



I N S T R U C T I O N

**on determining qualifications, number, appointment, dismissal and training of
members of the election commission of basic constituency Bosnia and Herzegovina
(consolidated text)**

Sarajevo, February 2018

Having regard to Article 2.9, paragraph (1), point 2, Article 2.2, paragraphs (3) and (4) and Article 2.12, paragraphs (2), (3) and (5) of the Election Law of Bosnia and Herzegovina (Official Gazette of BiH, Nos. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 7/14 and 31/16), the BiH Central Commission of Bosnia and Herzegovina has at its 7th session held on February 28, 2018 passed the following

I N S T R U C T I O N

on determining qualifications, number, appointment, dismissal and training of members of the election commission of basic constituency Bosnia and Herzegovina (Consolidated text)

CHAPTER I INTRODUCTORY NOTES

Article 1 (Application)

(1) This Instruction for application of Articles 2.2, paragraphs (3) and (4), 2.12, paragraphs (2), (3) and (5) of the Election Law of Bosnia and Herzegovina (hereinafter: the BiH Election Law) lays down qualifications, number of members and procedures for appointment and dismissal of the members of election commission of basic constituency in Bosnia and Herzegovina (hereinafter: the election commission), as well as activities undertaken with the aim of obtaining consent of the Central Election Commission of Bosnia and Herzegovina (hereinafter: the BiH Central Election Commission) to the decision on appointment and dismissal of members of the election commission and official records concerning attendance of the election commission's members at the training.

(2) For the purpose of this Instruction members of the election commission shall be president and members of the election commission.

CHAPTER II. QUALIFICATIONS

Article 2 (Qualifications)

(1) Besides the general requirements prescribed by Article 2.2 of the BiH Election Law, a member of the election commission shall also meet the special requirements:

- a) shall have temporary place of residence in the municipality for which the election commission is appointed,
- b) shall have an university degree or completed university education under the Bologna study programme with at least 180 ETCS, and
- c) shall have election-related experience.

(2) The election-related experience shall constitute:

- a) membership on an election commission; and
- b) membership on the polling station committee at the elections covered by the BiH Election Law.

(3) Notwithstanding provisions of Article 2, paragraph (1), point a) of this Instruction, a member of the election commission may be a person having permanent place of residence in another municipality if there are no candidates with the permanent place of residence in the municipality for which the election commission is appoint who meet the requirements of the public vacancy.

(4) Notwithstanding provisions of Article 2, paragraph (1), point c) of this Instruction, a member of the election commission may be a person with the university law degree i.e. completed faculty of law under the Bologna study programme with at least 180 ETCS without election-related experience specified in paragraph (2) of this Article.

Article 3 (Exceptions)

Notwithstanding provisions of Article 2, paragraph (1), point b) of this Instruction, a member of the election commission may be a person with an academy degree if it is a municipality with less than 1.000 voters registered in the Central Voters' Register or if it is necessary to observe provisions of Article 2.14, paragraph (1) of the BiH Election Law or unless there are no candidates to meet requirements set forth in Article 2, paragraph (1), point b) of this Instruction.

Article 4 (Application)

Provisions of Article 2 of this Instruction shall not relate to the appointed members of the election commission whose mandate is still lasting.

CHAPTER III. NUMBER OF MEMBERS

Article 5 (Number of members of election commission)

(1) The BiH Central Election Commission shall lay down the number of members of the election commission by a decision in line with the number of voters registered in the excerpt of the Central Voters' Register and the size of the municipality.

(2) The election commission shall have three members for municipalities and cities in which up to 20.000 voters are registered in the excerpt of the Central Voters' Register.

(3) The election commission shall have five members for municipalities and cities in which up to 50.000 voters are registered in the excerpt of the Central Voters' Register.

(4) The election commission shall have seven members for municipalities and cities in which more than 50.000 voters are registered in the excerpt of the Central Voters' Register.

(5) The election commission of Brčko District of BiH shall have seven members.

(6) Notwithstanding the criteria laid down in this Article, an election commission may have fewer members than specified if the Municipal/City Council/Assembly elaborates to the BiH Central Election Commission justified inability to increase the number of members of the election commission or if there is no actual need to increase their number with regard to the workload and volume of duties that are under competence of the election commission.

Article 6 (Other criteria)

(1) Notwithstanding criteria laid down in Article 5, paragraph (2) of this Instruction, an election commission may have five members if the municipality is indented or if more than 30 polling stations have been determined.

(2) Municipal/City Council/Assembly shall send a request to increase the number of members of an election commission referred to in paragraph (1), with an explanation, to the BiH Central Election Commission for approval.

CHAPTER IV. APPOINTMENT

Article 7 (Appointment procedure)

Aimed at passing a lawful decision, having a cost-effective procedure and uniformity of prescribed criteria at the national level, the competent body in the procedure of appointment of election commission's members shall act as follows:

- a) pass a decision on advertising the public vacancy for appointment of the election commission's member/s. The decision shall lay down: place of advertising website and media outlets (TV, radio, daily newspapers), requirements to be met by a candidate, application deadline, duration of the elected member's mandate, etc. The competent body shall appoint a commission to conduct the recruitment procedure (hereinafter: selection committee), aiming to ensure that persons with election-related experience are appointed members of the selection committee;
- b) apart from general requirements prescribed by the Law, the text of the public vacancy referred to in point a) of this Article shall also contain special requirements set forth in Articles 2.2, 2.3 and 2.14 of the BiH Election Law and Articles 2 and 3 of this Instruction;
- c) after the closing of public vacancy the selection committee shall submit a written report to the competent body, listing all relevant information for every applicant. In the report the selection committee shall classify candidates to those who meet the public vacancy requirements and to those who do not meet the requirements, providing an explanation. The selection committee shall conduct an interview with the candidates who meet the public vacancy requirements according to the previously set criteria, whereafter it shall assign scores and draw up a ranking list of candidates, who will be ranked in line with total number of points received at the interview and shall deliver the list to the competent body, and
- d) the competent body, respecting the candidate's position on the list referred to in point c) of this Article, shall pass the decision on appointment of the election commission's members.

Article 8 (Advertising the public vacancy)

(1) Public vacancy referred to in Article 7, paragraph (1), point a) of this Instruction shall be published within 90 days prior to the expiry of the mandate of election commission's members, and in an election year within 30 days before the expiry of the mandate of election commission's members.

(2) Public vacancy referred to in paragraph (1) of this Article shall be open eight days from the day of the publication date.

(3) The competent body shall appoint a substitute member of the election commission in the election period, without conducting the selection procedure set forth in Article 7 of this Instruction, no later than seven days following the date of termination of the mandate set forth in Article 9, paragraph (3) of this Instruction.

Article 9
(Mandate of the election commission)

(1) Mandate of a member of election commission shall be seven years, beginning with the day of the BiH Central Election Commission's approval of the decision on appointment of the election commission's members issued by the competent body.

(2) In exceptional circumstances – election period, expiration of mandate of the election commission's member, in line with the paragraph (1) of this Article, shall coincide with the ending of election period i.e. with confirmation of election results.

(3) Mandate of the election commission's member may be terminated before the expiry of time set forth in paragraph (1) of this Article in case that: the member of the election commission resigns, dies, is prevented from performing the duties, is dismissed from the position as the member, cannot be member of the election commission or a polling station committee within the meaning of Article 2.3 of the BiH Election Law or fails to attend the training according to the attendance records referred to in Article 11 of this Instruction.

(4) In case that the mandate of the election commission's member is terminated in one of the ways set forth in paragraph (3) of this Article, the BiH Central Election Commission shall give consent to the decision passed by the competent body.

CHAPTER V. CONSENT TO APPOINTMENT

Article 10
(Consent to the decision on appointment of the election commission's member)

(1) Aimed at obtaining consent to the decision on appointment of the election commission's member by the BiH Central Election Commission, the competent body for appointment shall provide the BiH Central Election Commission with the following documents:

- a) decision on appointment of election commission member/s,
- b) questionnaire on information of the candidate – appointed member of the election commission (Questionnaire on information of the candidate – appointed member of the election commission is integral part of this Instruction)
- c) evidence of formal qualifications of the candidate – appointed member of the election commission, namely the certified diploma,
- d) evidence of election experience of the appointed member of the election commission within the meaning of Article 1, paragraph (2) of this Instruction, except in case that is set forth by Article 2, paragraph (4) of this Instruction. The evidence of candidate's election experience within the meaning of Article 2, paragraph (2), points a) and b) of this Instruction shall contain the information on the name of constituency and mandate period, namely the information on type and year of the elections and the name of the polling station at which the appointed candidate was member of the polling station committee, as well as information that the appointed candidate was engaged in the polling station committee and had performed this duty,
- e) form PBA-3 on permanent place of residence of the appointed member of the election commission (not older than three months following the date it was issued by the competent body),

- f) statement on ethnic affiliation of the candidate-appointed member of election commission from the latest population census conducted in Bosnia and Herzegovina, personally signed and certified by the relevant authority,
- g) statement of the candidate-appointed member of election commission on not being covered by the provisions of Article 2.3 of the BiH Election Law, which is integral part of this Instruction, signed and certified by the competent body, and
- h) documents relating to publication of a vacancy and work of the selection committee (decision on issuing of vacancy, decision on appointment of selection committee, vacancy, evidence of vacancy publication, candidates' evaluation criteria, minutes of the selection committee's meetings on which candidates were classified to those who meet the conditions of the vacancy and to those who don't, with an explanation, minutes of the interview, including questions and points awarded by every member of the selection committee to each candidate, ranking list drawn in the order of candidates' success (total number of points) at the interview.

(2) The BiH Central Election Commission shall give a written consent to the decision on appointment of the election commission's members if the procedures set forth in Article 7 of this Instruction are followed and if the candidates meet the prescribed conditions, delivering the letter of consent to the competent body, which in turns delivers it to the candidates who participated in the appointment procedure of election commission's member.

CHAPTER VI. TRAINING

Article 11 (Training attendance records)

The BiH Central Election Commission shall keep official records of attendance of the election commissions' members at the obligatory training sessions.

CHAPTER VII. FINAL PROVISIONS

Article 12 (Regulations covered by this Instruction)

This Instruction includes the Instruction on determining qualifications, number, appointment, dismissal and training of members of election commission of basic constituency in Bosnia and Herzegovina (Official Gazette of BiH, no. 57/17), correction of the Instruction on determining qualifications, number, appointment, dismissal and training of members of election commission of basic constituency in Bosnia and Herzegovina (Official Gazette of BiH, no. 60/17) and Instruction amending the Instruction on determining qualifications, number, appointment, dismissal and training of members of election commission of basic constituency in Bosnia and Herzegovina (Official Gazette of BiH, no. 10/18).

Article 13 (Publishing in Official Gazettes)

This Instruction shall be published in Gazette of BiH, Official Gazette of FBiH, Official Gazette of RS and the Official Gazette of the District of Brčko of BiH, as well as on the website of the Central Election Commission of Bosnia and Herzegovina.

File no.: 05-1-02-2-76-3/18
Sarajevo, February 28, 2018

President

Dr Irena Hadžiabdić

**QUESTIONNAIRE ON INFORMATION OF THE CANDIDATE – APPOINTED MEMBER
OF THE ELECTION COMMISSION**

MUNICIPALITY/CITY _____

**INFORMATION ON THE CANDIDATE – APPOINTED MEMBER OF THE
ELECTION COMMISSION**

First and last name:	Personal Identity no.:
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Place of residence:	ID card no.:
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Phone: _____

National affiliation: _____

Education level: Secondary school Academy University (circle appropriate answer)

Profession: _____

Currently employed with: _____

Job description: _____

Election experience: _____

Duly signed statement of the candidate-appointed member of election commission on not being covered by the provisions of Article 2.3 of the BiH Election Law, certified by competent body, submitted:

YES NO (circle appropriate answer)

Duly signed and certified statement of the candidate appointed member on ethnic affiliation for the last population census in BiH:

YES NO (circle appropriate answer)

NOTE: _____

L.S.

Certified by president/chair of Municipal/City Assembly/Council



Pursuant to Article 10, paragraph (1), point g) of the Instruction on determining qualifications, number, appointment, dismissal and training of members of the election commission of basic constituency in Bosnia and Herzegovina (Official Gazette of BiH, no. 57/17, 60/17 and 10/18) and Article 173 of the Law on Administrative Procedure (Official Gazette of BiH, no. 29/02, 12/04, 88/07, 93/09, 41/13 and 53/16), under full material and criminal liability I give the following:

STATEMENT

I, _____
(First name, father's name, last name) (Personal identity no.)

Within the meaning of Article 2.3 of the BiH Election Law, setting forth the incompatibilities with the membership in an election commission or a polling station, I hereby declare (please circle appropriate answer):

- | | | |
|--|-----|----|
| 1. A person who is not eligible to stand as a candidate in accordance with Articles 1.6, 1.7 and 1.7a of this law; | YES | NO |
| 2. A person who 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); | YES | NO |
| 3. A person holding an elected mandate or is a member of an executive body of authority; | YES | NO |
| 3a. A person defined in Article 2.12, paragraph (4) of this Law; | YES | NO |
| 4. A person who stands as a candidate for the elections at any level of authority; | YES | NO |
| 5. A person who 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. | YES | NO |

(Place, date)

Statement given by:

ID card no: _____

Issued by: _____

Statement to be duly signed and certified with the competent body.

Central Election Commission of Bosnia and Herzegovina