observers may be present for the recount.

Article 5.32

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

(2) The Central Election Commission of BiH shall issue the regulations governing the confirmation of the election results.

CHAPTER 6
PROTECTION OF THE ELECTORAL RIGHT

Article 6.1

Protection of the electoral right shall be secured by the election commissions and the Appellate Division of the Court of BIH.

Article 6.2

(1) Any voter and any political entity whose right established by this law, is violated, may file a complaint with the election commission not later than within 48 hours, or within 24 hours in the election period after the violation occurred, unless otherwise specified by this Law.

(2) The election commissions may, upon receiving information concerning the violations, from the scope of their competence initiate a procedure by virtue of its authority against a political subject and persons employed or those otherwise hired in the election administration because of the violations of the provisions of this Law.

(3) The initiative for the procedure, in the terms of paragraph (2) of this Article, may be launched by a legal or natural entity to the competent Election Commission, in a written form, where information on the place, the time, the content of the violation and the name of the perpetrator shall be mandatory information.

Article 6.3

(1) The complaint shall be filed on the form prescribed by the Central Election Commission of BiH. It shall contain a brief description of the violation and, as an attachment, the evidence that confirms the allegations of the complaint. The complaint also must be signed by the complainant. If the complainant is a political party or a coalition or a list of independent candidates, it shall be signed by the President or the authorized representative of the political party or the coalition or the list of independent candidates or a person authorized by them, with the authorization attached to the complaint. The data about the authorized representative shall be deposited with the Municipal Election Commission.

(2) The complaint shall be sent to all parties that are named. The parties named in the complaint shall have the opportunity to respond in writing within 24 hours after receiving the complaint. The authorized bodies may order a hearing of the parties.

(3) The Central Election Commission of BiH shall establish Rules of Procedure for adjudicating complaints filed with any election commission.

(4) The complaint, which has been filed by an unauthorized person under Article 6.2 of this Law or which has been filed untimely or is incomplete, shall be rejected.

(5) The complaint shall also be rejected if it is impossible to establish who has submitted the complaint. The filed complaint or appeal in the procedure of protection of the electoral right shall not postpone the conduct of election-related activities prescribed by this Law.

Article 6.4

(1) The Municipal Election Commission shall have first instance competence in its municipality to decide complaints submitted for violation of the code of conduct referred to in Chapter 7, with an exemption from violations referred to in 7.3 paragraph (1), points 3 and 7, Article 7.3 paragraph (2) and Article 7.4, paragraph (1), point 3 of this Law, subject to decision of the Central Election Commission of BIH.

(2) The Municipal Election Commission shall adjudicate the complaint and make a decision no later than within 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. When adjudicating the complaints the Municipal Election Commission may act on the basis of the established facts or conduct hearings.

(3) The complaint, which has been filed by an unauthorized person under Article 6.2 of this Law or has been filed untimely, shall be rejected.

Article 6.5

The Municipal Election Commission may order measures to correct irregularities referred to in the complaint from Article 6.4 of this Law, including, but not limited to adding or deleting voters from the Central Voter Register raise an initiative for removing the person working on the voters registration or remove the member in the Polling Station Committee, or remove the member ordering certain person or a party to cease the activities that violate this Law and impose a fine.

Article 6.6

(1) The Central Election Commission of BiH shall have first instance competence to decide complaints submitted for violation of the rules of election process, electoral rights, violations referred to in Chapter 16 committed by the political entity and violations referred to in Article 7.3, paragraph (1), points 3 and 7, Article 7.3, paragraph (2) and Article 7.4, paragraph (1), points 3 of this Law.

(2) Decisions of election commissions may be appealed to the Central Election Commission of BiH, within 48 hours following the receipt of the first-instance decision.

(3) The Central Election Commission of BIH shall adjudicate the complaint and appeal and make a decision no later than within 48 hours from the expiration of the deadline referred to in **Article 6.3, paragraph (2)** of this Law. The Central Election Commission of BiH shall immediately notify the complainant and the other parties of its decision.

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

(5) When adjudicating an appeal or complaint, the Central Election Commission of BiH may proceed on the facts established or may conduct hearings. The Central Election Commission of BiH may allow parties to present new evidence or base their decisions on the written record of the lower instance commissions.

Article 6.7

(1) The Central Election Commission of BIH shall have the authority, in adjudicating ex officio or when decides appeals and complaints, to order the election commission, the Voters Registration Centre or the Polling Station Committee to undertake measures to correct established irregularities. The Central Election Commission of BIH shall have the authority to impose the following penalties:

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

Article 6.8

(1) If an election commission believes that a criminal act has been committed concerning the electoral process, it shall report the act to the competent Public Prosecutor.

(2) When submitting the report, the election commission shall also refer to the evidence that is known to it, as well as undertake the necessary measures to preserve the traces of the alleged criminal act, objects with which or by use of which the alleged criminal act has been committed and other evidence.

Article 6.9

(1) The Appellate Division of the Court of BiH shall be competent to hear appeals against decisions of the Central Election Commission of BiH. An appeal shall be submitted to the Appellate Division of the Court of BiH no later than 2 days after a decision of the Central Election Commission of BiH is received by which the decision is taken on the implementation of this Law.

(2) An appeal shall be submitted through the Central Election Commission of BIH.

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

CHAPTER 7
RULES OF CONDUCT IN THE ELECTION CAMPAIGN

Article 7.1

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

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

(2) Permits from the competent body shall not be required for the purposes of public meetings referred to in item 2) of the previous paragraph, but the organizer shall notify the competent body responsible for public order and peace twenty-four (24) hours prior to holding such an event.

(3) In case that two or more organizers announced to the competent body holding of their public meetings at the same time and place, the holding of a public meeting at that time and place shall be permitted to the organizer which notified the competent body in writing of the holding of the public meeting first, whereas the competent authority shall inform the applicants thereof within maximum of 12 hours following the receipt of the notification about the public meeting.

Article 7.2

(1) The competent bodies are obliged to ensure equitable treatment of political parties, coalitions, lists of independent candidates certified for participation in elections 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.

(2) It is forbidden to remove, cover, destroy or alter any printed notice, placard, poster or other materials, which are in accordance with the law and are used for the purpose of election campaigning by political parties, coalitions, list of independent candidates, or independent candidates. The Central Election Commission shall forbid the posting, printing and dissemination of notices, placards, posters or other materials, which are used for the purpose of election campaigning by political parties, coalitions, list of independent candidates, or independent candidates, on which women or men are presented in stereotype and offensive or humiliating ways and shall order the political party, coalition, list of independent candidates, or independent candidate to remove the posted materials. The decision of the Central Election Commission shall be final in the administrative procedure; however, an administrative dispute may be initiated against the decision.

(3) 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 the buildings of government authorities at all levels, public enterprises, public institutions and local communities, on religious facilities, on public roads and public areas, except for the places designated for distribution of posters and advertising.

Article 7.3

(1) Candidates and supporters of political parties, lists of independent candidates, list of members of national minorities and coalitions, as well as independent candidates and their supporters, and election administration officials or those otherwise hired in the election administration are not allowed to:

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

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

Article 7.4

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

1. holding meetings for the purpose of election campaigning;
2. presenting at the Polling Station and the surrounding area, any kind of materials for the purpose of influencing voters;
3. using national and international means of communication intended to influence voters
4. using megaphones or other public address systems for the purpose of influencing voters
5. any activity that interferes with or obstructs the election process.

(2) Means of communication referred to in item 3 of paragraph (1) of this article include means that can deliver audio, video or textual contents. Such means include but are not limited to Radio and TV program, printed media, the Internet, SMS-messages or video messages delivered over the mobile phones etc.

CHAPTER 8
PRESIDENCY OF BIH

Article 8.1

(1) The members of the Presidency of BiH (hereinafter: The Presidency of BiH) directly elected from the territory of the Federation of BiH – one Bosniak and one Croat shall be elected by voters recorded in the Central Voters Register to vote for the Federation of BiH. A voter recorded in the Central Voters Register to vote in the Federation of BiH may vote for either the Bosniak or Croat Member of the Presidency, but not for both. The Bosniak and Croat member that gets the highest number of votes among candidates from the same constituent people shall be elected.

(2) The member of the Presidency of BiH that shall be directly elected from the territory of RS - one Serb shall be elected by voters recorded in the Central Voters Register to vote in the Republika Srpska. Candidate who gets the highest number of votes shall be elected.

(3) The mandate for the members of the Presidency of BiH shall be four (4) years.

Article 8.2

The candidates' list, for the purposes of this chapter, shall consist of the name of the candidates for the member of the Presidency of BiH.

Article 8.3

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

Article 8.4

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

Article 8.6

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

Article 8.7

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

Article 8.8

(1) The Constitutional Court of BiH may decide that a Member of the Presidency is unable to carry out his or her functions due to temporary incapacitation.

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

CHAPTER 9
PARLIAMENTARY ASSEMBLY OF BIH

Subchapter A
HOUSE OF REPRESENTATIVES OF THE PARLIAMENTARY ASSEMBLY OF BIH

Article 9.1

(1) The House of Representatives of the Parliamentary Assembly of BiH shall consist of 42 members, 28 of whom shall be directly elected by voters registered to vote for the territory of the Federation of BiH, and 14 of whom shall be directly elected by voters registered to vote for the territory of the Republika Srpska. The mandate of members of the House of Representatives of the Parliamentary Assembly of BiH shall be four years.

(2) Of 28 members who shall be directly elected by voters registered to vote for the territory of the Federation of BiH, 21 shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.5 of this law, and seven shall be compensatory mandates elected from the territory of the Federation as a whole according to Article 9.6 of this Law.

(3) Of 14 members who shall be directly elected by voters registered to vote for the territory of the Republika Srpska, nine shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.5 of this law, and five shall be compensatory mandates elected from the territory of the Republika Srpska as a whole according to Article 9.6 of this Law.

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

Article 9.2

(1) 21 mandates from five multi-member constituencies for the House of Representatives for the Parliamentary Assembly of BiH, from the territory of the Federation of BiH, are allocated as follows:

a) Constituency 1 consists of Cantons 1 and 10, and shall elect three members.
b) Constituency 2 consists of Cantons 7 and 8, and shall elect three members.
c) Constituency 3 consists of Cantons 5 and 9, and shall elect four members.
d) Constituency 4 consists of Cantons 4 and 6, and shall elect six members.
e) Constituency 5 consists of Cantons 2 and 3, and Brčko District of BiH, and shall elect five members.

Article 9.2a

The nine mandates from three multi-member constituencies for the House of Representatives for the Parliamentary Assembly of BiH, from the territory of the Republika Srpska, are allocated as follows:

a) Constituency 1 consists of the cities of Banja Luka and Prijedor and municipalities: Krupa na Uni, Novi Grad, Kozarska Dubica, Gradiška, Laktaši, Srbac, Prnjavor, Petrovac, Oštra Luka, Čelinac, East Drvar, Ribnik, Mrkonjić Grad, Jezero, Kneževo, Kotor Varoš, Šipovo, Kupres and Kostajnica, and shall elect three (3) members.

b) Constituency 2 consists of the cities of Doboj and Bijeljina, municipality Derventa, Brod, Vukosavlje, Šamac, Donji Žabar, Modriča, Pelagićevo, Petrovo, Lopare, Ugljevik and Teslić **and Stanari** and Brčko District of BiH and shall elect three members.

c) **Constituency 3 consists of city of Trebinje and Zvornik, and municipalities: Osmaci, Šekovići, Vlasenica, Bratunac, Srebrenica, Sokolac, Han Pijesak, East Ilidža, East Stari Grad, East Novo Sarajevo, Trnovo, Pale, Rogatica, Višegrad, East Mostar, Nevesinje, Kalinovik, Gacko, Foča, Novo Goražde, Čajniče, Rudo, Berkovići, Ljubinje, Bileća and Milići and shall elect three members.**

Article 9.4

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

Article 9.5

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

(2) The quotients shall be arranged in order from the highest quotient to the lowest quotient. Mandates shall be distributed, in order, to the highest quotient until all the constituency mandates for the body have been distributed.

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

Article 9.6

Compensatory mandates shall be allocated in the following manner:

a) Only political parties and coalitions, which won more than 3% of the total number of valid ballots for the territory of the entity for which the compensatory list is made, may take part in the distribution of compensatory mandates. First, the total number of mandates for the legislative body to be allocated for the territory of the respective Entity, reduced by the number of mandates won by independent candidates, is distributed according to the formula set forth in Article 9.5 of this Law.

b) From the number of mandates a list of a political party or coalition has won according to this procedure the number of mandates won by the same party or coalition, according to the procedure set forth in Article 9.5 of this Law, is deducted. The remaining number is the number of compensatory mandates the list wins.

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

Article 9.7

Compensatory mandates won by a political party or coalition according to Article 9.6 of this Law are allocated one by one to unelected candidates on the political party or coalition's list of candidates for compensatory mandates, beginning at the top of the list, until all mandates are distributed or until the list is exhausted.

Article 9.7a

(1) Notwithstanding the provisions of Articles 9.6 and 4.24 of this Law, a political party or a coalition which does not have more candidates on the list of candidates for compensatory mandates but has won more mandates to be distributed, may, upon informing the Central Election Commission within 48 hours and by using the prescribed form, submit a supplementary list of candidates for compensatory mandates as provided by **Article 4.24, paragraph (2)** of this Law.

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

Article 9.8

(1) If a tie occurs because the quotients are identical in the distribution according to Articles 9.5, 9.6, and 9.7 of this law, the mandate shall be allocated on the basis of the drawing of a lot.

(2) Mandates won by a list shall be distributed first amongst candidates on the list who individually received at least **twenty percent (20%)** of the total number of valid votes received by that list, and these mandates shall be awarded in the order of the highest number of votes to the lowest number of votes. If there are still mandates to be distributed to a list and the candidates remaining are those who received less than **twenty percent (20%)** of the total valid votes received by that list, then distribution of the mandates among the remaining candidates from the list will be done according to their order on the list.

(3) If a political party or coalition does not have enough eligible candidates on the list to fill seats allocated to it, the mandate shall be transferred to the party or coalition's list in another constituency according to the procedure set forth in Article 9.7 of this law.

Article 9.9

If the mandate of an independent candidate terminates, in accordance with Article 1.10 of this Law, the position shall remain vacant until the next regular elections.

Article 9.10

(1) If an elected political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this Law, then the mandate shall be given to the next candidate from the same constituency list in accordance with Article 9.8 paragraph (2) of this Law. A vacancy in a compensatory mandate shall be filled from the party's compensatory mandate list.

(2) If there are no more candidates on the same constituency list, then the mandate shall be given to the same political party or coalition's list in another constituency in accordance with Article 9.8 paragraph (3) of this Law. If there are no more candidates remaining on any list for the political party or coalition, then the mandate shall remain vacant until the next regularly scheduled elections.

Article 9.11

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

Subchapter B
HOUSE OF PEOPLES OF THE PARLIAMENTARY ASSEMBLY OF BIH

Article 9.12

The House of Peoples of the Parliamentary Assembly of BiH shall consist of 15 Delegates, of whom two-thirds from the Federation (including five Croats and five Bosniaks) and one-third from the Republika Srpska (five Serbs).

Article 9.12a

(1) Croat and Bosniak Delegates to the House of Peoples of the Parliamentary Assembly of BIH from the Federation shall be elected by the Croat and Bosniak Caucus of Delegates as appropriate to the House of Peoples of the Federation of BIH.

(2) Croat and Bosniak Delegates to the House of Peoples of the Parliament of the Federation of BIH shall elect delegates from their respective constitutive people.

(3) Serb Delegates and Delegates of the Others to the House of Peoples of the Parliament of the Federation of BiH shall not participate in the process of electing Bosniak and Croat Delegates for the House of Peoples of the Parliamentary Assembly of BIH from the Federation of BiH.

(4) Delegates from the Republika Srpska (5 Serbs) to the House of Peoples of the Parliamentary Assembly of BiH shall be elected by the National Assembly of the Republika Srpska.

(5) Bosniak and Croat Delegates and Delegates of the Others to the National Assembly of the RS shall participate in the process of electing Delegates to the House of Peoples of the Parliamentary Assembly of BiH from the Republika Srpska.

Article 9.12b

(1) Croat and Bosniak Delegates to the House of Peoples of the Parliamentary Assembly of BiH shall be elected immediately after the House of Peoples of the Parliament of the Federation of BIH is inaugurated, but not later than within 30 days upon the certification of the election results in accordance with this Law.

(2) Delegates from the Republika Srpska to the House of Peoples of the Parliamentary Assembly of BIH shall be elected immediately after the National Assembly of the Republika Srpska is inaugurated, but not later than within 30 days upon the certification of the election results in accordance with this Law.

Article 9.12c

(1) Bosniak or Croat Delegates to the House of Peoples of the Parliamentary Assembly of BiH shall be elected in such a way that each political entity participating in the Bosniak or Croat Caucus or each Delegate from the Bosniak or the Croat Caucus in the House of Peoples of the Parliament of the Federation of BIH, shall have right to nominate one or more candidates to the list for the election of Bosniak or Croat Delegates to the House of Peoples of the Parliamentary Assembly of BiH.

(2) Each list may include more candidates than the number of Delegates to be elected to the House of Peoples of the Parliamentary Assembly of BiH.

Article 9.12d

(1) Each Delegate from the Bosniak or the Croat Caucus in the House of Peoples of the Parliament of the BiH Federation shall cast one vote for a list of candidates for the election of Bosniak or Croat Delegates to the House of Peoples of the Parliamentary Assembly of BiH.

(2) The vote shall be cast as a secret ballot in accordance with this Law.

Article 9.12e

(1) Election of Delegates from the Republika Srpska to the House of Peoples of the Parliamentary Assembly of BiH shall be conducted in such a way that each political party or each Delegate to the National Assembly of RS shall have right to nominate one or more candidates to the list for the election of Serb Delegates to the House of Peoples of the Parliamentary Assembly of BiH.

(2) Each list may include more candidates than the number of Delegates to be elected to the House of Peoples of the Parliamentary Assembly of BiH.

Article 9.12f

(1) Each Delegate to the National Assembly of RS shall cast one vote for a list of candidates to the House of Peoples of the Parliamentary Assembly of BiH from the Republika Srpska.

(2) The vote shall be cast by a secret ballot in accordance with this Law.

Article 9.12g

(1) The election material and results of the vote referred to in Articles 9.12d and 9.12f of this Law shall be delivered to the Central Election Commission of BIH for verification in accordance with Article 2.9 of this Law and for the final allocation of mandates in accordance with Article 9.5 of this Law.

(2) Mandates shall be allocated one by one according to the lists and in accordance with Article 9.5 of this Law. Mandates won shall be allocated in the order as contained in the list.

(3) If the allocation of mandates in accordance with Article 9.5 of this Law results in a tie because the quotients are identical, a mandate shall be allocated by drawing a lot.

Article 9.12h

(1) If the event of a vacant position of Delegate in the House of Peoples of the Parliamentary Assembly of BiH in accordance with Article 1.10 of this Law, this position shall be filled by the next qualified candidate of the same list which included the Delegate whose mandate has ceased.

(2) If there are no candidates remaining on the same list, the mandate shall be allocated to the candidate with the highest quotient on the other list, amongst the appropriate constituent people.

(3) If there is no such candidate, the election shall be repeated for election of Delegates from among the appropriate constituent people, in accordance with Articles from 9.12c to 9.12g of this Law.

Article 9.12i

The elections referred to in this Chapter (Candidacy and Voting Procedure) shall be conducted by the competent working bodies of the Parliament of the Federation of BiH and the National Assembly of RS.

CHAPTER 9A
PRESIDENT AND VICE- PRESIDENT OF THE FEDERATION OF BIH

Article 9.13

In election of the President and Vice- Presidents of the Federation of BiH, at least one third of the delegates of the constituent peoples' caucuses to the House of Peoples of the Federation shall nominate delegates for the office of the President and Vice-Presidents.

Article 9.14

(1) The joint slates for the office of President and Vice-Presidents of the Federation of BiH shall be formed from among the candidates referred to in Article 9.13.

(2) The House of Representatives of the Parliament of the Federation of BiH shall vote on one or several joint slates composed of three candidates including one candidate from among each constituent peoples. The slate which receives the majority of votes in the House of Representatives of the Parliament of the Federation of BiH shall be elected if it gets majority of votes cast in the House of Peoples of the Parliament of the Federation of BiH including majority of votes of each constituent peoples' caucuses.

Article 9.15

If the joint slate presented by the House of Representatives does not receive the necessary majority in the House of Peoples, this procedure will be repeated. If in the repeated procedure the joint slate which receives majority of votes in the House of Representatives is rejected again in the House of Peoples that joint slate shall be considered to be elected.

Article 9.16

The delegates to the House of Peoples of the Parliament of the Federation of BiH from the rank of Others may participate in the election of candidates for the President and Vice- President. However, on this occasion, no caucus of Others shall be formed and their vote shall not be counted in calculating the specific majority in the caucuses of the constituent peoples.

Article 9.17

The mandate of the President and Vice- President shall be for four (4) years provided that the mandate does not expire earlier.

CHAPTER 10 PARLIAMENT OF THE FEDERATION OF BIH

Subchapter A
HOUSE OF REPRESENTATIVES OF THE PARLIAMENT OF THE FEDERATION OF BIH

Article 10.1

(1) The House of Representatives of the Parliament of the Federation of BiH shall consist of 98 members, directly elected by voters registered to vote for the territory of the Federation of BiH. The mandate of members of the House of Representatives of the Federation of BiH shall be four years.

(2) A certain number of members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.5 of this law. There shall be compensatory mandates from the territory of the Federation of BiH as a whole according to Article 9.6 of this law. The House of Representatives of the Parliament of the Federation of BiH shall determine, based solely on the guidelines set forth in Article 10.2 of this law, what shall be the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

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

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

Article 10.2

(1) The House of Representatives of the Parliament of the Federation of BiH shall determine, based solely on the guidelines set forth in this Article, the number of mandates, as well as boundaries of multi-member constituencies and the number of compensatory mandates.

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

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

(4) The number of mandates for a constituency shall be determined as follows: The number of registered voters for the House of Representatives of the Parliament of the Federation of BiH, as determined by the Central Election Commission of BiH, shall be divided by the total number of constituency mandates to be allocated. The number of registered voters for a constituency shall be divided by the quotient resulting from the previous division to determine the number of mandates to which the constituency is entitled. Mandates which cannot be allocated based on whole numbers shall be allocated to constituencies on the basis of the highest remainders.

Article 10.3

(1) Political parties, coalitions, and independent candidates, certified in accordance with this law, may stand for election in a constituency.

(2) Every independent candidate for a constituency mandate shall run with a deputy on a single ticket.

Article 10.4

Mandates are allocated in each multi-member constituency under the formula set forth in Article 9.5 of this Law.

Article 10.5

Compensatory mandates shall be allocated under the formula set forth in Article 9.6 of this Law.

Article 10.6

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

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

(3) If a political party or coalition does not have enough eligible candidates of the relevant constituent people on its compensatory list to fill the seats allocated to it, the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its compensatory list(s). If no candidate from the relevant constituent people(s) can be found on any compensatory lists, the seat(s) shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on another list(s) in accordance with Article 9.8, paragraph (2) of this Law.

Article 10.7

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

(2) Mandates won by a list shall be distributed amongst candidates on the list in the manner set forth in Article 9.8 paragraph (2) of this Law.

(3) If a political party or coalition does not have enough candidates on the list to fill seats allocated to it, the mandate shall be transferred to the political party or coalition's list in another constituency according to the procedure set forth in Article 9.7 of this Law.

Article 10.8

(1) If an elected independent candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the vacancy shall be addressed in the manner set forth in Article 9.9 of this law.

(2) If a political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this Law, then the mandate shall be addressed in the manner set forth in Article 9.10 of this Law.

Article 10.8A

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

(2) The following rules will apply and supersede the solutions specified in Articles 9.9 and 9.10 of this Law whenever the application of these articles would bring the representation of a Constituent people below the minimum determined in Article 10.1 of this Law:

a) If the mandate of the elected independent candidate terminates, in accordance with Article 10.8 of this Law, the vacant position shall be filled by a candidate from the political party or coalition with the highest quotient in the same constituency, and which, in accordance with Article 9.8, paragraph (2) of this Law, still has qualified candidates on its list from the same constituent people as the independent candidate whose mandate has terminated.

    1) If the political party or coalition does not have enough eligible candidates on the list in the same constituency to fill seats allocated to it, the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its list(s) in any other constituency in accordance with article 9.8, paragraph 2 of this law.

b) If an elected political party or coalition candidate's mandate terminates, then the mandate shall be given to the next candidate from the same constituency list and belonging to the same constituent people as the original candidate in accordance with Article 9.8, paragraph 2 of this law.

    1) Should there be no more candidates on the same constituency list belonging to the same constituent people, then the mandate shall be given to the list of the same political party or coalition in another constituency that received the highest number of votes, in accordance with Article 9.8, paragraph (2) of this Law.

    2) If there are no more candidates on any of the party or coalition's lists, then the mandate shall be given to the political party or coalition from the same constituency that received the highest number of votes and has eligible candidate(s) belonging to the same constituent people as the original candidate on its list, in accordance with Article 9.8, paragraph (2) of this Law.

    3) Should there be no more candidates from the same constituency belonging to the same constituent people as the original candidate, then the mandate shall be given to the political party or coalition in any of the constituencies, that has received the highest number of votes and has eligible candidates belonging to that constituent people in accordance with Article 9.8, paragraph (2) of this Law.

c) If an elected political party or coalition candidate's compensatory mandate terminates, then the mandate shall be given to the candidate on the same compensatory mandate list who belongs to the same constituent people in accordance with Article 9.7 of this Law.

1) Should there be no more eligible candidates belonging to the same constituent people on the same compensatory mandate list then the mandate shall be given to the party or coalition that has received the highest number of votes and that has an eligible candidate belonging to the same constituent people on its compensatory mandate list. The mandate shall then be allocated in accordance with Article 9.7 of this law.

Article 10.9

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

Subchapter B
HOUSE OF PEOPLES OF THE PARLIAMENT OF THE FEDERATION OF BIH

Article 10.10

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

Article 10.11

(1) The representatives from among Bosniaks, Croats, Serbs and Others in each Canton's Assembly shall elect delegates of their respective constituent peoples in that Canton.

(2) Each party represented in the respective caucuses of the constituent peoples and Others or each member of one of these caucuses shall be entitled to nominate one or more candidates on a list for election of delegates of that particular caucus from that Canton.

(3) Each list can include a larger number of candidates than is the number of delegates to be elected on the condition that the legislature of the Canton has a larger number of delegates from among Bosniaks, Croats, Serbs and Others than is the number of delegates from amongst Bosniaks, Croats, Serbs and Others that ought to be elected to the House of Peoples of the BiH Federation Parliament.

***Article 10.12**

(1) The number of delegates from each constituent people and group of Others to be elected to the House of Peoples of the BiH Federation Parliament 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 the list of quotients of that constituent people. 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.

***** ***The provision of Article 10.12, paragraph (2) of the BiH Election Law "Each constituent people shall be allocated one seat in every canton" has been terminated on 29.07.2017 by the Decision of the BiH Constitutional Court published in Official Gazette 54/17 from 28.07.2017.***

Article 10.13

The election of delegates to the House of Peoples of the Federation of BiH Parliament shall take place as soon as a Cantonal Assembly convenes after the elections for the Cantonal Assemblies and no later than one month after validation of the results in accordance with Article 5.32 of this Law.

Article 10.14

(1) Each delegate in the Cantonal Assembly shall cast one vote for a list within his/her appropriate caucus.

(2) The vote shall be cast as a secret ballot.

Article 10.15

The results of vote shall be communicated to the Central Election Commission of BiH 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 Bosniak, 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 Central 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 Central 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.

Article 10.17

(1) If there is a vacancy due to death, resignation, or permanent incapacitation of a delegate in the House of Peoples of the Parliament of the Federation of BiH, then the vacancy shall be filled by the next eligible candidate from the same list which contained the candidate who died, resigned or is permanently incapacitated.

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

(3) If there is no such candidate the Election Commission of BiH shall re-allocate the seat in accordance with Article 10.16, paragraph (2) of this Law.

Article 10.18

(1) The mandate of a delegate to the House of Peoples of the Federation of BiH shall be four years.

(2) If a cantonal assembly is dissolved, then the mandates of the delegates appointed by that cantonal assembly shall expire upon the appointment of new delegates to be elected by the new cantonal assembly after new elections. The mandate of such new delegates shall last until the next regularly scheduled elections.

CHAPTER 11
NATIONAL ASSEMBLY OF THE REPUBLIKA SRPSKA

Article 11.1

(1) The National Assembly of the Republika Srpska shall consist of 83 members, who shall be directly elected by voters registered to vote for the Republika Srpska. A certain number of members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 9.5 of this law. There shall be compensatory mandates from the Republika Srpska as a whole according to Article 9.6 of this law. The National Assembly of the Republika Srpska shall determine, based solely on the guidelines set forth in Article 11.2 of this law, what shall be the number of mandates and boundaries for multi-member constituencies and the number of compensatory mandates.

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

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

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

Article 11.2

(1) 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.

(2) Of 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.

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

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

Article 11.3

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

(2) Every independent candidate for a constituency mandate shall run with a deputy on a single ticket.

Article 11.4

Mandates are allocated in each constituency under the formula set forth in Article 9.5 of this Law.

Article 11.5

Compensatory mandates shall be allocated under the formula set forth in Article 9.6 of this Law.

Article 11.6

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

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

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

transferred to the party or coalition's list having received the highest number of votes and having such candidates left on another list(s) in accordance with Article 9.8, paragraph (2) of this Law.

Article 11.7

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

(2) Mandates won by a list shall be distributed amongst candidates on the list in the manner set forth in Article 9.8 paragraph (2) of this Law.

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

Article 11.8

(1) If an elected independent candidate's mandate terminates in accordance with the provisions of Article 1.10 of this Law, then the vacancy shall be addressed in the manner set forth in Article 9.9 of this Law.

(2) If a political party or coalition candidate's mandate terminates in accordance with the provisions of Article 1.10 of this law, then the mandate shall be addressed in the manner set forth in Article 9.10 of this Law.

Article 11.8A

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

(2) The following rules will apply and supersede the solutions specified in Article 9.9 and 9.10 of this Law whenever the application of these articles would bring the representation of a Constituent people below the minimum spelled out in Article 10.1 of this law:

a) If the mandate of the elected independent candidate terminates, in accordance with Article 11.8 of this Law, the vacant position shall be filled by a candidate from the political party or coalition with the highest quotient in the same constituency, and which, in accordance with Article 9.8, paragraph (2) of this Law, still has qualified candidates on its list from the same constituent people as the independent candidate whose mandate has terminated.

    1) If the political party or coalition does not have enough eligible candidates on the list in the same constituency to fill seats allocated to it, the mandate shall be transferred to the party or coalition's list having received the highest number of votes and having such candidates left on its list(s) in any other constituency in accordance with article 9.8, paragraph (2) of this Law.

b) If an elected political party or coalition candidate's mandate terminates, then the mandate shall be given to the next candidate from the same constituency list and belonging to the same constituent people as the original candidate in accordance with Article 9.8, paragraph (2) of this Law.

1) Should there be no more candidates on the same constituency list belonging to the same constituent people, then the mandate shall be given to the list of the same political party or coalition in another constituency that received the highest number of votes, in accordance with Article 9.8, paragraph (2) of this Law.

2) If there are no more candidates on any of the party or coalition's lists, then the mandate shall be given to the political party or coalition from the same constituency that received the highest number of votes and has eligible candidate(s) belonging to the same constituent people as the original candidate on its list, in accordance with Article 9.8, paragraph (2) of this Law.

3) Should there be no more candidates from the same constituency belonging to the same constituent people as the original candidate, then the mandate shall be given to the political party or coalition in any of the constituencies, that has received the highest number of votes and has eligible candidates belonging to that constituent people in accordance with Article 9.8, paragraph (2) of this Law.

c) If an elected political party or coalition candidate's compensatory mandate terminates, then the mandate shall be given to the candidate on the same compensatory mandate list who belongs to the same constituent people in accordance with Article 9.7 of this Law.

1) Should there be no more eligible candidates belonging to the same constituent people on the same compensatory mandate list then the mandate shall be given to the party or coalition that has received the highest number of votes and that has an eligible candidate belonging to the same constituent people on its compensatory mandate list. The mandate shall then be allocated in accordance with Article 9.7 of this Law.

Article 11.9

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

CHAPTER 11A
ELECTION OF DELEGATES TO THE COUNCIL OF PEOPLES OF REPUBLIKA SRPSKA

Subchapter A
COUNCIL OF PEOPLES OF REPUBLIKA SRPSKA

Article 11.10

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

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

Article 11.11

(1) The members of the Council of Peoples shall be elected by their respective caucus in the National Assembly of Republika Srpska.

(2) In the event that the number of members elected to one caucus of the Council of Peoples exceeds the number of the representatives of the respective caucus of the RS National Assembly, an additional number of members shall be elected by a caucus to be established for that purpose from among all members of the appropriate constituent peoples in the Municipal Assemblies in Republika Srpska.

Article 11.12

(1) Any political party represented in the caucuses of the their respective constituent peoples and the Others or any member of one of these caucuses, including ad hoc members elected in accordance with Article 11.11, paragraph 2 of this Law, shall have the right to propose one or more candidates on the list for election of members of that relevant caucus.

(2) Any list may contain a number of candidates that is larger than the number of members to be elected.

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

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

(5) The vote shall be cast as a secret ballot.

Article 11.13

(1) The results of the votes shall be communicated to the Central Election Commission of BiH for the final allocation of seats.

(2) Mandates shall be distributed, one by one, to the lists or candidate with the highest quotients resulting from the proportional allocation formula provided for in Article 9.5 of the Election Law of BiH. When a list wins a mandate, the mandate shall be allocated from the top of the list.

Article 11.14

(1) If there is a vacancy due to death, resignation or permanent incapacitation of a delegate to the Council of Peoples in the Republika Srpska, then the vacancy shall be filled by the next eligible candidate on the same list as the delegate who died, resigned or is permanently incapacitated.

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

(3) If there is no such candidate, new elections for the appropriate constituent people shall be held, in accordance with Articles 11.12 and 11.13 of this Law.

Article 11.15

The election of delegates to the Council of Peoples of the Republika Srpska shall take place as soon as the National Assembly convenes and no later than a month after the validation of the results in accordance with Article 5.32 of this law.

Article 11.16

(1) The mandate of a delegate to the Council of Peoples of the Republika Srpska shall be for four (4) years, provided that such mandate does not expire earlier.

(2) The mandate of the Council of Peoples shall terminate as a result of reduction of the mandate of the National Assembly or dissolution of the National Assembly.

CHAPTER 12
PRESIDENT AND VICE PRESIDENTS OF REPUBLIKA SRPSKA

Article 12.1

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

Article 12.2

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

Article 12.3

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

Article 12.4

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

CHAPTER 13
CANTONAL ASSEMBLIES, MUNICIPAL COUNCILS/ASSEMBLIES, AND CITY COUNCILS/ASSEMBLIES

Article 13.1

Mandates for Cantonal Assemblies and Municipal Councils/Assemblies and City Councils/Assemblies shall be allocated under the proportional representation system set forth in Article 13.5 of this law.

Article 13.2

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

1. between 11 and 17 members for municipalities having less than 8.000 voters registered in the Central Voters' Register;
2. between 17 and 25 members for municipalities having between 8.000 and 20.000 voters registered in the Central Voters' Register; and
3. between 25 and 31 members for municipalities having more than 20.000 voters registered in the Central Voters' Register.

Article 13.3

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

1. between 20 and 25 members for cantons having less than 75.000 voters registered in the Central Voters' Register;
2. between 20 and 30 members for cantons having between 75.000 and 200.000 voters registered in the Central Voters' Register, and
3. between 30 and 35 voters for cantons having more than 200.000 voters registered in the Central Voters' Register.

Article 13.4

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

Article 13.5

(1) Allocation of mandates for the Cantonal Assembly and the Municipal Council/Assembly shall be conducted in accordance with Article 9.5 of this Law.

(2) 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.

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

(4) Mandates **for Cantonal Assembly** won by a list shall be distributed first amongst candidates on the list who individually received at least **twenty percent (20%)** of the total number of valid votes received by that list, these mandates being awarded in the order of the highest number of votes to the lowest number of votes. If there are still mandates to be distributed to a list and the candidates remaining are those who received less than **twenty percent (20%)** of the total valid votes received by that list, then distribution of the mandates

among the remaining candidates from the list will be done according to their order on the list.

(5) Mandates for Municipal Council/Assembly won by a list shall be distributed first amongst candidates on the list who individually received at least ten percent (10%) of the total number of valid votes received by that list, these mandates being awarded in the order of the highest number of votes to the lowest number of votes. If there are still mandates to be distributed to a list and the candidates remaining are those who received less than ten percent (10%) of the total number of valid votes received by that list, then distribution of mandates among the remaining candidates from the list will be done according to their order on the list.

Article 13.6

(1) If the mandate of a candidate from the list of a political party, coalition, or independent candidates terminates in accordance with Article 1.10 of this Law, then the mandate shall pass to the next candidate as set forth in Article 13.5 paragraph (4) of this Law.

(2) The Central Election Commission of BiH shall carry out the redistribution of mandates according to the procedure set out under Article 9.5 of this Law.

Article 13.7

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

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

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

Article 13.10

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

(2) 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 13.5 of this law. Distribution of mandates amongst the candidates from the same list shall be done according to the order on the list of candidates for this election.

(3) Each City Council/Assembly shall elect a Mayor and a President of the City Council/Assembly as set forth by law and statute.

Article 13.11

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

Article 13.12

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

Article 13.13

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

CHAPTER 13A
PARTICIPATION OF MEMBERS OF NATIONAL MINORITIES IN THE ELECTIONS FOR MUNICIPAL LEVEL

Article 13.14

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

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

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

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

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

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

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

shall have the status of independent candidate.

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

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

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

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

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

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

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

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

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

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

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

(17) In the event that the mandate for an elected holder of mandate referred to in paragraph 12 of this Article has terminated as provided by Article 1.10 of this Law, the substitute mandate

shall be allocated to the candidate with next highest number of valid votes received on the special list of candidates- members of national minorities. If the list is exhausted, the mandate shall remain vacant.

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

CHAPTER 14
REPEATED, POSTPONED, AND EARLY ELECTIONS

Article 14.1

Repeated elections shall be conducted using the same candidate lists and the same excerpts from the Central Voters Register which were used in the annulled elections and shall be conducted on a date determined by the Central Election Commission of BiH which shall be no later than fourteen (14) days from the date when the decision of the Central Election Commission of BIH to annul the elections became final.

Article 14.2

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

(2) Postponed elections shall be conducted if, in a constituency or at a Polling Station, the voting did not take place on the day designated for voting.

(3) Postponed elections shall be scheduled by the Central Election Commission of BiH.

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

Article 14.3

(1) In the event that an elected body is dissolved, or that its mandate has ceased, in accordance with the Constitution and Law, the Central Election Commission of BiH shall make a decision to announce early elections, establishing the exact date of the elections therein.

(2) Early elections shall be held within 90 days of the dissolution of the elected body and/or the cessation of its mandate in accordance with the Constitution and Law.

(3) From the date of the announcement of early elections to the date of holding of the elections no less than 30 and no more than 90 days may pass.

(4) Terms of office of the members of the body elected in early elections shall last until the mandate of the body elected in the regular elections has expired.

(5) The Central Election Commission of BiH shall conduct early elections in the manner and through the procedure prescribed by this law for the conduct of regular elections.

(6) The Central Election Commission of BiH shall specify time-limits necessary for holding of elections, in accordance with the provisions of this Chapter.

Article 14.3a

As an exception to Article 20.8, paragraphs (1) and (2) of this Law, for the purpose of early elections for the Municipal Council/Municipal Assembly or for Municipal Mayor/City Mayor, voters registered to vote in absentia shall exercise their voting right in person in the municipality of their residence as recorded in the last Census conducted by the State of BiH.

CHAPTER 15
CAMPAIGN FINANCE

Article 15.1

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

1. All cash at hand;
2. All income and disbursements based on: memberships; transparent 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 in accordance with provisions of the Law on Political Party Financing; credits; loans; donations; rebates; refunds; other operating expenditures; and other sources for the reporting period as determined by the Central Election Commission of BiH;
3. Identification of the person or source of any payment and in-kind contribution, as well as the identification of a person who received that payment, in excess of one hundred (100) convertible marks, together with the date and amount of any such receipt;
4. The total amount of all account payables and total amount of disbursements in the following categories: costs for printing and distribution of posters, printing costs for pre-election announcements, statements and so on, in the public media, organizational and operational costs for organizing rallies, costs for printing, reproducing and delivering pre-election materials directly to voters, and
5. the amount and nature of outstanding debts and obligations owed by or to the person who files a report and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished.

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

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

Article 15.2

(1) The Central Election Commission of BiH shall issue Regulations in order to implement this chapter, whereby it shall specify in detail the content, form, manner and other details of reporting.

(2) All persons who are required to file reports must also file such additional reports as required by the Central Election Commission of BiH or by the Law on political party financing.

Article 15.3

(1) Every political entity, 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 Central Election Commission of BiH.

(2) Those who file reports shall inform the Central Election Commission of BiH 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.

(3) 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 Central Election Commission of BiH upon request.

Article 15.4

An independent candidate shall be directly responsible for filing reports with the Central Election Commission of BiH.

Article 15.5

The Central Election Commission of BiH shall enable public access to all reports, and shall take appropriate actions to ensure that all citizens have easy access to information contained within the reports.

Article 15.6

(1) The Central Election Commission of BiH 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 Central Election Commission of BiH may initiate. The Central Election Commission of BiH may initiate investigation or take appropriate implementing actions, on its own initiative or in response to a complaint filed by a person.

(2) The Central Election Commission of BiH 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.

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

Article 15.7

(1) **Candidates elected at all levels of authority shall be obligated to submit to the BiH Central Election Commission, on a special form, a signed statement on his or her total property situation, containing:**

1. current income and sources of income, including all incomes, wages, profit from property, contributions as defined in Article 15.1 of this law, account receivables and other incomes realized in BiH and abroad for a period of the past calendar year;
2. property, including money, bank accounts, business documentation, shares, securities, bonds, real property, personal property, occupancy right and other property and possessions which exceed 5.000 KM, in BiH and abroad; and
3. disbursements and other liabilities, including all debts, liabilities, promissory notes, loans and guarantees of such liabilities in BiH and abroad.

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

Article 15.8

(1) All candidates elected at all levels of authority except the level of BiH and the Entity level shall be obliged to submit to the Central Election Commission of BiH, within thirty (30) days from the publication of the verification of mandates in the Official Gazette of BIH, a signed statement of their property situation referred to in Article 15.7 of this law on a special form.

(2) Candidates elected to a body of authority at all levels shall be required to submit a statement of their property situation to the Central Election Commission of BIH 30 days after to the expiration of the mandate for which they have been elected, as well as in the case of cessation of the mandate in the context of the provisions of Article 1.10, paragraph (1), points 1), 4), 5), 6), 7) and 8) of this Law, within 30 days from the cessation of the mandate.

(3) The Central Election Commission of BIH shall issue instructions to regulate the format and the manner of filling out of necessary forms as described by paragraph (1) of this Article and Article 15.7 of this Law.

Article 15.9

The Central Election Commission of BiH shall make the forms containing the statements on total property situation available to the public. The Central Election Commission of BiH shall not be responsible for accuracy of data or complaints regarding the information contained in the forms.

Article 15.10

(1) The Central Election Commission of BiH shall announce the number of voters for each constituency within seven days of the day of completion of the Central Voters Register. The number of voters shall serve as a basis to determine a maximum amount that a political entity shall be allowed to spend for financing the election campaign

(2) The maximum amount allowed to be spent for financing the election campaign shall represent a result of the multiplication of the number of voters in all constituencies in which the political entity referred to in paragraph (1) of this Article has a list of candidates by:

1. 0.30 KM …… for the elections of Head of Municipality/City Mayor and members of the Municipal Council/Assembly

2. 0.20 KM …….. for the elections of members of Cantonal Assemblies

3. 0.30 KM ……..….. for the elections of members of the RS National Assembly and the House of Representatives of the Federation Parliament

4. 0.30 KM …….. for the elections of members of the Parliamentary Assembly of BIH

5. 0.30 KM ……. for the elections of members of the Presidency of BiH

6. 0.30 KM …… for the elections of President and Vice-President of the Republika Srpska.

(3) For the elections referred to in paragraph (2), item 1 of this Article, in the municipalities with less than 3,000 voters recorded in the Central Voter Register, it shall be considered that 3,000 voters are registered.

(4) If the elections are repeated in a constituency, or in the Polling Station, the costs of the election campaign per voter can increase by up to 30% of the costs of the elections annulled in the electoral unit or the polling.

CHAPTER 16
MEDIA IN THE ELECTION CAMPAIGN

Article 16.1

The media in BiH shall cover election activities in a just, professional and competent manner, consistently respecting the journalists' code of conduct and generally accepted democratic rules and principles, especially the basic principle of freedom of expression.

Article 16.2

Electronic media shall cover pre-election activities and observe the principle of balance, fairness and impartiality.

Article 16.3

(1) In broadcasts of the electronic media, no political entity shall have a privileged position with respect to another political entity.

(2) Officials at all levels of authority who participate in the elections as candidates must not enjoy a privileged position with respect to other participants in the electoral process.

(3) Informing on regular activities of officials at all levels of authority is allowed within information programs of electronic media, with no reference to their candidacy for the elections or their party membership, whenever the information is about the activities that fall within the scope of activities of the body they represent as set forth by the Law.

Article 16.4

Electronic media shall pay special attention to respect the principles of balance, fairness and impartiality in information programs, especially in news, interviews and discussions on important political issues, such as round tables and similar, which thematically do not directly concern the election activities of political entities, but which could influence opinion of voters.

Article 16.5

(1) The electronic media shall clearly and without reservation disclose the following information in releasing results of a public opinion survey:

a) Name of the institution or person that ordered and paid the survey,
b) Name and the seat of the institution that conducted the survey,
c) Size of the sample and a possible tolerance in the survey results,
d) The period in which the survey was conducted.

(2) Results of a telephone public opinion research or street poll conducted among voters during the campaign shall not be presented as a reliable or trustful opinion of a particular social group, which must be particularly emphasized by the media that conducts the survey and announces results.

Article 16.6

Journalists and moderators in the electronic media must not express their possible party membership or affiliation in regular or special programs.

Article 16.7

The order of appearance for direct address by political entities in special programs shall be established by drawing a lot prior to the campaign, in the presence of representatives of political entities and the Central Election Commission of BIH.

Article 16.8

(1) The electronic media shall inform all political entities of the timings for their participation in special programs.

(2) Once established the timings must not be changed, and failure of a political entity to show up shall be considered as voluntarily giving up of the election campaign presentation in the electronic media.

Article 16.9

(1) The public electronic media shall broadcast radio and TV ads, entire statements and information by the Central Election Commission of BiH free of charge for the purpose of informing voters about all aspects of the electoral process.

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

Article 16.10

Results of public opinion research related to the voting and elections shall not be released during the period beginning 48 hours prior to the opening of Polling Stations and until the close of polling stations.

Article 16.11

(1) No media coverage of any political and electoral campaign activity shall take place in the whole territory of BiH during the period beginning 24 hours prior to the opening of the Polling Stations.

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

Article 16.12

(1) The electronic media shall provide equal conditions for paid political advertisements of political entities (commercials, public calls, jingles, video-clips and any other type of promotion of a political entity) in the period of 30 days prior to the Election Day.

(2) The electronic media shall ensure that paid political advertisements are clearly separated from the rest of the program and shall not be counted within the limit on the allowed time for commercials set by the Communications Regulatory Agency of BiH.

(3) The electronic media shall receive orders for paid political advertisements directly from political entities or through the legal or private persons so authorized by the political entities.

(4) Orders including the contents of advertisements shall be delivered to the electronic media not later than 48 hours prior to broadcast.

(5) Advertisements shall be paid in advance and the prices of political advertisements must not be higher than the prices in the existing marketing price-list of the given media.

Article 16.13

The electronic media shall have the right to refuse to broadcast a political advertisement in case that:

a) the advertisement has not been properly ordered in a written form;
b) the advertisement does not meet technical and professional standards which are clearly identified and of which the political entity has been duly informed; and
c) the advertisement or the content thereof violates the Constitution or laws of BIH.

Article 16.14

(1) The public electronic media shall present political entities in an equal and fair manner and shall inform the public of all issues related to the campaign and the election process during 30 days prior to the Election Day.

(2) The public electronic media shall provide free broadcast time for direct access by political entities during 30 days prior to the Election Day.

(3) No conduct of a paid election campaign shall be allowed by way of electronic and printed media, or any form of paid public advertising, except for the holding of internal gatherings of authorities and statutory bodies of the political entities, within the period between the day when elections are announced and the day of official start of the election campaign. No conduct of an election campaign shall be allowed by way of electronic and printed media where the contents are stereotype and offensive against men and/or women or which encourages any stereotype and offensive behavior on the grounds of gender or any humiliating attitude against the members of different genders.

(4) The regulations of the Central Election Commission of BIH shall determine the amount of broadcast time to be allocated to the political entities, the broadcast time and duration of the broadcast, as well as the geographic regions covered by the broadcasts.

(5) The public electronic media shall provide equal conditions for paid political advertisements of political parties in the duration of maximum 30 minutes per week during 30 days prior to the Election Day.

Article 16.15

(1) The private electronic media shall provide equal conditions for paid political advertisements of political entities in the duration of maximum 60 minutes per week during 30 days prior to the Election Day.

(2) The private electronic media may provide free broadcast time for direct access by political parties, during 30 days prior to the Election Day, but under equal conditions applicable to all.

(3) At the written request, the body competent to regulate the work of the electronic media may exempt specific private electronic media from application of this Article.

(4) The private electronic media broadcasting its own information and political program or relaying a program received from another media shall not be subject to the provision of the previous Paragraph.

Article 16.16

(1) The body regulating the work of the electronic media that is responsible to implement laws and regulations related to media, shall be competent in all cases of violation of the provisions governing the media concerning elections as established by this Law and other laws governing the work of the media.

(2) The Central Election Commission of BiH shall be competent to decide complaints of violations of this Chapter committed by political entities.

Article 16.17

The political entities shall refer to the Press Council of BIH with their complaints to the content in the printed media concerning coverage of the electoral campaign.

Article 16.18

The Central Election Commission of BiH shall issue by-laws to regulate in more detail the application of the provisions of this Chapter.

CHAPTER 17
ELECTION OBSERVERS

Article 17.1

(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 BiH provided that they are accredited in accordance with this law.

(2) 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 Centers, Polling Stations, Counting Centers, and other relevant locations as specified by the Central Election Commission of BiH

Article 17.2

(1) Observers shall not in any way interfere with electoral activities and they shall respect the secrecy of the voting. An observer may have only 1 representative at the same time at a public election commission meeting, Voter Registration Centre, Counting Centre, Polling Station, or any other relevant location, as specified by the Central Election Commission of BiH.

(2) International observers shall not be subject to the limitation of the number of observers referred to in paragraph (1) of this Article.

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

Article 17.3

The Central Election Commission of BiH shall accredit and issue accreditation identification for

international observers. The Central Election Commission of BiH shall establish Regulations in order to determine the criteria and the application process for the accreditation of international observers.

Article 17.4

(1) The Central Election Commission of BiH shall accredit and issue accreditation identification to associations of citizens. The Central Election Commission of BiH 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 authorized 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 name, valid ID card number, national identification number (JMBG) of the nominated observer.

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

Article 17.5

(1) 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.

(2) The Central Election Commission of BiH shall accredit observers who will observe the work of the Central Election Commission of BiH and the Main center(s) for counting.

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

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

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

Article 17.6

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

Article 17.7

The final deadline for submission of an application for accreditation of observers shall be established by the Central Election Commission of BiH, and the deadline concerning requests for the accreditation of observers.

Article 17.8

An observer who has been denied accreditation by a Municipal, Cantonal, or Entity Election Commission may within three (3) days from the day of receipt of the decision submit a complaint with the Central Election Commission of BiH, which will resolve it within seven (7) days from the day of the receipt.

Article 17.9

(1) An observer may submit a substantiated objection, in writing, to the work of the bodies responsible for the conduct of elections as established by this Law, which shall be enclosed to the record on the work of said body responsible for the conduct of elections, on the basis of which a political entity may submit a complaint to the competent body.

(2) The observer shall have the right to request a copy of the record on the work of the body responsible for the conduct of elections whose work she/he has observed.

Article 17.10

(1) The body issuing accreditation to an accredited observer may revoke his/her status of an observer and cancel the accreditation because of a violation of the provision of Article 17.2.

(2) The Central Election Commission of BiH shall issue detailed regulations on the conditions and procedure of the application of this Chapter.

CHAPTER 18
BRČKO DISTRICT OF BOSNIA AND HERZEGOVINA

Article 18.1

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

(2) The territory of the Brčko District shall be one constituency.

Article 18.2

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

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

Article 18.3

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

CHAPTER 19
THE CITY OF MOSTAR

Article 19.1

This law shall govern the elections of the councilors to the Council of the City of Mostar (hereinafter: "the City Council"). The principles outlined in this Chapter will apply to elections in the City of Mostar, notwithstanding Chapter 13 of this Law.

Article 19.2*

(1) The City Council shall be composed of 35 members. The councilors in the City Council shall be elected in a city-wide electoral constituency and city area electoral constituencies, in the manner set forth in Article 19.4 hereof.

(2) 'A city-wide electoral constituency' shall for the purpose of the preceding paragraph cover the entire territory of the City, as defined in Article 5 of the Statute of the City of Mostar.

(3) For the purpose of paragraph 1 of this Article, "city areas electoral constituencies" shall be the former city municipalities, as defined by Article 7 and 15 of the Statute of the City of Mostar.

***By decision of the Constitutional Court of BiH published in the Official Gazette of BiH number 15/12 from 27.02.201 provisions of Article 19, paragraph (1) and (3) of the Election Law ceased to apply as from 28.02.2012.**

Article 19.3

The City of Mostar shall have one Election Commission established in accordance with the provisions of this Law pertaining to Municipal Election Commissions.

Article 19.4*

(1) Seventeen (17) councilors shall be elected from a city-wide electoral constituency. A minimum of four (4) councilors of each constituent people and one (1) councilor from the group of "Others" shall be elected from the city-wide electoral constituency.

(2) Three (3) councilors shall be elected from each of the six city area electoral constituencies.

(3) The city area electoral constituency 1 shall consist of the former City-Municipality Mostar North.

(4) The city area electoral constituency 2 shall consist of the former City-Municipality Mostar Stari Grad.

(5) The city area electoral constituency 3 shall consist of the former City-Municipality Mostar Southeast.

(6) The city area electoral constituency 4 shall consist of the former City-Municipality Mostar South.

(7) The city area electoral constituency 5 shall consist of the former City-Municipality Mostar Southwest.

(8) The city area electoral constituency 6 shall consist of the former City-Municipality Mostar West.

(9) Each constituent people or the group of "Others" shall not have more than fifteen (15) representatives in the City Council.

***By decision of the Constitutional Court of BiH published in the Official Gazette of BiH number 15/12 from 27.02.2012 provisions of Article 19, paragraph (2) to (8) of the Election Law ceased to apply as from 28.02.2012.**

Article 19.5

(1) The mandates to be filled from the city-wide electoral constituency shall first be allocated under the formula set forth in Article 9.5, paragraph (1) of this Law. If the allocation of mandates from the city-wide electoral constituency does not allow minimum representation of any of the constituent peoples and/or of the group of "Others", as provided for under Article 19.4, paragraph (1) of this Law, the following method shall apply:

a) the last mandate(s) to be allocated from the city-wide electoral constituency required to fill the quotas of any of the constituent peoples and/or the group of "Others" shall be allocated to the candidate(s) from the relevant constituent people(s) and/or group of "Others" having received the highest number of votes on the list of the political party, the list of independent candidates or the coalition's list to which the mandate was allocated under Article 9.5, paragraph 1 of this Law. If the mandate would, under the formula set for the in Article 9.5, paragraph 1 of this Law, be allotted to an independent candidate, item 2 of this Article will apply.

b) If the political party, list of independent candidates or coalition to which the mandate(s) was allocated under Article 9.5, paragraph (1) of this Law does not have enough such eligible candidate(s) on its city-wide electoral list or if the mandate would, under Article 9.5 of this Law, be allocated to an independent candidate, the mandate shall be transferred either:

1) to the political party(ies), list(s) of independent candidates or coalition(s) having such candidates left on its list;

or

2) to (an) independent candidate(s) from the relevant constituent people or from the group of "Others", which/whoever ha(s) (ve) the next highest quotient as defined in Article 9.5 of this Law.

c) If no candidate from the relevant constituent people(s) or the group of "Others" can be found in accordance with items 1) and 2) of this Article, the mandate(s) shall be transferred to either:

1) the political party, list of independent candidates or coalition's list having such candidate(s) left on a list for any city area constituency after the seats filled from the area constituencies have been allocated in accordance with Article 19.6 of this Law;

or

2) the independent candidate(s) from the relevant constituent people or from the group of "Others" running for any city area constituency, which/whoever ha(s)(ve) received the highest quotient as defined in Article 9.5 of this Law.

(2) Article 9.5, paragraph (2) shall not apply when allocating mandate(s) under this Article.

Article 19.6

(1) The mandates filled from the city areas electoral constituencies are thereafter allocated under the formula set forth in Article 9.5 of this Law. Mandates shall be allocated individually, starting with the highest placed candidate in each city area constituency, and proceeding in similar fashion to fill each available seat from each city area constituency. The sequence of filling the mandate allotted to each city area constituency, for each of the three successive steps, shall be determined by the drawing of lots. The drawing of lots shall be organized by the Election Commission of BiH.

(2) If the allocation of a mandate from the city areas electoral constituency would lead to the representation of a constituent people and/or the group of Others beyond the quota provided for under Article 19.4, paragraph (4) of this Law, the following method shall apply:

a) The mandate shall be re-allocated to the candidate who does not belong to the said constituent people and/or to the group of "Others" having received the highest number of votes on the list of the political party, the list of independent candidates or coalition's list to which the mandate was allocated under Article 9.5, paragraph 1 of this Law. If the mandate would, under the formula set for the in Article 9.5, paragraph 1 of this Law, be allotted to an independent candidate, item 2 of this Article will apply.

b) If there is no such candidate or if the mandate would, under the formula set for the in Article 9.5, paragraph (1) of this Law, be allotted to an independent candidate, the mandate shall be transferred, in the same city area constituency, either:

1) to the party, list of independent candidates or coalition's list having a candidate who does not belong to the said constituent people and/or to the group of "Others" left on its list;

or

2) to the independent candidate(s) who does not belong to the said constituent people and/or to the group of "Others", which/whoever has the next highest quotient as defined in Article 9.6 of this Law.

c) If no such candidate can be found in accordance with items 1 and 2 of this Article, the mandate(s) shall be transferred to either:

1) the political party, list of independent candidates or coalition's list having such candidate(s) left on a list for any other city area constituency after the seats filled

from that city area constituencies have been allocated in accordance with Article 19.6 of this Law;

or

2) the independent candidate(s) from the relevant constituent people or from the group of "Others" running for any city area constituency, which/whoever ha(s)(ve) received the highest quotient as defined in Article 9.5 of this Law.

Article 19.7

Notwithstanding Article 13.7 of this Law, the Mayor of the City of Mostar will be indirectly elected in accordance with the Constitution of the Federation of BiH.

CHAPTER 19.A – PENALTY PROVISIONS

Article 19.8

A fine in the amount between 200 KM and 1.000 KM shall be imposed on those employed or hired in the election administration for violation, if he/she:

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

b) fails to designate polling stations in the territory of the municipality for voting at all levels of authorities in BiH (Article 2.13 paragraph (1), point 2);

c) fails to provide the polling materials for voting at all levels of the elections in BiH (Article 2.13 paragraph (1), point 4);

d) fails to notify voters of all information necessary for the administration of elections in line with the regulations of the BiH Central Election Commission (Article 2.13 paragraph (1), point 5);

e) conducts the counting of ballots at polling stations and in municipal counting centers in an inappropriate manner (Article 2.13 paragraph (1), point 7);

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

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

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

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

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

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

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

m) **has been inexcusably absent during the entire voting process (Article 5.5)**

n) fails to assign duties to the members of the Polling Station Committee (Article 5.6, paragraph (2);

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

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

q) fails to verify the identity of the voter and his/her signature in the excerpt from the Central Voters Register in accordance with this Law (Article 5.13);

r) issues ballot(s) contrary to the regulations governing the issuance of ballot (Article 5.13);

s) helps individuals with voting in the manner which is not in accordance with this Law (Article 5.19, paragraph (2));

t) the forms have been filled contrary to Article 5.25; and

u) the data of the consolidated summary of voting results for the municipality are not in accordance with Article 5.27;

(2) A pecuniary fine in the amount from 300 KM to 3.000 KM shall be imposed on members of the polling station committee for violations referred to in paragraph (1), points a), l), m), n), o), p), q), r), s) and t).

Article 19.9

(1) A political entity shall be fined in the amount from 1.000 KM to 10.000 KM for violation if it:

a) fails to submit changes of data within ten (10) days (Article 4.22);

b) removes, covers up, damages or alters printed notices, placards, posters or other materials which are used, in accordance with law, for purposes of the election campaign of political parties, coalitions, lists of independent candidates or independent candidates (Article 7.2, paragraph (2));

c) displays notices, placards and posters, or places its names or slogans related to the election campaign, in or on the buildings of government authorities at all levels, public enterprises, public institutions and local communities, and on religious facilities, on public roads and in public areas, except for the places designated for distribution of posters and advertising; (Article 7.2, paragraph 3)).

d) carries and displays weapons in political gatherings, polling stations and their surroundings, as well as during gatherings related to the activities of political parties,

coalitions, independent candidates' lists and independent candidates in the election process (Article 7.3 paragraph (1) point 1));

e) disturbs gatherings of other political parties, coalitions and independent candidates, and incites others to conduct such activities (Article 7.3 paragraph (1) point 2);

f) prevents journalists from carrying out their work in accordance with their professional rules and election rules (Article 7.3 paragraph (1) point 3);

g) promises any financial rewards with the purpose of gaining the support of voters or threatens the supporters of other political parties, coalitions, independent candidates' lists and independent candidates (Article 7.3 paragraph (1) point 4);

h) induces persons to vote who are not entitled to vote (Article 7.3 paragraph (1) point 5);

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

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

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

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

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

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

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

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

q) **fails to submit statement on the total property situation on a specific form within 30 days from the day when the mandate verification is published in the Official Gazette of BiH (Articles 15.7 and 15.8);**

r) **exceeds the highest amount of funds for election campaign financing set forth in Article 15.10;**

s) conducts the election campaign in the period from the day when the elections have been announced to the day of official start of the election campaign (Article 16.14, paragraph (3));

t) [if] an observer, while observing electoral process, interferes with the election activities

and fails to respect the secrecy of voting (Article 17.2 paragraph (1));

u) [if] an observer, while observing electoral activities, fails to wear official accreditation or wears or carries any insignia or symbols that identify him/her with a particular political party, coalition, independent candidates' list and independent candidate (Article 17.2 paragraph (3)).

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

(3) For the violations referred to in paragraph (1) Item a) of this Article, the responsible person in the political party, coalition and list of independent candidates shall also be fined in the amount from 200 KM to 5.000 KM.

(4) For the violations referred to in paragraph (1) item b), c), d), e), f), g), h), i), j), k), l), m), n), o), p) of this Article, the candidate of the political subject shall also be fined in the amount from 1.000 KM to 5.000 KM.

(5) For the violations referred to in paragraph (1) points d), h) and i) of this Article, those employed or hired in the election administration shall also be fined in the amount from 200 KM to 1.000 KM.

Article 19.10

A candidate elected for any level of government shall be fined in the amount from **300 KM** to 3.000 KM if:

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

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

CHAPTER 20
TRANSITIONAL AND FINAL PROVISIONS

Article 20.8

(1) Until otherwise decided by the High Representative or the Parliamentary of BiH pursuant to paragraph seven of this article, a citizen of BiH who is a displaced person and has the right to vote, shall have the right to register and to vote in person or absentee for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the State of BiH, except in the case where the person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of BiH until that person acquired status as a displaced person, or in person for the municipality of his or

her current residence, under the condition that he or she became a resident of that municipality at least six (6) months prior to the election day.

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

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

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

(5)Until otherwise decided by the High Representative or the Parliamentary of BiH pursuant to paragraph seven of this article, a citizen of BiH who is a refugee and who has the right to vote shall have the right to register and to vote in person or by mail for the municipality in which the person had his or her permanent place of residence according to the last Census conducted by the State of BiH, except in the case where the person can provide proof of a change of his or her permanent residence in accordance with the law, in the period from the last Census conducted by the State of BiH until that person acquired refugee status.

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

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

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

1. Status of implementation of property laws;

2. Number of persons registered as displaced persons;

3. Factors establishing sustainability of return, which include safety of returnees, access to education and services, non-discrimination in employment and labor relations and functioning of the judicial system.

Article 20.9

(1) Exceptionally, for the 2008 Municipal Elections, all persons who have the right to vote and who had their permanent place of residence in the Municipality of Srebrenica according to the last census conducted in BiH, shall have the right to register to vote in person or absentee for the Municipality of Srebrenica, regardless of whether they have the status of refugee or displaced person and regardless of whether they have established permanent residence outside the Municipality of Srebrenica.

(2) The persons referred to in paragraph 1 of this Article shall have the right to choose to vote for the municipality in which they currently reside or for the Municipality of Srebrenica.

(3) The Central Election Commission of BiH shall further regulate the procedure of registration of persons referred to in paragraph 1 of this Article.

Article 20.9A

(1) Until 31 December 2007, the following exclusions will apply:

a) No person who has been removed from public office by decision of the High Representative for action or inaction in violation of the commitments made under the General Framework Agreement for Peace in BiH or in connection with the terms of its implementation shall be permitted to be a candidate in direct or indirect elections covered by this law or to hold any mandate gained in direct or indirect elections covered by this law, except as otherwise determined by the High Representative;

b) No person who, pursuant to Chapter 14 of the Instructions to the Parties issued under Annex 1A to the General Framework Agreement for Peace, has been removed from a military command or office as a result of having engaged in activities that threaten or endanger the peace process, shall be permitted to be a candidate in direct or indirect elections covered by this law or to hold any mandate gained in direct or indirect elections covered by this law;

c) No person who has been de-authorized or denied certification by decision of the International Police Task Force Commissioner for having obstructed the implementation of the General Framework Agreement for Peace, shall be permitted to be a candidate in direct or indirect elections covered by this law or to hold any mandate gained in direct or indirect elections covered by this law.

(2) The Central Election Commission of BiH shall, after determining whether a decision provided for in paragraph 1 of this Article has been taken and whether the conditions prescribed in this Article are met, be responsible for enforcing the prohibition contained in this Article.

Article 20.9B

(1) Until 31 December 2007, the Central Election Commission of BiH shall ensure that the application for certification of any political party and any other documents submitted under Article 4.3 of this Law and under the internal regulations of the Central Election

Commission of BiH, do not include a person referred to in Article 20.9A.

(2) Should the documents referred to in paragraph 1 of this Article show that a person referred to under the first item of paragraph 1 of Article 20.9A holds any party position, the Central Election Commission of BiH shall in a timely manner obtain confirmation from the international agency that issued the decision as to whether it has, by decision or otherwise, expressly provided that the person subject to such decision would be entitled to hold office within a political party.

(3) If the documents referred to in paragraph (1) of this Article show that a person referred to in Article 20.9A holds a central party position and provided that the person is not entitled to hold such office under paragraph (2) of this Article, that political party shall not be eligible for certification.

Article 20.11

The Entities shall bring their laws and regulations in compliance with this law within 45 days after the entering into force of this Law.

Article 20.12a

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

Article 20.12b

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

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

Article 20.13

(1) Until the Entities form multi-member constituencies, the following multi-member constituencies shall exist.

a) Of 98 members of the House of Representatives of the Federation of BiH who shall be directly elected by voters registered to vote for the territory of the Federation of BiH, 73 shall be elected from among twelve 12 multi-member constituencies, and 25 shall be compensatory mandates elected from the territory of the Federation of BiH as a whole. The mandates shall be distributed in accordance with Articles 9.5 to 9.8 of this law.

b) 73 multi-member constituency mandates for the House of Representatives of the BiH Federation Parliament shall be allocated according to the following:

1) Constituency 1 consists of Canton 1 and elects nine members.
2) Constituency 2 consists of Canton 2, part of Canton 3 (Gradačac, Gračanica, Doboj-East) and voters from Brčko District who have registered to vote in the Federation of BiH and elects five members.
3) Constituency 3 consists of part of Canton 3 (Lukavac, Srebrenik, Tuzla, Čelić) and elects seven members.
4) Constituency 4 consists of part of Canton 3 (Teočak, Banovići, Živinice, Kalesija, Sapna and Kladanj) and elects four members.
5) Constituency 5 consists of part of Canton 4 (Doboj-South, Tešanj, Maglaj, Žepče, Zavidovići, Zenica and Usora) and elects eight members.
6) Constituency 6 consists of part of Canton 4 (Kakanj, Vareš, Olovo, Visoko and Breza) and elects four members.
7) Constituency 7 consists of Canton 5 and part of Canton 9 (Novi Grad-Sarajevo, Ilidža, Hadžići and Trnovo) and elects six members.
8) Constituency 8 consists of Canton 6 and elects nine members.
9) Constituency 9 consists of Canton 7 and elects eight members.
10) Constituency 10 consists of Canton 8 and elects three members.
11) Constituency 11 consists of part of canton 9 (Ilijaš, Vogošća, Centar-Sarajevo, Stari Grad-Sarajevo, Novo Sarajevo) and elects seven members.
12) Constituency 12 consists of Canton 10 and elects three members.

(2) Of 83 members of the National Assembly of the Republika Srpska, who shall be directly elected by voters registered to vote for the territory of the Republika Srpska, 62 shall be elected from among 6 multi-member constituencies and 21 shall be compensatory mandates elected from the territory of the Republika Srpska as a whole. The mandates shall be distributed in accordance with Articles 9.5 to 9.8 of this Law.

Article 20.14

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

Article 20.15

Financial penalties established by this Law are income of the budget of the Institutions of BiH.

***Article 20.16A**

(1) Until Annex 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina has been fully implemented, the allocation of seats by constituent people normally regulated by Chapter 10, Subchapter B 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:

~~a) from the Legislature of Canton number 1, Una-Sana Canton, five delegates, including two Bosniaks, one Croat and two Serbs shall be elected.~~
~~b) from the Legislature of Canton number 2, Posavina Canton, three delegates, including one Bosniak, one Croat and one Serb shall be elected.~~

~~c) from the Legislature of Canton number 3, Tuzla Canton, eight delegates, including three Bosniaks, one Croat, two Serbs and two Others shall be elected.~~

~~d) from the Legislature of Canton number 4, Zenica-Doboj Canton, eight delegates, including three Bosniaks, two Croats, two Serbs and one Other shall be elected.~~

~~e) from the Legislature of Canton number 5, Bosnian-Podrinje Canton – Goražde, three delegates, including one Bosniak, one Croat and one Serb shall be elected.~~

~~f) from the Legislature of Canton number 6, Central Bosnia Canton, six delegates, including one Bosniak, three Croats, one Serb and one Other shall be elected.~~

~~g) from the Legislature of Canton number 7, Herzegovina-Neretva Canton, six delegates, including one Bosniak, three Croats, one Serb and one Other shall be elected.~~

~~h) from the Legislature of Canton number 8, West Herzegovina Canton, four delegates, including one Bosniak, two Croats and one Serb shall be elected.~~

~~i) from the Legislature of Canton number 9, Canton Sarajevo, eleven delegates, including three Bosniaks, one Croat, five Serbs and two Others shall be elected.~~

~~j) from the Legislature of Canton number 10, Canton 10, four delegates, including one Bosniak, two Croats and one Serb shall be elected.~~

Provisions of Article 20.16A, paragraph (2) points a to j of the BiH Election Law have been terminated on 29.07.2017 by the Decision of the BiH Constitutional Court published in the BiH Official Gazette 54/17 from 28.07.2017.

Article 20.18

This Law shall be published in the "Official Gazette of BiH", in the official gazettes of the entities and in the "Official Gazette of Brčko District of BiH"