

BOSNA I HERCEGOVINA
CENTRALNA IZBORNA KOMISIJA
SREDIŠNJE IZBORNO POVJERENSTVO



БОСНА И ХЕРЦЕГОВИНА
ЦЕНТРАЛНА ИЗБОРНА КОМИСИЈА

CENTRAL ELECTION COMMISSION

INSTRUCTION
on accreditation procedures for election observers in Bosnia and
Herzegovina

Sarajevo, July 2008

Pursuant to Article 2.9, paragraph (1), item 2, and having regard to Article 17.3 and 17.4 of the Election Law of Bosnia and Herzegovina ("Official Gazette BiH", no. 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 and 37/08), the Central Election Commission of Bosnia and Herzegovina, at its 33rd session held on July 03, 2008 adopted the following

I N S T R U C T I O N
on accreditation procedures for election
observers in Bosnia and Herzegovina

CHAPTER I GENERAL PROVISIONS

Article 1
(Subject)

The Instruction on accreditation procedures for election observers in Bosnia and Herzegovina (hereinafter: Instruction) shall govern the process of issuing accreditation identifications, the design, contents and the distribution of accreditation identifications, as well as the rights and obligations of the observers for observing electoral activities.

Article 2
(Definitions)

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

- a) **"Political subject"** signifies a political party, an independent candidate, a coalition or a list of independent candidates certified to participate in the elections in accordance with the BiH Election Law. An independent candidate in the sense of this Instruction signifies a candidate nominated by an association or another registered organized form of acting of national minorities and groups of at least 40 citizens who have the right to vote and who are participating in the elections in the sense of Article 13.14 of the BiH Election Law (hereinafter: candidate from a separate list of candidates of representatives of national minorities);
- b) **"Association of citizens"** signifies a representative of a non-governmental organization;
- c) **"International observer"** signifies a representative of a foreign government, an international organization and an international non-governmental organization;
- d) **"Observer"** signifies a representative of a political subject, an association of citizens and an international observer accredited in accordance with the provisions of this Instruction to observe electoral activities;
- e) **"Applicant"** signifies an international organization, an association of citizens, a political party, a coalition, an independent candidate and list of independent candidates;
- f) **"Electoral activity"** is a single action of the electoral process, which signifies a session of the election commission, the operations of the voters register center, the operations of the polling station committee, the operations of the center for counting votes, the operations of the

Main Counting Center, if the latter is established, and other relevant activities needed for conducting the electoral process;

g) **“Body conducting the elections”**, in the sense of this Instruction, signifies, next to the bodies conducting the elections regulated by the provisions of the BiH Election Law, also a voters register center, a center for counting votes and the Main Counting Center, if the latter is established;

h) **“Location of electoral activities”** means the premises in which the body conducting the elections is situated;

i) **“Election commission”** signifies a municipal election commission, a city election commission and the Brčko District Election Commission, and

j) **“Basic constituency”** signifies a municipality, the City of Banja Luka, the District of Brčko of BiH, the city constituency of the City of Mostar and the constituencies of the city area of the City of Mostar.

Article 3 (Design and Contents of an Accreditation)

(1) The accreditation shall be rectangular in form and shall contain the following information:

a) In the upper part:

1) The logo of the BiH Central Election Commission;

b) In the middle part:

1) The election logo

c) Below:

1) First and last name of the accredited observer,

1) Date of issuance,

2) Signature of authorized officer who issued the accreditation;

d) Next to the signature, in the right corner:

1) Stamp of the election commission issuing the badge, and

e) In the upper right corner:

1) For political subjects, “PS” with code provided by the BiH Central Election Commission shall be indicated,

2) For associations of citizens, “UG” shall be indicated and a number starting with the number 1, and

3) For international observers, “MP” shall be indicated and a number starting with the number 1.

(2) The accreditation for political subjects shall be white; for associations of citizens it shall be grey; and for international observers it shall be light pink.

(3) The information on the accreditation shall be printed in the languages and the lettering officially used in Bosnia and Herzegovina.

(4) The following text shall be written on the reverse side of the accreditation: “While

observing the electoral process, the observer shall not disturb the electoral activities and he/she shall respect the secrecy of voting. While observing electoral activities, an observer shall wear the official accreditation card and shall not wear any insignia or markings which affiliate him/her with a specific political party, coalition, list of independent candidates, an independent candidate, and a candidate from a separate list of candidates representatives of national minorities.”

(5) The text from paragraph (4) of this Article shall be in the English language on accreditations for international observers.

CHAPTER II ACCREDITATION PROCEDURES FOR OBSERVERS

Section A Observers from Political Subjects

Article 4 (Accreditation Application Form)

(1) Representatives of political subjects shall file application forms for the accreditation of observers to observe the work of the Central Election Commission of BiH and the work of the Main Counting Center to the BiH Central Election Commission. Representatives of political subjects shall file application forms for accreditation of observers to observe the work of the election commission, the voters register center and the work at the polling station to the election commission in the basic constituency within the constituency in which they are running for office.

(2) The accreditation application form for political subjects and the statement on respecting the secrecy of voting shall be available at the Central Election Commission of Bosnia and Herzegovina (hereinafter: BiH Central Election Commission) and at the election commissions.

(3) Accompanying the application form referred to in paragraph (2) of this Article, a political subject shall complete a list of nominated observers, containing name, last name, valid identification card number and personal identification number of the observer and the statement on respecting the secrecy of voting for every nominated observer.

Article 5 (Jurisdiction)

(1) The election commission shall accredit observers for observing the work of the election commission, voters register centers and polling stations in its basic constituency.

(2) The BiH Central Election Commission shall accredit observers for observing the work of the BiH Central Election Commission and the work in the Main Counting Center.

Article 6 (Deadline for the Delivery and the Execution of an Application)

(1) The deadline for submitting the application for issuing the accreditation shall be fifteen (15) days before the day of holding the particular election activity that a political subject wishes to observe.

(2) The ultimate deadline for submitting the application for issuing the accreditation shall be fifteen (15) days prior to election day.

(3) The competent election commission shall reach a decision regarding the applications referred to in paragraphs (1) and (2) of this Article no later than ten (10) days following the submission of the application.

Article 7 (Accreditation Criteria)

Political subjects may nominate their observers only in the basic constituencies that belong to the constituency in which they are running for office.

Article 8 (Accreditation Procedure)

(1) The BiH Central Election Commission shall distribute accreditation application forms to the main offices of each political subject.

(2) Political subjects shall submit the completed accreditation application forms to the BiH Central Election Commission and to election commissions.

(3) Upon receipt of an accreditation application form, the BiH Central Election Commission and the election commission shall verify whether a political subject is certified for participation in the elections in the constituency to which the basic constituency for which they nominated observers belongs.

(4) The verification referred to in paragraph (3) of this Article shall be made against the list of all political subjects, delivered by the BiH Central Election Commission, that are certified in the constituency to which the basic constituency for which political subjects nominated their observers belongs.

(5) The BiH Central Election Commission and the election commission shall sign and certify the accreditation application form and they shall retain the original copy of the application and of the statement on respecting the secrecy of voting. A copy of the application and a copy of the statement on respecting the secrecy of voting shall be delivered to the political subject as the applicant. A copy of the accreditation application form shall be delivered to the BiH Central Election Commission and to all locations of electoral activities in the basic constituency to which the application refers. Alongside with the accreditation card, the observer shall be obliged to carry with himself/herself also a copy of the statement on respecting the secrecy of voting.

(6) Upon the request of the body conducting the elections, the accredited observer shall be obliged to display the statement on respecting the secrecy of voting.

(7) The BiH Central Election Commission and the election commission may reject to issue an accreditation, giving the reasons for such an action, and reaching a decision on that matter. The election commission shall be obliged to submit to the BiH Central Election Commission a copy of the decision. The accreditation application form shall be rejected in case the decision on certifying a political subject is annulled, if the nominated observers are candidates on the lists of candidates, or candidates whom the BiH Central Election Commission removed from the list, or whom it did not to certify.

Article 9
(Design and Distribution of Official Accreditation/Badge)

(1) The BiH Central Election Commission shall be competent for designing the official accreditation/badge (hereinafter: accreditation) for observers from political subjects accredited to observe the work of the BiH Central Election Commission and the work of the Main Counting Center.

(2) The BiH Central Election Commission shall establish the design of the accreditations and deliver them to the election commissions, and the election commissions shall be responsible for issuing and distributing accreditations to all accredited observers of political subjects in their basic constituency.

(3) Accredited observers shall collect the accreditations referred to in paragraph (2) of this Article in the election commission in the basic constituency in which they are accredited for observing, together with the previously submitted statement on respecting the secrecy of voting.

(4) While observing an electoral activity, each observer shall be obliged to wear the accreditation.

Article 10
(Number of Nominated Observers)

(1) The number of observers that political subjects may nominate shall be unlimited.

(2) A political subject shall have only one observer at one location of electoral activities at the same time.

Article 11
(Observers at Absentee Polling Stations)

(1) Political subjects may have observers at absentee polling stations, namely at the polling station in which voters are registered in the excerpt from the Central Voters Register to vote for the constituency in which the political party is running for office.

(2) Political subjects bear sole responsibility for requesting information from the BiH Central Election Commission about the location of absentee polling stations that are situated in other basic constituencies. Political subject shall contact the election commission of the basic constituency in which the absentee polling station is situated in order to obtain accreditation identification for its observers.

Article 12
(Persons Who Cannot Be Accredited as Observers)

An accredited observed shall not be a person:

- a) Who is a candidate at the forthcoming elections;
- b) Whose candidacy at the forthcoming elections was rejected or whose name was subsequently removed from the list of candidates;

- c) To whom the BiH Central Election Commission pronounced a sanction prohibiting him/her to work at a polling station, in the voters register center or in the election commission, and
- d) Who was nominated by a political subject which is not certified to participate in the elections.

Section B Observers from Associations of Citizens

Article 13 (Accreditation Application Form and Jurisdiction)

(1) An association of citizens shall submit the accreditation application form for observing all electoral activities to the BiH Central Election Commission.

(2) In the application form referred to in paragraph (1) of this Article the association of citizens shall indicate:

- a) The electoral activities it wishes to observe,
- b) The basic constituencies in which it wishes to observe electoral activities, and
- c) The number of observers.

(3) Alongside with the application form referred to in paragraph (1) of this Article, the association of citizens shall submit:

- a) A list of nominated observers stating first and last name, valid identification card number and personal identification number of the observers;
- b) An proof about entering the association of citizens into the register of associations at the competent body which shall not be older than 60 days, and
- c) Statement on respecting the secrecy of voting.

(4) The association of citizens shall apply separately for each basic constituency in which they wish to observe electoral activities.

(5) An association of citizens shall have only one observer at one location of electoral activities at the same time.

Article 14 (Deadline for the Delivery and the Execution of an Application)

(1) The deadline for submitting the application for issuing the accreditation shall be fifteen (15) days before holding the particular electoral activity that an association of citizens wishes to observe.

(2) The ultimate deadline for submitting the application for issuing the accreditation is fifteen (15) days prior to election day.

(3) The BiH Central Election Commission shall reach a decision regarding the application referred to in paragraphs (1) and (2) of this Article no later than ten (10) days following the submission of the application.

Article 15
(Accreditation Criteria)

(1) An association of citizens cannot be accredited if it was founded or is sponsored by a political subject and if it is engaged in any kind of activities in the name of a certified political party.

(2) The representative of the association of citizens shall sign a statement on the accreditation application form that the association of citizens was not founded nor is sponsored by any political subject, in accordance with Article 17.4, paragraph (1), item 1 of the Election Law of BiH.

Article 16
(Accreditation Procedure)

(1) The BiH Central Election Commission shall consider the accreditation application filed by the association of citizens, and if it is assessed that the association was founded or is sponsored by a political subject, or that it is engaged in any kind of activities in the name of a certified political party, it may reject the application, or, if it assessed that the association was neither founded nor is sponsored by a political subject, nor is engaged in any kind of activities in the name of a certified political party, it can approve the application.

(2) The BiH Central Election Commission shall make a list of associations of citizens whose application is approved. In addition to the name of the association of citizens, it shall also include the name of the basic constituency the association is accredited for, and the number of nominated observers.

(3) The list referred to in paragraph (2) of this Article shall be submitted to all election commissions of the basic constituencies in which the associations of citizens are accredited.

Article 17
(Design and Distribution of Official Accreditation)

(1) The BiH Central Election Commission shall be competent for designing the official accreditation for observers from associations of citizens accredited for observing the work of the BiH Central Election Commission and the work of the Main Counting Center.

(2) The BiH Central Election Commission shall establish the design of the accreditation and deliver them to the election commissions, and the election commissions shall be responsible for issuing and distributing accreditations to all accredited observers of associations of citizens in their basic constituency.

(3) Upon collecting the accreditation, the representative of the association of citizens shall be obliged to display to the election commission the signed statements of the accredited observers on respecting the secrecy of voting.

(4) The election commission shall verify whether the name of the association of citizens stated in the statement corresponds to the name of the association of citizens from the list of associations of citizens accredited by the BiH Central Election Commission.

(5) The election commission shall issue as many accreditations as there were signed statements on respecting the secrecy of voting.

(6) The accredited observer from the association of citizens shall keep the signed statement referred to in paragraph (3) of this Article and shall thus secure that the person bearing the accreditation is the person who signed the statement on secrecy of voting.

(7) While observing an electoral activity, each observer shall be obliged to wear the accreditation.

Article 18
(Number of Nominated Observers)

(1) The number of observers that an association of citizens may have shall be unlimited.

(2) An association of citizens shall have only one observer at one location of electoral activities at the same time.

Section C International Observers

Article 19
(Accreditation Application form)

(1) In order to obtain accreditation identifications for their observers, representatives of international organizations shall apply to the BiH Central Election Commission.

(2) Alongside with the application referred to in paragraph (1) of this Article, representatives of international organization shall complete a list of nominated observers, containing the name, last name, the name of the state which issued the passport and the passport number.

(3) In their applications, representatives of international organizations shall indicate the electoral activities they wish to observe. Representatives of international observers may observe the indicated electoral activity in all basic constituencies of their choice.

Article 20
(Jurisdiction)

The BiH Central Election Commission shall be responsible for issuing the accreditation identification to representatives of international observers for observing any electoral activity.

Article 21
(Deadline for the Delivery and the Execution of an Application)

(1) The deadline for submitting the application for issuing the accreditation shall be two days before the day the particular electoral activity that an international observer wishes to observe takes place.

(2) The BiH Central Election Commission shall reach a decision regarding the application referred to in paragraph (1) of this Article no later than twenty-four hours following the submission of the application.

(3) The ultimate deadline for submitting the application for issuing an accreditation is one (1) day prior to election day.

(4) If the accreditation application form for international observer is submitted within the deadline referred to in paragraph (3) of this Article, the BiH Central Election Commission shall

reach a decision regarding the application the same day.

Article 22
(Design and Distribution of Official Accreditation to Observers)

(1) The BiH Central Election Commission shall be competent for designing and distributing the official accreditation for international observers.

(2) Accredited international observers shall collect the accreditation in the BiH Central Election Commission.

(3) While observing an electoral activity, each observer shall be obliged to wear the accreditation.

Article 23
(Number of Nominated Observers)

(1) The number of observers that international observers may have shall be unlimited.

(2) The number of observers that international observers may have at one location of electoral activities at the same time shall be unlimited.

(3) An international observer may bring an interpreter with him/her to every location where he/she observes an electoral activity.

Section D Observers in Diplomatic and Consular Missions of Bosnia and Herzegovina

Article 24
(Accreditation Application Form)

(1) Political subjects, associations of citizens and international organizations shall file application forms for the accreditation of observers to observe elections at a polling station assigned for the voting of citizens of Bosnia and Herzegovina (hereinafter: BiH citizens) in diplomatic and consular missions of Bosnia and Herzegovina (hereinafter: DCM of BiH) directly to the BiH Central Election Commission or through the DCM of BiH.

(2) Alongside with the application referred to in paragraph (1) of this Article, representatives of political subjects, associations of citizens and international organizations shall complete a list of nominated observers, containing the name, last name, the name of the state which issued the passport, the passport number, the valid identification card number and the personal identification number, together with a statement on respecting the secrecy of voting of each nominated observer.

(3) Representatives of political subjects, associations of citizens and international organizations shall indicate in their application in which DCM of BiH assigned for voting they wish to observe voting.

Article 25
(Jurisdiction)

The BiH Central Election Commission shall be responsible for issuing accreditation identifications to representatives of political subjects, associations of citizens and international

organizations for observing elections at a polling station assigned for the voting of BiH citizens in the DCM of BiH.

Article 26
(Deadline for the Delivery and the Execution of an Application)

(1) The deadline for submitting the application for issuing the accreditation shall be no later than fifteen (15) days prior to election day.

(2) The BiH Central Election Commission shall reach a decision regarding the application referred to in paragraph (1) of this Article no later than ten (10) days following the submission of the application.

Article 27
(Design and Distribution of Official Accreditation to Observers)

(1) The BiH Central Election Commission shall be competent for designing and distributing the official accreditation for accredited observers for observing the elections at a polling station in a DCM of BiH assigned for the voting of BiH citizens.

(2) Accredited observers referred to in paragraph (1) of this Article shall collect the accreditations in the BiH Central Election Commission or in the DCM of BiH assigned for voting.

(3) While observing elections at a polling station assigned for the voting of BiH citizens in a DCM of BiH, each observer shall be obliged to wear the accreditation.

Article 28
(Number of Nominated Observers)

(1) Representatives of political subjects and associations of citizens shall have only one observer to observe the elections at one polling station assigned for the voting of BiH citizens in a DCM of BiH at the same time.

(2) Representatives of international organizations shall have an unlimited number of observers to observe the elections at the same time at one polling station assigned for the voting of BiH citizens in a DCM of BiH.

CHAPTER III ACCESS OF ACCREDITED OBSERVERS TO THE LOCATION OF ELECTORAL ACTIVITIES

Article 29
(Access to Location of Electoral Activities)

(1) Upon arrival at the location of electoral activities, an observer must present a personal identification document to an authorized person of the body conducting the elections.

(2) The authorized person shall verify the observer's identification document with a photograph in order to confirm that the observer's name is indicated in the accreditation.

(3) The authorized person shall record the name of the observer, the name of the subject that accredited him/her, and his/her accreditation number in the official book of the body conducting the elections, noting the time the observer arrived, and the time the observer left the premises, in order to limit the number of observers to one observer at the same time at one location of electoral activities if he/she is an observer of a political subject and an association of citizens.

(4) The authorized person shall retain the identification document until the moment that the observer leaves the location of electoral activities. When leaving the location of electoral activities, the observer shall be obliged to inform the authorized person of leaving the premises, upon which he/she will receive the identification document back. When leaving the location, the observer shall retain his/her accreditation.

CHAPTER IV COMPLAINTS FILED BY OBSERVERS

Article 30 (Filing Complaints)

(1) If an observer notices irregularities in the work of the body conducting the elections, he/she may file argued objections to their work in writing, which is annexed to the minutes on the work of the body conducting the elections.

(2) A political subject may, based on the objections referred to in paragraph (1) of this Article, file a complaint to the competent election commission.

(3) An observer is entitled to ask for a copy of the minutes on the work of the body conducting the elections, whose work he/she observed.

Article 31 (Withdrawal of Accreditation)

(1) During the procedure of removing an accredited observer from a polling station, the President of the polling station committee shall forewarn the accredited observer who is disturbing the electoral process and shall take all other available measures and activities in order to stop the disturbance, but in case the observer continues with it, he/she shall be removed from the polling station.

(2) The election commission shall notify the political subject, or the association of citizens about withdrawing the accreditation.

CHAPTER V FINAL PROVISIONS

Article 32 (Attachments)

A constituent part of this Instruction is:

- a) The accreditation application form for a representative of political subjects referred to in Article 4, paragraph (1) of this Instruction,
- b) The accreditation application form for associations of citizens referred to in Article 13, paragraph (1) of this Instruction,
- c) The accreditation application form for representatives of international

- organizations referred to Article 19, paragraph (1) of this Instruction;
- d) The accreditation application form for representatives of a political subject, an association of citizens and an international organization for observing elections at a polling station in a DCM of BiH, designated for the voting of BiH citizens, referred to in Article 24 of this Instruction, and
 - e) The statement on respecting the secrecy of voting.

Article 33
(Ineffectiveness)

The employment of the Instruction on accreditation procedures for election observers in Bosnia and Herzegovina ("Official Gazette BiH", no. 56/06 and 64/06) shall terminate on the day of entry into force of this Instruction.

Article 34
(Publishing in Official Gazettes)

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

No: 05-1-02-2-1919/08
Sarajevo, 03.07.2008

President
Dr. Suad Arnautović