



## Conference “2016 Local Elections – Lessons Learned”

### The concept

Local election 2016 in BiH took place on October 2<sup>nd</sup>, 2016. In order to analyze all aspects of election process and to discuss the current challenges and further steps to improve the election process in BiH, the Central Election Commission BiH together with the Council of Europe organize a post-election conference that presents an opportunity for all electoral stakeholders to exchange their views and experience.

**Purpose of the Conference** “Local Elections 2016 – Lessons Learned” is an analysis of the local elections 2016 in Bosnia and Herzegovina, summarizing conclusions and formulation of proposal for improvement of the entire election process.

**Host:** The host of the Conference is the Central Election Commission BiH while the Council of Europe is co-organizer. Partner organization that is in charge of logistical and administrative support to the organization of the Conference is the Association of Election Officials in Bosnia and Herzegovina (AEOBIH), which gathers members of the municipal/city election commission in Bosnia and Herzegovina.

**Conference date:** February 23 and 24 2017

**Conference venue:** the Conference will take place in Sarajevo, hotel “Hills”, address: Butmirska cesta 18, Ilidža 71210, which has a congressional center and offers the latest facilities for meetings, conferences and seminars.

**Participants:** The conference will gather 150 participants – representatives of municipal/city election commissions from 143 municipalities/cities in BiH, election experts, both local and internationals, including representatives from the Council of Europe, the Congress of Local and Regional Authorities, political parties, international organizations in Bosnia and Herzegovina, local and international NGOs, media and the academic community.

### Plenary sessions:

- Presentation “Election Process Analysis – Local Elections 2016”: *The Chairwoman of the Central Election Commission BiH will present statistical indicators of the local election 2016, and election process challenges.*
- Municipal/City Election Commissions Report on activities related to Local Elections 2016 *will be presented by Dr. Suad Arnautović. Member of the BiH CEC.*
- Presentation of the findings of the monitoring mission on local elections 2016 from Congress of local and regional authorities of the Council of Europe *by Mrs Carla Dejonghe, President – Council of the Flemish Community Commission*
- Presentation of the Conference conclusions.

- An outlook on the future electoral assistance will be presented by the Representative of the Division of Electoral Assistance and Census, Council of Europe.

**Thematic workshops:** Work in workshops will enable direct interaction between the conference participants. The main goal of the discussion is to identify the challenges and main obstacles, exchange of experience and practice, and to define concrete activities for improvement of thematic areas.

Following topics will be covered by the workshops:

### 1. *The participation of political subjects in the election:*

*There is no single law on political organizations on state level in Bosnia and Herzegovina, and there are also no single or harmonized criteria for registration of political subjects. Consequently, there is no single registry of political parties. Political subjects are registered in 5 primary courts and one county-economic court (Istočno Sarajevo) in Republika Srpska, 10 municipal courts in Federation BiH and primary court of Brčko District BiH. Political subject registration is done in line with the following laws: Federation BiH applies the Law on political organizations SR BiH (“Official Gazette SRBiH”, # 27/91) which was taken from Socialist Republic of BiH; Republika Srpska applies the Law on political organizations (“Official Gazette RS”, # 15/96), and Brčko District BiH applies the Law on political organizations “Official Gazette Brčko District BiH” # 12/02, 19/07 and 2/08).*

*Political subject establishment criteria in Federation BiH are 50 founders, adult citizens, in Republika Srpska 500 adults, with citizenship of Republika Srpska, and in Brčko District BiH 300 founders. Courts are obliged to submit the decision on political subject registration to the competent prosecutor’s office; however, three courts in BiH didn’t operate in line with this obligation, which brings legitimacy of such parties into question.*

*According to the information from the Central Election Commission BiH, from 2009 to June 2015, 158 political parties<sup>1</sup> didn’t participate in the elections and didn’t submit financial reports. Based on this situation, up to this date, 151 political parties were deleted from the registered party list.*

*Furthermore, the Central Election Commission BiH faces, in its work, different situations in the field of political subjects’ operations, such as:*

- *Attempts of citizens’ associations to be verified for participation in elections,*
- *Contrary to the stipulations of the laws on political organizations, a political party founded another party or a political party and a physical person founded a political party,*
- *Name of president of one political party appears in the name of another political party,*
- *Member/president of one party was a candidate on behalf of another party on candidate list and won a mandate, etc.*

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<sup>1</sup> According to the information obtained by the BiH CEC a total of 332 political parties were registered so far. The BiH CEC had sent a proposal to delete 158 political parties, while 151 parties were deleted. A total of 10 parties were deleted based on the request of political parties, while 164 political parties are active (they submit their financial statements and a number of them participate in the elections).

*Given the above mentioned, the harmonization of the legislation on establishment, operations and financing of political parties in order to provide equal conditions for political parties needs to be discussed.*

## **2. Legal framework and the protection of the electoral law:**

*Pursuant to the provisions of the BiH Election Law, protection of the electoral rights is secured by the election commissions (Municipal Election Commission, city election commissions and the Central Election Commission BiH) and the Appellate Division of the Court of BiH. All motions shall be in writing on a form prescribed by the Central Election Commission BiH. The Municipal Election Commission in its municipality and city election commission in the city have first instance jurisdiction in all matters that are not explicitly assigned to the Central Election Commission BiH and the Appellate Division of the Court of BiH. Central Election Commission BiH has second instance jurisdiction to decide on the complaints lodged against decisions of election commissions. Central Election Commission BiH has first instance jurisdiction to decide on complaints made due to violation of the electoral process, the electoral rights, and violation of the rules of Chapter 16 of the BiH Election Law, made by a political entity. The Appellate Division of the Court of BiH is competent to hear appeals against decisions of the Central Election Commission BiH. Complaints are submitted to the Appellate Division of the Court of BiH within two days upon reception of the Central Election Commission BiH decision. The appeal is filed by the Central Election Commission BiH, and the Appellate Division of the Court of BiH shall decide on the appeal within three days of reception of the appeal.*

*Due to large number of objections and complaints that come to Central Election Commission BiH and which need to be solved in a very short period of time, there is a need to re-examine Chapter 6 of the BiH Election Law, which covers protection of electoral rights in the sense of reduction of wide access to election objections and complaints, three-degree competences, introduction of fees and similar.*

## **3. Effectiveness and Transparency of the Election Administration:**

### ***a) Training of Commissioners:***

Main challenges identified in previous election cycles were related to the unsatisfactory level of training of members of polling station committees. In this context a pre-electoral assistance program from Council of Europe aimed at ensuring that key persons in a polling station committee have knowledge of the electoral process and creating an electronic database of certified representatives of election administration in order to provide conditions for semi-professionalization of election administration and providing the resources for the following election cycles.

### ***b) Awareness raising campaign:***

Conducting the information campaigns the CEC of BiH wanted to draw attention to the need for greater involvement of women in public and political life, the increased participation of elderly people who make up nearly a fifth of the electorate in BiH as well as representatives of national minorities who at the local level have the opportunity to elect their representatives in municipal councils/municipal assemblies

**c) Unification of election results at local level and in Main center for counting – experiences and lessons learned.**

*In 2016, the Central Election Commission BiH, within activity of construction of information infrastructure, continued with implementation of the Single Election Information System (SEIS BiH), and for local election 2016, it developed, with own resources, new modules in order to implement the stipulations of the Rulebook on implementation of local election 2016. New module should satisfy implementation of the new business process that uniquely treats the entry of voting results from the polling stations. Instead of current two rounds of data entering (first round taking place in municipal/city election commissions, which is checked only per one type of validation error, and second round, control entering in the Main counting center), only one round of data entering for voting results was applied, which is being controlled, and then validated in order to get final voting results, which could be, in subsequent phases, processed in order to generate summary voting results.*

***The aim of the workshop discussion is to get main beneficiaries' feedback on the main outcome of the electoral support and the effectiveness of the pre-election support project from Council of Europe and to discuss experiences and lessons of unification of election results on local level and in Main counting center in order to evaluate the efficacy of the applied approach.***

**Conference outcome:** Conference participants will finalize the conclusions of thematic workshop debates and reporters from each group will briefly present the conclusions and underline key issues and potential solutions, as well as good practice examples that could be applied in BiH context. In its regular annual report on implementation of the law within its competence, the Central Election Commission BiH will summarize its recommendations to the Parliamentary Assembly BiH for further improvement of the election legislation and other laws within its competence, and the conclusions of the Conference “Local Elections 2016 – Lessons Learned” will present a good foundation for formulation of recommendations based on experience and practice. This report will be prepared in March 2017. Conference conclusion should be published in Bosnian/Croatian/Serbian language<sup>2</sup> and in English, and will be distributed to all conference participants and partner organizations, as well as to interested parties.

**Program and format:** Conference organizational work group will be responsible for development of all elements of the program, including the opening and closing of plenary session, interactive workshops, as well as the reception dinner.

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<sup>2</sup> Publication to be printed in Bosnian/Croatian/Serbian language will be a unique publication in which the articles will be published in author's language.