

Post-election conference

“The 2020 Local Elections – challenges and lessons learned”

Sarajevo, December 7-8, 2021

Concept paper

The 2020 Local Elections in BiH were held on 15 November 2020, and the Local Elections in the City of Mostar were held on 20 December 2020, while the repeated elections in the City of Dobož and the Municipality of Srebrenica were held on 21 February 2021. In order to analyze all aspects of the electoral process and to discuss current challenges and future steps to improve the electoral process, the BiH Central Election Commission is, with the financial support of the Council of Europe and other donors, organizing a post-election conference.

Background and focus

Background: The focus of the post-election conference of the BiH Central Election Commission is to analyze the challenges and lessons learned after the 2020 Local Elections, to present the BiH Central Election Commission's initiative for improvement of electoral legislation in line with recommendations of the OSCE/ODIHR final observation report for the 2018 General Elections to the election administration and other stakeholders, to mark the 20th anniversary of the adoption of the permanent Election Law of Bosnia and Herzegovina and digitalization of the electoral process in Bosnia and Herzegovina.

1. The BiH Central Election Commission had faced numerous challenges during the preparation and conduct of the 2020 Local Elections, such as the unprecedented COVID-19 pandemic, delays in securing funds for the conduct of the Local Elections, lack of human resources and technical-technological capacities in terms of equipment and lack of funds for the procurement of necessary equipment and the engagement of external associates.

The COVID-19 pandemic declared by the World Health Organization in March of 2020 required a reorganization of business activities, adaptation of workspaces, practices and policies, and new circumstances led to the implementation of new solutions in conducting certain election activities, such as greater use of ICT in communication with voters, election administration, the public and all electoral stakeholders, as well as in training of the election administration.

Delays in securing the budget for the organization of elections had an impact on the implementation of activities, because the implementation of certain election activities requires financial resources to be secured by the time elections are announced or immediately after the announcement of elections. At the time when the 2020 Local Elections, which were to be held on Sunday, October 4, 2020, were announced (May 7, 2020) the temporary financing of institutions was in force for the period (April-June

2020), and in accordance with Article 1.2a paragraph (6) of the BiH Election Law, funds for the conduct of the elections must be provided in the budget of Bosnia and Herzegovina and international obligations within 15 days from the day the elections are announced. Due to the fact that the funds for conduct of the elections were not provided within the legally prescribed deadline, the BiH Central Election Commission had on May 23, 2020 passed the Decision on postponing the 2020 Local Elections, according to which they are to be held on Sunday, November 15, 2020.

A special challenge was the enormous increase in the number of OCV applications (153.247), which had increased by 50% compared to the number of applications submitted for the 2018 General Elections, and the processing of these application had required additional staff.

The identified challenges and their potential to jeopardize the electoral process indicate the need for more precise legislative regulation of certain segments of the organization of elections, by simplifying the procedures and introducing ITC improvements.

2. The BiH Central Election Commission had at its 50th session, held on June 8, 2021, adopted a Conclusion on the adoption of the Draft Initiative for the Adoption of the Law amending the Election Law of Bosnia and Herzegovina¹ with a focus on technical improvements in the electoral process. The draft Initiative was sent to the Venice Commission and GRECO through the Council of Europe and the OSCE/ODIHR with a request for an opinion and was published on the website of the BiH Central Election Commission, www.izbori.ba. The BiH Central Election Commission had invited the election management bodies in Bosnia and Herzegovina, academia, electoral law experts, representatives of the non-governmental sector and other individuals and organizations to submit their suggestions, comments and proposals regarding the adopted draft Initiative to the BiH Central Election Commission. After considering the submitted proposals, comments and suggestions, the BiH Central Election Commission had determined the final text of the Initiative in accordance with the competencies referred to in Article 2.9 paragraph (1), item 16) of the BiH Election Law, which was forwarded to the BiH Parliamentary Assembly after its adoption at the 64 session of the BiH CEC held on September 16, 2021.
3. August of 2021 marked the 20th anniversary of the adoption of the permanent Election Law in Bosnia and Herzegovina. On that occasion, the Central Election Commission of Bosnia and Herzegovina is planning a series of activities to mark this important anniversary. One of the planned activities is the preparation and publishing of the publication **“Twenty Years of the Permanent Election Law of Bosnia and Herzegovina” - Study on the Development of Electoral Law in Bosnia and Herzegovina from 2001 to 2021**. The original text of the Election Law of Bosnia and Herzegovina has undergone 20 amendments since its entry into force. In the past twenty-year period, dozens of decisions of the Court of BiH have been issued, as well as several judgments of the Constitutional Court of BiH regarding the content and application of this law. Also, the European Court of Human Rights in Strasbourg has issued five judgments regarding the exercise of the right to vote. These are all reasons to approach

¹ <https://bit.ly/3Dhbs1X>

the analysis of the application of the BiH Election Law in a comprehensive, systematic, meticulous way, and thus even suggest possible changes to the law before the 2022 General Elections.

The content of this publication includes: Introduction; Annex III of the Dayton Peace Agreement; Electoral processes in BiH from 1996 to 2000; Failure of political negotiations 1999-2001 concerning the adoption of the permanent BiH Election Law; Decision of the Office of the High Representative in BiH on the adoption of the BiH Election Law from August 2001; Adoption of the Permanent Election Law of BiH in the Parliamentary Assembly of BiH in August of 2001, content of the chapter; Composition and work of the BiH Election Commission from 2001-2004.; “Domestic” composition of the BiH Election Commission - changes in the composition of the BiH Election Commission and “ownership” over the election management bodies; Amendments to the BiH Election Law from 2002-2020 and the Practice of the Court of BiH, the Constitutional Court of BiH and the European Court of Human Rights (separate and abbreviated parts of some characteristic court decisions).

Authors of the publications are dr. Irena Hadžiabdić and dr. Suad Arnautović, members of the Central Election Commission of Bosnia and Herzegovina

3. The BiH Central Election Commission had at its 67th session, held on October 15, 2020, adopted the Strategy and Action Plan for development of efficiency, transparency and integrity of the electoral process in Bosnia and Herzegovina and the Communication Strategy of the BiH Central Election Commission. The documents were prepared with the financial support of the Delegation of the European Union and aim to meet one of the 14 key priorities from the Opinion of the European Commission on Bosnia and Herzegovina’s application for membership in the European Union, which is to conduct the elections in accordance with the European standards by implementing the OSCE/ODIHR's recommendations, and recommendations of the Venice Commission as well as to support institutional building of the BiH Central Election Commission and the possible introduction of technological solutions and communication tools in order to restore confidence in the electoral process in Bosnia and Herzegovina.

Furthermore, the 2020 Local Elections were conducted in the new circumstances caused by the COVID-19 pandemic, which caused significant problems in the organization and implementation of the 2020 Local Elections. Due to this fact, a significant part of the activities was carried out through online communication tools. The portion of the conference dedicated to this issue will provided the election commissions with the opportunity to exchange their experiences on the use of technological solutions in the organization and implementation of elections in the context of COVID-19 pandemic, as well as to discuss opportunities for improvement.

Objectives of the Conference “The 2020 Local Elections – challenges and lessons learned” are

1. Presentation of the 2020 electoral process with a focus on challenges and lessons learned:
 - *Discussing the steps that need to be taken to overcome the identified challenges and to prepare a contingency plan.*
 - Potential challenges in organization of the 2022 General Elections*

2. Presentation of the Initiative of the BiH Central Election Commission for amendments to the BiH Election Law.
- Familiarizing the election administration / conference participants with the final proposal of the BiH Central Election Commission's Initiative for Amendments to the BiH Election Law following the incorporation of comments and proposals submitted by the interested parties and the OSCE/ODIHR.
3. Marking the 20th anniversary of the adoption of the permanent Election Law of Bosnia and Herzegovina.
- The goal of presenting the amendments to the Election Law of Bosnia and Herzegovina that have been adopted since 2001 is to underline the scope of the previous reforms of the electoral legislation and the need for continuous, but substantial, improvement of the electoral legislation
4. Digitalization of the electoral process
- Presentation of the Strategy and Action Plan for improving the integrity, transparency and efficiency of the electoral process in Bosnia and Herzegovina. Informing the election administration in BiH with the planned activities of the BiH Central Election Commission aimed at introducing new technologies in BiH.

The host of the conference: is the BiH Central Election Commission with the financial support of the Council of Europe.

Date of the conference: December 7 and 8, 2021 in Sarajevo, Bosnia and Herzegovina.

Venue: Hotel „Hollywood“, dr. Mustafe Pintola 23, Ilidža, 71000 Sarajevo. Phone.:+387 33 773 100 Fax.:+387 33 773 145; Email: info@hotel-hollywood.ba

Participants: The conference will bring together about 200 participants (about 100 participants present at the conference venue and about 100 participants online) - representatives of 143 municipal / city election commissions, representatives of legislative bodies of Bosnia and Herzegovina, election experts from the country and abroad including OSCE/ODIHR, OSCE BiH, Council of Europe, Delegation of the European Union to BiH, UNDP BiH, Office of the High Representative in BiH (OHR), International Foundation for Electoral Systems (IFES), representatives of the non-governmental sector in Bosnia and Herzegovina.

Mode of conference delivery

Combined mode – up to 100 participants would be present at the conference venue while other participants would participate in the conference via Webex or ZOOM platform.

Conference format: Presentations and discussion.

Plenary sessions:

- 1. Analysis of the electoral process- the 2020 Local elections**
 - **Report on the implementation of the 2020 Local Elections** - *Speaker: Željko Bakalar, President of the BiH Central Election Commission*
 - **Experiences of election commissions of basic constituencies in conducting the 2020 Local Elections-** *Speakers: Representatives of election commissions of basic constituencies*
 - **Organization and implementation of elections during COVID-19 pandemic** - *Speaker: Vanja Bjelica - Prutina, member of the BiH Central Election Commission*
Representative of an election commission of the basic constituency
 - **Manipulations in the electoral process** - *Speaker: Vanja Bjelica-Prutina, member of the BiH Central Election Commission*
Representative of an election commission of the basic constituency

- 2. Instructions on determining the qualifications, number, appointment, dismissal and training of members of an election commission of the basic constituency in Bosnia and Herzegovina** - *Speaker, dr. Ahmet Šantić, member of the BiH Central Election Commission*

- 3. Initiative of the BiH CEC for adopting the Law amending the BiH Election Law** - *Speaker: Dr. Irena Hadžiabdić, member of the BiH Central Election Commission*

- 4. Presentation of the publication “20 years of permanent Election Law of Bosnia and Herzegovina”-** *Speakers: professor Miodrag Simović and professor Kasim Trnka*

- 5. Possible technological improvements for the next elections** – *Speaker: Vlado Rogić, member of the BiH Central Election Commission*

- 6. Conclusions of the Conference**

- 7. Special recognition ceremony**

Technology: Webex or ZOOM (recording the conference for the further use by the BiH CEC)

Date and time:

December 7, 2021 from 14:00 to 17:15 hours

December 8, 2021 from 9:30 to 12:30 hours