

## **Chapter 100 General Provisions**

### **Article 101**

Chapters 100 through 1800 of the *Rules and Regulations* of the Provisional Election Commission shall regulate the election of members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, members of the House of Representatives of the Parliament of Federation of Bosnia and Herzegovina, President and Vice-President of Republika Srpska, members of the National Assembly of Republika Srpska, members of Cantonal Assemblies, and President of the Canton.

Municipal elections conducted by OSCE in November, 2000 shall be conducted according to these Rules and Regulations except that the provisions of Articles 7.5 through 7.115, Chapter 6 and Chapter 15 of the Rules and Regulations governing municipal elections held on 8 April 2000 shall also be applied. Wherever these Rules and Regulations conflict with Articles 7.5 through 7.115, Chapter 6, or Chapter 15 of the Rules and Regulations governing municipal elections held on 8 April 2000, the municipal rule shall be applied to the municipal election.

### **Article 102 Right to Vote**

Each citizen of Bosnia and Herzegovina who has attained eighteen (18) years of age shall have the right to vote and to be elected, in accordance with these Rules and Regulations

To exercise his or her right to vote, a citizen must be registered as a voter, pursuant to Chapter 300.

A person can be registered in the Central Voters Register for only one municipality.

### **Article 103 Voting Options**

A citizen of Bosnia and Herzegovina who has the right to vote shall have the right to register and vote in the municipality where he or she had his or her permanent place of residence on or before 6 April 1992 or in the municipality where that person has permanent residence at the time of submitting an application if his or her permanent place of residence was changed in accordance with the law.

A citizen of Bosnia and Herzegovina 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 1991 Census, 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 1991 Census 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.

A citizen of Bosnia and Herzegovina who is a refugee and who 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 on or before 6 April 1992.

**Article 104**  
**Persons Under Indictment By the ICTY**

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 register to vote or stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

As long as any political party or coalition maintains such a person in a political party position or function as established in the previous paragraph, that party or coalition shall be deemed ineligible to participate in the elections.

**Article 105**  
**Persons Sentenced for Violations of Humanitarian Law**

No person who is serving a sentence imposed by a Court of Bosnia and Herzegovina, a Court of the Republika Srpska or a Court of the Federation of Bosnia and Herzegovina or has failed to comply with an order to appear before a Court in Bosnia and Herzegovina, a Court of the Republika Srpska or a Court of the Federation of Bosnia and Herzegovina for serious violations of humanitarian law where the International Criminal Tribunal for the Former Yugoslavia has reviewed the case prior to arrest and found that it meets international legal standards may stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

**Article 106**  
**Incompatible Positions**

The following persons may stand as a candidate for election only if they resign from their position as:

- 1) Judges of regular and Constitutional courts;
- 2) prosecutors and their deputies;
- 3) public attorneys and their deputies;
- 4) Ombudsmen and their deputies;
- 5) members of the Human Rights Courts/Chambers/Councils;
- 6) members of police forces, including the Financial Police, Judicial Police and Border Service;
- 7) members of the armed forces; and
- 8) diplomatic and consular representatives of Bosnia and Herzegovina abroad.

It is incompatible to hold at the same time:

- 1) more than two (2) public directly or indirectly elected offices;
- 2) one directly or indirectly elected office and one position in an executive body of authority; or
- 3) more than one position in an executive body of authority.

**Article 107**  
**Holding Elected Office in Another Country**

A person may not hold public elected office in Bosnia and Herzegovina and at the same time hold any public elected or politically appointed office in another country. A person holding any elective or politically appointed office in another country shall be obliged to relinquish, within forty-eight (48) hours after the verification of his or her mandate in Bosnia and Herzegovina, one of the two (2) offices he or she holds. A person who holds any public elected office in Bosnia and Herzegovina and is elected to or appointed to a politically appointed office in another country, shall be obliged to relinquish his or her mandate in Bosnia and Herzegovina, within forty-eight (48) hours after the election or appointment in another country.

**Article 108**  
**Illegal Occupants**

No person may stand as a candidate, hold an elected mandate or an appointed office, who fails to vacate real estate property which is owned by a refugee or displaced person, or fails to leave an apartment where a refugee or displaced person has an occupancy right, within a deadline specified by:

- 1) an administrative decision;
- 2) an enforcement decision issued pursuant to a Commission for Real Property Claims of Displaced Persons and Refugees (CRPC) certificate; or
- 3) a court decision whereby the property is to be returned to the owner or when the said decision is in favor of the request for the return of possession of an apartment to the occupancy right holder.

No person may stand as a candidate, hold an elected mandate or an appointed office, who fails to vacate real estate property which is owned by a refugee or displaced person, or fails to leave an apartment where a refugee or displaced person has an occupancy right, within 120 days of the filing with the competent administrative body of a request for enforcement of a CRPC certificate which confirms the ownership or occupancy right of that displaced person or refugee. In no case will a person be in violation of this article unless he or she has received 30 days notice by the OSCE of the existence of a request for an enforcement decision of a CRPC certificate.

A decision by the Provisional Election Commission concerning this article may not be appealed to the Election Appeals Sub-Commission.

**Article 109**  
**Prohibition on Elected Officials Due to Conflict of Interest**

No person who is directly elected to public office or indirectly elected to an executive or legislative body or his or her close family member as defined in Article 1608 may be a director or a member of the steering board, executive board or supervisory board of an enterprise which has more than 25% of its capital owned by the government and/or has more than 25% of its annual business activities financed from the budgets of the governments of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, any canton municipality or city.

This article shall also apply to any enterprise as defined by paragraph 1 for four years after it has been privatized.

No person who is directly elected to public office or indirectly elected to an executive or legislative body or his or her close family member as defined in Article 1608 may be on the management board/directorate or director of a privatization agency.

**Article 110**  
**Office Holder Owns the Mandate**

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 these *Rules and Regulations*.

**Article 111**  
**Termination of Mandate**

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 if:

- 1) he or she resigns;
- 2) he or she dies;
- 3) under a valid court decision he or she has been sentenced to a prison term of six (6) months or longer;
- 4) under a valid court decision he or she has been deprived of the ability to engage in business activities;
- 5) 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 or these *Rules and Regulations*;
- 6) for a period of at least two (2) years, he or she has ceased to be registered to vote for the electoral unit from which he or she was elected;
- 7) for a reason stipulated by law or these *Rules and Regulations* that he or she loses the right to be elected; or
- 8) the Provisional Election Commission or Election Appeals Sub Commission terminates the mandate for a violation of these *Rules and Regulations*.

**Article 112**  
**Resignation of Elected Officials**

Any person who resigns his or her mandate prior to being sworn into office, shall forfeit the right to stand as a candidate at any level for four (4) years from the date of the resignation.

Any elected official who resigns his or her mandate after being sworn into office, shall provide proof that:

- 1) the resignation is necessary in order to comply with these *Rules and Regulations*, and
- 2) the conditions that forced the resignation arose after the certification of the elected official's candidates list.

Failure to provide such proof shall cause the elected official to forfeit his or her right to stand as a candidate at any level for four (4) years from the date of the resignation, but shall not affect the resignation.

**Article 113**  
**Political Discrimination Prohibited**

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 a political party, independent candidate or a list of independent candidates.

**Article 114**  
**Abiding by the General Framework for Peace in Bosnia and Herzegovina**

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(s) stating that the activities of the political party, coalition or the independent candidate(s) will comply with the General Framework Agreement for Peace in Bosnia and Herzegovina. Failure to abide by the statement shall be a violation of these *Rules and Regulations* subjecting the political party, coalition, or independent candidate to the sanctions contained in Chapter 600.

**Article 115**  
**Persons Previously Removed**

No person who has been removed by the Provisional Election Commission or the Election Appeals Sub-Commission, and he or she has personally obstructed the implementation of the General Framework Agreement for Peace or the Provisional Election Commission *Rules and Regulations* shall be permitted to be a candidate in the elections or hold any public elected or appointed office.

No person who has been removed from public office by the High Representative shall be permitted to be a candidate in the elections or hold any public elected or appointed office.

**Article 116**  
**Election Day**

The elections to the directly elected bodies of authority from Article 101 of the *Rules and Regulations* shall be held on 11 November 2000.

**Article 117**  
**End of Term of Office**

The term of office for current members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, members of the House of Representatives of the of the Parliament of the Federation of Bosnia and Herzegovina, President and Vice President of the Republika Srpska, members of National Assembly of the Republika Srpska, and members of cantonal assemblies shall expire upon technical certification of the results of the elections held on 11 November 2000.

The term of office for members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, President and Vice President of the Republika Srpska, members of National Assembly of the Republika Srpska, and members of cantonal assemblies elected on 11 November 2000 shall expire upon certification of results of elections held in the year 2002.

(amended 14 July 2000)

**Article 118**  
**Brcko Voters**

Voters eligible to vote for the District of Brcko who have registered to vote for elections held in the Federation of Bosnia and Herzegovina pursuant to Article 306 shall

be eligible to vote for the Federation members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina and members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina.

Voters eligible to vote for the District of Brcko who have registered to vote for elections held in the Republika Srpska pursuant to Article 306 shall be eligible to vote for the Republika Srpska members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, President and Vice President of the Republika Srpska, and members of the National Assembly of the Republika Srpska.

## **Article 119**

### **Implementation of Election Results**

The OSCE and the Office of the High Representative will monitor the status of implementation of the election results, including the establishment of governments and the nomination of candidates to the House of Peoples of the Parliamentary Assembly of BiH, the President and Vice-President of the Federation and House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina. The High Representative and the OSCE Head of Mission, in his capacity as Chairman of the Provisional Election Commission, may refer a matter to the Provisional Election Commission or the Election Appeals Sub-Commission where implementation is not in accordance with the Rules and Regulations or with accepted democratic principles.

The Provisional Election Commission will ensure that candidates for the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, the House of Peoples of the Parliament of the Federation, the President and Vice-President of the Federation and Presidents of the Cantons, and the Entity and Cantonal governmental positions are in compliance with the Rules and Regulations.

(Adopted 11 October 2000)

## **Chapter 200**

### **Authorities Responsible for the Conduct of Elections**

#### **Article 201 Election Authorities**

The authorities responsible for the conduct of elections are the Provisional Election Commission, the other election commissions and the Polling Station Committees.

#### **Article 202 Provisional Election Commission - Members**

The Provisional Election Commission (PEC) consists of the Head of the OSCE Mission to Bosnia and Herzegovina, the High Representative or his or her designee, representatives of the State of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, and such other persons as the Head of Mission of the OSCE Mission to Bosnia and Herzegovina, in consultation with the state and entity governments, may decide.

#### **Article 203 Duties of the Provisional Election Commission**

The Provisional Election Commission shall:

- 1) co-ordinate, oversee and regulate the lawful operation of all election commissions and Polling Station Committees;
- 2) issue additional administrative Regulations;
- 3) be responsible for establishment, accuracy and maintenance of the Central Voters Register for the territory of Bosnia and Herzegovina;
- 4) certify the participation of political parties, coalitions, lists of independent candidates and independent candidates for all levels of elections in Bosnia and Herzegovina;
- 5) verify and certify the lists of candidates for all levels of elections in Bosnia and Herzegovina;
- 6) be responsible for the timely printing, distribution and security of ballots and forms for all levels of elections in Bosnia and Herzegovina;
- 7) define the contents and the form of the ballot for all levels of elections in Bosnia and Herzegovina;
- 8) verify, certify and publish election results for all levels of elections in Bosnia and Herzegovina;
- 9) issue certificates to persons who receive mandates;
- 10) notify an election commission or Polling Station Committee that it does not comply with or violates a provision of these *Rules and Regulations* and order the remedial action required to be taken by the competent body;
- 11) publicize election results, voter information and all other information necessary for the implementation of these *Rules and Regulations*, in the Official Gazettes or the media, both inside and outside Bosnia and Herzegovina as appropriate;

- 12) review the termination of a mandate of an elected official by the competent body of authority at all levels in order to ensure that the elected official's mandate was terminated in accordance with law and in the case where a member resigns that it is of his or her own volition;
- 13) perform all other duties as authorized by these *Rules and Regulations*.

**Article 204**  
**Impartiality of Election Commissions**

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 1608.

All bodies of authority at all levels in Bosnia and Herzegovina and officials in Embassies and Consular Offices of Bosnia and Herzegovina shall be obliged to assist the competent authorities responsible for the conduct of elections.

**Article 205**  
**Appointment of Other Election Commissions**

Provisional Election Commission shall appoint the Election Commissions. Election Commissions shall be responsible for the conduct of the election under the supervision of the OSCE and the Provisional Election Commission and execute other actions as instructed by the Provisional Election Commission.

The appointment of the members of the Polling Station Committee and their deputies shall be made by the Municipal Election Commission.

**Article 206**  
**Qualifications of Election Officials**

Members of election commissions and Polling Station Committees shall be persons eligible to vote.

Members of election commissions and Polling Station Committees shall be persons with appropriate expertise and experience in the administration of elections.

The Provisional Election Commission shall determine what the required qualifications are for members of election commissions and Polling Station Committees established in the previous paragraph.

**Article 207**  
**Incompatibilities for Election Officials**

No person may 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 104 and 105;
- 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 members of the executive board or the central committee;

- 3) holds an elected mandate or is a member of an executive body of authority;
- 4) is an employee of the Ministry of Defense;
- 5) is an authorized person in the Ministry of the Interior;
- 6) stands as a candidate for the elections at any level of authority; or
- 7) has been sanctioned for a serious violation of the Provisional Election Commission Rules and Regulations where the person was found to be personally responsible for the violation.

The Provisional Election Commission may refuse the appointment or employment of any person by a Municipal Election Commission if it is determined that the person does not meet the qualifications or it may remove a member of a Municipal Election Commission for lack of impartiality or for any violation of the *Rules and Regulations*.

### **Article 208** **Annuling the Appointment of Election Officials**

If an election commission or Polling Station Committee is not composed in accordance with these *Rules and Regulations*, the Provisional Election Commission shall annul the appointment of the members and inform the appointing or nominating body. The appointing or nominating body shall within seven (7) days of the decision of the Provisional Election Commission reappoint or nominate the members in compliance with the criteria established in this chapter.

If the election commission or Polling Station Committee is not properly constituted again, the Provisional Election Commission shall appoint the members of the election commission or Polling Station Committee.

During the period that begins forty-five days prior to an election, the Provisional Election Commission shall have the authority to fill vacancies in Municipal Election Commissions without regard to the normal nomination and appointment procedures. In making such emergency appointments, the Provisional Election Commission may select any individual who meets the standards set forth in Article 206. Emergency appointments may be of a limited duration.

### **Article 209** **Election Commission Vacancies**

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 according to Article 207, the new member of the body shall be appointed in the same manner that the previous member was appointed. The term of appointment shall expire when the previous member's appointment would have expired.

### **Article 210** **Prolonged Absences**

If a member of an election commission has a prolonged absence without a valid reason, obstructs the work of the commission or violates these *Rules and Regulations*, the Provisional Election Commission may remove the member of the election commission. For the purposes of this article, the appointing body for replacement of an absent the Municipal Election Commission member is the Provisional Election Commission.

**Article 211**  
**Public Meetings**

Except as established by these *Rules and Regulations*, all election commission meetings shall be public. The election commissions shall ensure that the public is notified of their meetings in a timely manner.

**Article 212**  
**Decisionmaking**

Election commissions and Polling Station Committees, except for the Provisional Election Commission, shall make decisions by a simple majority of the total number of members, except as otherwise stipulated by these *Rules and Regulations*.

**Article 213**  
**Annuling Elections**

The Provisional Election Commission may annul elections in an electoral unit or at an individual Polling Station if it is established that irregularities occurred, during the voting or counting of ballots, which may affect the election results.

**Article 214**  
**Appointment and Composition of Municipal Election Commissions**

The Municipal Election Commissions shall be nominated by the competent municipal authorities and appointed by the Provisional Election Commission. Municipal Election Commissions shall be responsible for the conduct of the election and execute other actions as instructed by the Provisional Election Commission.

Each Municipal Election Commission shall be composed of between three and five members. The number of Municipal Election Commission members shall be determined by the Provisional Election Commission. The criteria for determining how many members a Municipal Election Commission shall be composed of shall be determined by:

- 1) the population of a municipality,
- 2) the geographical size of a municipality, and
- 3) the number of registered voters in a municipality.

Other criteria may be used to determine the number of Municipal Election Commission members where deemed necessary.

The Municipal Election Commissions shall be composed of persons with appropriate expertise and experience in the administration of elections. Members may be a judge of the basic courts, the Secretary of the Municipal Council or Assembly, other professional members of the municipal administration or other members as designated by the Provisional Election Commission.

The Provisional Election Commission shall choose the President of the Municipal Election Commission.

To the extent possible, the composition of a Municipal Election Commission should be multiethnic, including others, bearing in mind the 1991 Census in the municipality in which the Municipal Election Commission is located.

(amended 25 July 2000)

**Article 215**  
**Duties of Municipal Election Commissions**

The Municipal Election Commission shall be responsible for:

- 1) updating and verifying the Voters Register;
- 2) assisting the voters in obtaining documents required to determine voter eligibility;
- 3) monitoring and reporting violations of the *Rules and Regulations*;
- 4) neutrally and impartially providing political parties, coalitions, lists of independent candidates and independent candidates information about their rights and obligations and the status of the election preparation;
- 5) notifying voters of information necessary for the administration of elections as directed by the Provisional Election Commission;
- 6) monitor the work of competent municipal bodies for the administration of the elections, including the process of voter registration;
- 7) designate Polling Stations in the territory of the municipality for voting on all levels of authority in Bosnia and Herzegovina;
- 8) appoint, and organize training for the members of the Polling Station Committees;
- 9) ensure the security of, and deliver to the Polling Station Committees the polling material for voting at all levels of the elections in Bosnia and Herzegovina;
- 10) notify voters of the polling station to which they are assigned;
- 11) be responsible for the technical arrangements at the Polling Station and any other technical preparations for the elections;
- 12) be responsible for the proper conduct of the counting of ballots at Polling Stations and municipal counting centers;
- 13) 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 Provisional Election Commission providing secure warehousing for election materials and supplies as needed.

The Municipal Election Commissions shall keep records and perform all other tasks as authorized by these *Rules and Regulations*.

#### **Article 216** **Support for Municipal Election Commissions**

Under the authority of the Provisional Election Commission, the Municipal Election Commissions are responsible for ensuring the efficiency and legitimacy of the election administration functions within their jurisdiction. Municipal Election Commissions shall be completely independent of all other competent bodies of authority at all levels. All competent bodies of authority are required to support the Municipal Election Commissions in conducting the elections and provide them with all assistance necessary for their work.

#### **Article 217** **Access to Municipal Election Commissions**

Authorized agents of the Provisional Election Commission, international supervisors, accredited observers, political parties, coalitions, independent candidates and lists of independent candidates observers, members of the international community accredited by the Provisional Election Commission, and OSCE staff members shall have access to all proceedings and documents of the Municipal Election Commissions.

As used in this article, "proceedings" shall include working groups, planning meetings and official sessions of the Municipal Election Commissions. "Proceedings" shall

also include all activities of Municipal Election Commissions at Voter Registration Centres, Polling Stations, and Municipal Election Commission offices.

As used in this article, "document" shall include any paper, record, book or similar item which the Municipal Election Commission uses in the performance of its duties or is required to prepare or maintain under the *Rules and Regulations* of the Provisional Election Commission.

Accreditation for access to the proceedings of Municipal Election Commissions under this article shall be obtained from Municipal Election Commissions, subject to notification to the Provisional Election Commission.

If a Municipal Election Commission does not allow a person authorised by this article to be present during a proceeding of the Municipal Election Commission, or denies access to a document of the Municipal Election Commission, the person may appeal in writing to the Provisional Election Commission.

#### **Article 218 Assumption of Duties**

The members of the Municipal Election Commissions shall begin their work immediately upon being appointed.

The names of the nominees of the Municipal Election Commission members shall be submitted to the Provisional Election Commission for approval within 5 days of their nomination by the competent municipal authorities.

The Provisional Election Commission shall notify the competent Municipal Authorities within 5 days of their appointments to the Municipal Election Commissions.

#### **Article 219 Changes in Municipal Election Commissions**

Any change in the composition of the Municipal Election Commissions shall meet with the approval of the Provisional Election Commission.

#### **Article 220 Duties of Municipal Election Commissions**

Municipal Election Commissions shall comply with the *Rules and Regulations* of the Provisional Election Commission.

The Municipal Election Commission members should be present for all meetings and training sessions. Payment may be withheld for non-attendance of meetings.

No vote or decision can be taken unless a quorum of members is present.

#### **Article 221 Polling Station Locations**

The Municipal Election Commissions shall provide geographic descriptions of the areas to be covered by polling stations in accordance with instructions from the Provisional Election Commission.

#### **Article 222 Polling Station Committees**

The Municipal Election Commission shall appoint a Polling Station Committee for each Polling Station. The appointments shall be made immediately after the polling station locations have been decided, but in any case, no later than twenty-five (25) days

before election day. The Polling Station Committee is responsible for ensuring the integrity, security and tranquillity of the voting process at the Station.

**Article 223**  
**Brcko District**

The Election Commission responsible for the Brcko District shall be established in a manner prescribed by the International Supervisor for Brcko.

**Article 224**  
**City of Mostar Central Zone**

The Election Commission of the Central Zone in the City of Mostar shall have the same competencies and responsibilities of the Municipal Election Commissions as established in this Chapter of the *Rules and Regulations*.

**Article 225**  
**Polling Station Committee Membership**

Each Polling Station Committee serving more than 600 voters shall consist of at least five members, five deputies and a Chairperson. Each Polling Station Committee serving less than 600 voters shall consist of at least three members, three deputies and a Chairperson.

The appointment of the members of the Polling Station Committee and their deputies shall be made by the Municipal Election Commission no later than twenty-five (25) days prior to the date of the election. If the Municipal Election Commission does not appoint the members of the Polling Station Committee and their deputies in accordance with this article, then the Provisional Election Commission shall appoint the members of the Polling Station Committee and their deputies.

To the extent possible, the composition of a Polling Station Committee should be multiethnic, including others, bearing in mind the 1991 Census in the municipality in which the Polling Station is located.

Members of Polling Station Committees must be eligible voters.

**Article 226**  
**Responsibilities of Polling Station Committees**

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.

The President of the Polling Station Committee shall ensure that the voting process at a Polling Station proceeds without impediments. The President shall also manage and be responsible for the full work of the Polling Station Committee in accordance with the Provisional Election Commission *Rules and Regulations*.

## **Chapter 300 Voters Register**

### **Article 301 General Provisions**

A citizen of Bosnia and Herzegovina, eighteen (18) years of age or older, exercises his or her right to vote based on his or her registration into the Central Voters Register. Each person shall apply for registration personally. No person may apply for registration on behalf of another person.

The Central Voters Register shall not contain the name of a person who under a valid decision of a competent authority has been deprived of his or her ability to engage in business activities.

The Provisional Election Commission shall keep and manage the Central Voters Register for the entire territory of Bosnia and Herzegovina.

The Central Voters Register shall include the names and information about all citizens of Bosnia and Herzegovina who have the right to vote and who have registered to vote. From the data contained in the Central Voters Register, a Municipal Voters Register shall be established for each municipality which contains the names and information about all voters who have registered to vote in person or by absentee ballot for that municipality.

A Voters Register shall be established for Brcko District that contains names of persons eligible to register and vote in person or by absentee ballot for the District as provided for in the Brcko District Statute.

The Provisional Election Commission may define Voters Registers for other electoral units for which specific elections are conducted, based on the data contained in the Central Voters Register.

The Municipal Election Commission, in coordination with the municipal body that is responsible for the municipal record books, shall be responsible for the proper registration of voters residing within the territory of that municipality, and the accuracy and validity of data provided for additions to, changes and deletions from the Central Voters Register.

The Provisional Election Commission shall be responsible for the registration of voters residing outside the territory of Bosnia and Herzegovina, and the accuracy and validity of data provided for additions to, changes and deletions from the Central Voters Register. The Central Voters Register, Municipal Voters Registers, and other Voter Registers shall be public.

### **Article 302 Voter Registration at Municipal Level**

Voter registration occurs at the municipal level. A person who is registered to vote in a municipality under these *Rules and Regulations* shall be deemed registered to vote in the elections for all higher levels of government, which encompass that municipality.

Voter registration is ongoing. The Provisional Election Commission shall determine the date by which a voter must register in order to be eligible for the next elections.

The 1991 Census, as adjusted for use in the elections, shall be used mainly as the basis for new voter registration and shall be available at all Voter Registration Centres during the voter registration period.

A voter registering to vote, requesting a correction to the Voters Register, requesting a change to his or her municipality voting option or requesting a change of municipality of current residency, shall go to a Voter Registration Centre where an authorized voter registration staff member shall complete a registration form prepared by the OSCE. The voter shall provide all relevant documents in order to establish his or her voter eligibility and sign the registration form, which shall be stamped by the authorized voter registration employee.

Registration will be conducted in accordance with the Provisional Election Commission *Rules and Regulations* and the OSCE Voter Registration Manual.

### **Article 303 Voter Registration Centres**

In each municipality, the Municipal Election Commission in co-ordination with the competent municipal body shall establish one or more voter registration offices in public buildings or other locations designated for that purpose, and shall arrange for and train appropriate staff members or other persons as voter registrars, who shall be authorized to conduct voter registration activities.

Offices where master evidence files are prepared and maintained may be used as registration offices, as may other public offices generally accessible to the public. A registration office may not be located in a place of worship, any building owned by or occupied by a political party, any building that has been used as a place of torture or abuse or premises in which alcohol is served and consumed.

A person who has the right to vote under these *Rules and Regulations* shall be advised of his or her voting rights and may register to vote, update his or her voter registration information, or apply to change his or her voting option at a Voter Registration Centre in the municipality in which he or she is currently residing, regardless of the municipality for which he or she seeks to register.

Each Voter Registration Centre shall have Voter Registration Forms that were approved by the Provisional Election Commission, a copy of the 1991 census adjusted for use in elections, a printed or electronic copy of the Voter Register for that municipality, a copy of the OSCE Voter Registration Manual, and Voter Registration Centre Book.

### **Article 304 Voter Registration Staff**

Each Person working in the Voter Registration Center must have appropriate qualifications and must be eligible to vote. In addition, no member of the staff shall have right to work, or participate in performing the duties, in the Voter Registration Center if he or she is:

- 1) elected to or holds a politically appointed office or is seeking an elective office;
- 2) in a leadership position of a political party or coalition or intends to seek such a position; or
- 3) shown to lack impartiality.

Each Voter Registration Center in cooperation with municipal election commission shall perform stated duties under OSCE supervision.

**Article 305**  
**Data for Central Voters Register**

The data entered into the Central Voters Register for citizens of Bosnia and Herzegovina who have the right to vote shall be:

- 1) last and first name,
- 2) gender,
- 3) date of birth,
- 4) national identification number,
- 5) name of the municipality and settlement where this person has permanent or current residence,
- 6) the name of the municipality for which this person is registered as a voter,
- 7) reference number of the polling station to which the person is assigned, and
- 8) serial number under which the voter is registered.

The Provisional Election Commission shall have the authority to require that other information on citizens of Bosnia and Herzegovina is entered into the Central Voters Register.

**Article 306**  
**Voter Registration**

A citizen of Bosnia and Herzegovina who has the right to vote, shall register for the municipality in which he or she has a permanent place of residence on or before 6 April 1992 or in the municipality where that person has permanent residence at the time of submitting an application if his or her permanent place of residence was changed in accordance with the law.

A citizen of Bosnia and Herzegovina who is a displaced person and has the right to vote under these *Rules and Regulations*, 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 1991 Census, 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 1991 Census 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.

A citizen of Bosnia and Herzegovina who has refugee status and has the right to vote under, these *Rules and Regulations*, shall register for the municipality where he or she had a permanent place of residence on or before 6 April 1992.

A citizen of Bosnia and Herzegovina who is a resident of the District of Brcko, as defined by Article 11 of the Statute of the Brcko District of Bosnia and Herzegovina, shall be eligible to register to vote for elections held in the Republika Srpska or for elections held in the Federation of Bosnia and Herzegovina. Such citizens who are already registered shall be allowed to change their Entity voting preference until 30 July 2000.

**Article 307**  
**Identification of Registrants**

The identification of persons who are submitting an application for registration, shall be conducted with a valid identification document, which must include a photograph.

An authorized official responsible for voter registration shall determine the identity of an applicant based on one of the following documents:

- 1) Identification card,
- 2) Passport,
- 3) Drivers license,
- 4) Military ID,
- 5) Valid identification document issued by a host country,
- 6) Refugee card issued by a host country or other international organization.

Identification documents numbers 1 through 4 above, are valid for proving a registrants identification if they were issued by BiH government bodies, either from Federation of Bosnia Herzegovina or Republika Srpska, or issued by governmental bodies of former Yugoslavia. These documents are also acceptable if issued by Herceg-Bosna or the Republic of Bosnia – Herzegovina prior to 14 October 1997.

Photocopies of identification documents listed in paragraph 2 of this article, shall be considered valid proof of identification for citizens of Bosnia and Herzegovina who are submitting an application for registration, or confirmation of previous registration, by mail.

An applicant who has changed his or her name, is obligated to submit a decision regarding the change of name issued by the appropriate body along with one of the identification documents listed in paragraph 2 of this article.

**Article 308**  
**New Registrants**

Applicants for registration who are registering for the first time are obligated to prove their citizenship and their permanent or current residence.

**Article 309**  
**Proof of Citizenship**

For the purpose of voter registration, the following shall constitute proof of citizenship:

- 1) The listing of the person's name on the 1991 Census; or
- 2) Confirmation of the entry of the person's name in the municipal birth record on or before 6 April 1992 provided such confirmation is made on a form prepared by the OSCE. This confirmation shall include the name of the municipality, name and surname of the person for whom it is issued, date and place of birth, book and page number where the person's name appears in the municipal birth record, and the date and place where the confirmation of birth is issued.

If the municipal birth record book is missing from the issuing municipality then a person's name cannot be confirmed for the purposes of proving citizenship as established in this paragraph.

Confirmation information provided by parallel institutions or structures claiming to be in possession of the municipal birth record books shall not be accepted.

In the event that a municipality is split by the Inter-Entity Boundary Line and the ownership of the municipal record books is disputed by the two municipalities, the OSCE may verify the documentation information in either of the two municipalities.

Photocopies of proof of citizenship shall be submitted with the application for registration.

### **Article 310 Proof of Permanent and Current Residency**

Permanent residence is a municipality where a citizen of Bosnia and Herzegovina had his or her permanent residence at the time of the 1991 Census, or the municipality where he or she has reported permanent residence in accordance with the law.

Current residence is a municipality where a displaced person temporarily resides until the conditions are met for his or her return to the municipality of permanent residence in accordance with the 1991 Census or to the municipality where the person had permanent residence before obtaining displaced person status.

Valid proof of permanent residence, or of current residence, is a Certificate of Permanent Residence or a Certificate of Current Residence issued by the competent police body that keeps official records of permanent and current residents.

The listing of a person's residency on the 1991 Census shall constitute proof of permanent residency.

### **Article 311 Registration Officer**

A Registration Officer shall review the voter registration forms from the Voter Registration Centre and verify their accuracy and determine whether the *Rules and Regulations* of the Provisional Election Commission and OSCE Administrative Procedures are followed.

The Registration Officer shall have the authority to delay the registration of a person if the person does not have proper documents necessary to establish voter eligibility, proper documents for the purpose of proving identity. If the Registration Officer determines that the registration form was not properly completed, he or she may return it to the Voter Registration Centre in order for the voter to be notified and return to properly complete the form.

The Registration Officer shall report patterns or trends of voter registration irregularities to the appropriate OSCE Election Officer.

### **Article 312 Voter Registration Centre Book**

A record shall be made and entered into the Voter Registration Centre Book by the voter registration staff of all significant events which occur at the Voter Registration Centre, and of all comments or objections received including those from persons who are accredited to enter the Voter Registration Centre.

Any other person may also enter his or her opinion or make observations and entries in the Voter Registration Centre Book.

**Article 313**  
**Inspection of Documents**

The Provisional Election Commission shall have the right to require the production and inspection of any document, record, or related material required under this chapter. Any municipality issuing false documentation or statements, or refusing to provide requested documentation in a timely manner, shall be subject to appropriate penalties. A municipality that cannot produce requested documentation in a timely manner shall submit a written statement within three days to the Provisional Election Commission explaining why the documentation cannot be produced.

**Article 314**  
**Resolution of Disputes between Commissions**

In the event of a dispute between the Municipal Election Commission and the Provisional Election Commission on the question of registration, the decision of the latter shall be final.

**Article 315**  
**Protection of Rights of Registrants**

No citizen of Bosnia and Herzegovina shall forfeit any right or entitlement because he or she has registered as a voter, or because his or her registration to vote for a municipality is not the one in which he or she currently resides.

No person shall be required to present any document issued to him or her by a competent municipal body relative to registration or voting for any other purpose except as is necessary for the purpose of voter registration, confirmation of registration or voting.

**Article 316**  
**Obligation to Keep and Produce Records**

The competent municipal bodies which keep the master evidence files are obliged, upon comparison of the birth records and the records of residency of persons currently residing in the municipality, to provide information on persons who will reach eighteen (18) years of age prior to the Election Day to the Municipal Election Commission, upon request. The Provisional Election Commission shall regulate the methods and procedures for informing persons who will reach eighteen (18) years of age prior to the Election Day about the procedures of voter registration.

The police body with authority to maintain residency evidence is obliged to provide to the Municipal Election Commission, upon request, information on all persons who have reached eighteen (18) years of age and their residence is within the territory of that municipality, as well as information about such persons who have cancelled their residency in that municipality.

The competent municipal bodies which keep the master evidence files are obliged to provide information on dead persons who were over eighteen (18) years of age and who immediately prior to their death resided in the municipality, to the Municipal Election Commission, upon request.

The competent court shall be obliged to notify the Municipal Election Commission of a valid court decision by which a person has been deprived of his or her ability to engage in business activities.

**Article 317**  
**Registration by the Military**

A member of the military, who has the right to vote under these *Rules and Regulations*, shall register to vote, update his or her registration information, or apply to change the municipality for which he or she will vote, at the voter registration centre.

A member of the military, who has registered to vote in accordance with these *Rules and Regulations*, may vote in an Absentee Polling Station in the municipality in which he or she is based.

A member of the military may apply to vote at an Absentee Polling Station in the municipality in which he or she is scheduled to be posted or transferred between the date of registration and polling day, if he or she produces documentary proof of the scheduled posting or transfer at the time of registration.

If a member of the military produces documentary proof at the time of registration of a scheduled discharge between the date of registration and the polling day, he or she may apply to vote at an Absentee Polling Station in the municipality in which he or she intends to cast a ballot.

**Article 318**  
**Minor Corrections to the Voters Register**

The Provisional Election Commission, in co-operation with the Municipal Election Commissions and the appropriate Municipal Authorities, shall authorise persons who may correct errors or amend the following voter information on the Voters Register:

- 1) assignments to settlements; or
- 2) correction of a voter's name, identification number, or date of birth.

These changes do not require the voter to be present or to be notified of the correction. Other corrections to the Voters Register may be made by the Provisional Election Commission.

**Article 319**  
**Challenges to the Accuracy of the Voters Register**

The Voters Register shall be posted for public scrutiny and any registered voter, certified political party, coalition, list of independent candidates or independent candidate, or Municipal Election Commission may apply to the Provisional Election Commission to have a name deleted from the Voters Register because a voter is deceased, or does not meet the residency or citizenship requirements of this chapter.

A challenge made pursuant to the above paragraph shall:

- 1) be written;
- 2) clearly state the facts supporting the challenge and provide copies of documents;
- 3) clearly state the legal grounds justifying the challenge, including the article(s) of the *Rules and Regulations* which allow the challenge; and
- 4) be submitted by a deadline established by the Provisional Election Commission.

If the Provisional Election Commission decides to grant the application, the person concerned shall have a right of appeal.

A registered voter who is omitted from the Voters Register or who believes his or her voter information is incorrect, may file a complaint with the Provisional Election

Commission requesting inclusion on the Voters Register or correction of the voter's information. Omissions or substantial corrections may be forwarded to the Election Appeals Sub Commission consistent with Chapter 600 of these *Rules and Regulations* and the deadlines imposed therein.

**Article 320**  
**Out of Country Voter Administration**

The Provisional Election Commission shall administer the registration of Out of Country Voters for each election in Bosnia and Herzegovina conducted under these *Rules and Regulations*. This administration shall be conducted through the OSCE By-Mail Coordination Centre in Sarajevo.

**Article 321**  
**Deadlines for Out of Country Voter Application for Registration or Confirmation**

A citizen of Bosnia and Herzegovina living abroad who registers for the first time by mail or confirms by mail a prior registration pursuant to Articles 322 or 323 must submit his/her application for registration or confirmation form by a date to be determined by the Provisional Election Commission.

**Article 322**  
**Previous Out of Country Voter Registrants**

Citizens of Bosnia and Herzegovina who registered or confirmed by mail their registration to vote for April 2000 elections are eligible to vote in the General Elections. These voters shall receive a bar coded registration receipt at their last known address. They shall be mailed ballots for the General Elections in a separate mailing by a date established by the Provisional Election Commission. If these voters wish to make changes to their current registration, they must do so on a form provided by OSCE. Such changes must be received at the By-Mail Coordination Centre, Sarajevo.

Citizens of Bosnia and Herzegovina living abroad who registered to vote in 1997 election but failed to confirm their registration in either 1998 or 1999 will not receive any individualized mailings. These voters shall be notified through the media that they must confirm their registration or they will be removed from the Central Voter Register. They may re-register at a future time.

Citizens of Bosnia and Herzegovina living abroad who registered or confirmed their registration in 1998, but did not confirm their registration in 1999 shall be sent a letter and confirmation form to their last known address. These voters must confirm their registration or be removed from the Central Voter Register. They may re-register at a future time.

**Article 323**  
**Out of Country Voter Registration**

Registration of citizens of Bosnia and Herzegovina living abroad shall be conducted by mail, and includes the applications for registration of the BiH citizens who are registering for the first time or submission of the confirmation form for the BiH citizens who registered by-mail or in person during the previous elections.

A valid registration form or confirmation form must be received at the By-Mail Coordination Centre in order for a voter to vote on 11 November 2000.

**Article 324**  
**Identification Documents for Out of Country Voter Registrants**

Citizens of Bosnia and Herzegovina living abroad who are registering for the first time must submit, along with the registration form, a copy of one of the valid identifica-

tion documents from Article 307 of these *Rules and Regulations*. Applications and forms without a copy of a valid identification document shall not be considered.

**Article 325**  
**Source of Out of Country Voter Information**

For citizens of Bosnia and Herzegovina living abroad, application forms for first time registrants, and confirmation forms for persons who registered during the previous elections may be obtained at:

- 1) BiH Embassies and consular offices,
- 2) Offices of governmental organizations and Non Governmental Organizations that deal with refugees and migration issues,
- 3) Gathering places of the BiH citizens,
- 4) Newspapers and periodicals for the BiH citizens,
- 5) Internet.

**Article 326**  
**Out of Country Voter Change of Address**

A registered out of country voter shall report every change of mailing address to the Provisional Election Commission in order to securely receive a ballot and other election materials.

**Article 327**  
**Registration of Homebound and Institutionalised Voters**

The Municipal Election Commission shall provide for the registration of persons who have the right to register, but who are homebound due to old age, illness, or disability, or are prisoners, or confined to an institution, and therefore are not able to physically register at the Voter Registration Center.

Homebound and institutionalized registrants shall register for an absentee vote.

Data for these persons shall be entered in the Central Voters Register, which shall be the part of the absentee polling station Voters Register.

The Provisional Election Commission shall issue additional, detailed procedures for the registration of persons who are homebound or institutionalized.

**Chapter 400**  
**Certification of Political Parties, Coalitions,**  
**Lists of Independent Candidates and Independent Candidates**

**Article 401**  
**General Provisions**

Each political party, coalition, list of independent candidates and independent candidate, which seeks to be certified for the elections to be held in Bosnia and Herzegovina, shall comply with the provisions of this chapter and all provisions of the *Rules and Regulations* of the Provisional Election Commission.

In order to participate in the elections, a political party must be registered with the competent authority in either Entity, in accordance with the law. The application for certification must be accompanied by evidence that the 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.

A political party or coalition certified at the electoral level of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, or the Republika Srpska, pursuant to the provisions of this Chapter, shall also be considered certified for all lower electoral levels.

Political parties, coalitions, lists of independent candidates and independent candidates must indicate in their application for certification at which electoral level they intend to contest elections and must also indicate the electoral unit(s) for which they will submit candidates lists.

**Article 402**  
**Parties Previously De-Certified**

Any political party that was previously denied registration for violating *Rules and Regulations* of the Provisional Election Commission may not be certified to participate in elections under these *Rules and Regulations*. Likewise, any political party that has had its registration revoked by a decision of the Election Appeals Sub-Commission may not be certified under these *Rules and Regulations*.

**Article 403**  
**Political Party and Independent Candidate Certification**

A political party or independent candidate shall certify in accordance with the *Rules and Regulations* by completing and submitting to the Provisional Election Commission the appropriate application form. The application for certification shall include:

- 1) the requisite number of signatures required by Article 405 unless waived by Article 406,
- 2) a signed statement that the political party, or independent candidate will abide by the General Framework Agreement for Peace in Bosnia and Herzegovina, the Electoral Code of Conduct for Political Parties, Coalitions, Lists of Independent Candidates, and the *Rules and Regulations* of the Provisional Election Commission;
- 3) the certification fee required by Article 407;
- 4) the name of the political party or independent candidate as it will appear on the ballot;

- 5) the list of electoral unit(s) for which the political party intends to submit a candidate list or, in the case of an independent candidate, the electoral unit in which the independent candidate intends to stand for election;
- 6) the address and telephone number of the political party headquarters and a list of all officers of the political party including their names, National Identification numbers, official titles and signatures or, in the case of an independent candidate, the National Identification Number, the current residence address, personal telephone number;
- 7) a political platform if required by Article 421;
- 8) a party registration receipt; and
- 9) financial disclosure forms required by Chapter 1600.

#### **Article 404 Signatures of Support Required**

The application for certification of a political party or independent candidate must include a list setting out the name, original signature, and National Identity number of each registered voter who supports the application of the political party or independent candidate.

The signature form shall be prescribed by the Provisional Election Commission and distributed to political parties and independent candidates by the OSCE. These forms shall be pre-printed forms and shall contain the OSCE logo, a space for the name of the political party or independent candidate, and sequential serial numbers. Political parties and independent candidates shall only collect signatures on the forms assigned to them by the Provisional Election Commission. Other forms submitted by a political party or independent candidate shall not be accepted by the Provisional Election Commission.

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

One voter may support only one political party or independent candidate in on the signature support form.

#### **Article 405 Signature Requirements**

In order to be certified for participation in the elections, a political party shall submit the requisite number of signatures of support as set forth below:

- 1) three thousand (3,000) signatures of registered voters for the elections for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
- 2) two thousand (2,000) signatures of registered voters for the elections for President and Vice President of the Republika Srpska, for the members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or for the members of the National Assembly of the Republika Srpska;
- 3) five hundred (500) signatures of registered voters for elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia-Herzegovina.

In order to be certified for participation in the elections, an independent candidate shall submit the requisite number of signatures of support as set forth below:

- 1) one thousand and five hundred (1,500) signatures of registered voters for the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
- 2) one thousand (1,000) signatures of registered voters for the elections for the members of the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, President and Vice President of the Republika Srpska or members of the National Assembly of the Republika Srpska; or
- 3) two hundred and fifty (250) signatures of registered voters for the elections for the delegates of the Cantonal Assemblies of the Federation of Bosnia and Herzegovina.

#### **Article 406 Confirmation of Previous Certification**

A political party or independent candidate shall be exempt from the signature requirement established in Article 405 if a member of the political party or the independent candidate holds a mandate at the same electoral level that the political party or independent candidate applies to certify.

For the purposes of this article, the political party shall submit a signed statement from the elected official that he or she was a member of that political party at the time that he or she received the mandate and that he or she is still a member of that party together with the confirmation form.

The confirmation form shall include:

- 1) a list of electoral units in which the political party intends to submit a candidate list or the electoral unit in which an independent candidate intends to participate; and
- 2) a signed statement that the political party, or independent candidate will abide by the General Framework Agreement for Peace in Bosnia and Herzegovina, the Electoral Code of Conduct for Political Parties, Coalitions, Lists of Independent Candidates, Candidates, Election Workers, Campaign Workers and Supporters, and the *Rules and Regulations* of the Provisional Election Commission.

#### **Article 407 Certification Fee**

Each political party certification application or confirmation form must be accompanied by a certification fee in the amount of:

- 1) ten thousand Convertible Marks (10,000 KM) to run candidates for President and Vice President of the Republika Srpska or for the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
- 2) five thousand Convertible Marks (5,000 KM) to run candidates for the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina or for the National Assembly of the Republika Srpska; and
- 3) two thousand Convertible Marks (2,000 KM) to run candidates for cantonal assemblies.

Each independent candidate certification application or confirmation form must be accompanied by a certification fee in the amount of:

- 1) five thousand Convertible Marks (5,000 KM) to run as a candidate on a ticket for President and Vice President of the Republika Srpska or for the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina;
- 2) twenty-five hundred Convertible Marks (2,500 KM) to run as a candidate for the House of Representatives of the Parliamentary Assembly of the Federation of Bosnia and Herzegovina or for the National Assembly of the Republika Srpska; and
- 3) one thousand Convertible Marks (1,000 KM) to run as a candidate for cantonal assemblies.

No application for certification or confirmation form shall be accepted without the fee. The certification fee shall be refunded in an amount equal to the fee required for certification at the level where the political party, list of independent candidates or independent candidate wins at least one mandate in the elections.

#### **Article 408 Certification Review**

A political party or independent candidate shall submit its application for certification or its confirmation form to the Provisional Election Commission in Sarajevo or to any OSCE office within Bosnia and Herzegovina no later than 1700 on a date set by the Provisional Election Commission. The deadline for independent candidates to submit an application for certification shall be the same as that set for Lists of Independent Candidates established in Article 413.

The Provisional Election Commission shall have fourteen (14) days from the closing date of political party or independent candidate certification to review and accept or reject the application or the confirmation form.

#### **Article 409 Coalition Certification**

Two or more certified political parties that choose to form a coalition must submit an application for certification under one name. A political party may participate in only one coalition for each electoral unit. The application for certification of a coalition shall include:

- 1) the name of the coalition as it will appear on the ballot;
- 2) the signature of the President of each of the member political parties or Vice-president on behalf of the President as authorised by the party, confirming the consent of each political party to be a member of the coalition;
- 3) a list of electoral units for which the coalition intends to submit a candidate list;
- 4) the address of the coalition headquarters;
- 5) the names, National Identity numbers and official titles and signatures of all coalition officers;
- 6) a signed statement that the coalition will abide by the General Framework Agreement for Peace in Bosnia and Herzegovina, the Electoral Code of Conduct for Political Parties, Coalitions, Lists of Independent Candidates, and Independent Candidates, and the *Rules and Regulations* of the Provisional Election Commission; and
- 7) a financial report pursuant to Article 1601.

**Article 410**  
**Coalition Confirmation**

A coalition has the right to confirm its certification if the coalition retains the same name and is comprised of the same certified political parties as appeared on its application for the last election in which it won at least one mandate.

The confirmation form shall include:

- 1) a list of electoral units in which the coalition intends to submit a candidate list;
- 2) a signed statement that the coalition will abide by the General Framework Agreement for Peace in Bosnia and Herzegovina, the Electoral Code of Conduct for Political Parties, Coalitions, Lists of Independent Candidates, Candidates, Election Workers, Campaign Workers and Supporters, and the *Rules and Regulations* of the Provisional Election Commission; and
- 3) the signature of the President of each of the member political parties, or the President's designee, confirming the consent of each political party to be a member of the coalition.

**Article 411**  
**Coalition Certification Review**

A coalition shall submit its application or confirmation form to the Provisional Election Commission in Sarajevo or to any OSCE office within Bosnia and Herzegovina no later than 17:00 hours on a date set by the Provisional Election Commission. The Provisional Election Commission will have fourteen days from the closing date of coalition certification to review and accept or reject the application.

**Article 412**  
**Coalition Status**

A coalition shall be considered a single political organisation in each electoral unit in which the coalition intends to submit a candidate list from the date of its certification or confirmation through the date on which the certification of election results is concluded. A member political party may not withdraw from a certified coalition prior to the conclusion of the certification of election results. Where a coalition has expressed its intention on its certification application or confirmation form to submit a candidates list for an electoral unit, any candidates list for the same electoral unit submitted by a member political party of the coalition shall be deemed invalid.

Where a coalition has expressed its intention on its certification application or confirmation form to submit a candidates list for an electoral unit, a member political party of that coalition may not participate as a member of another coalition in that same electoral unit.

**Article 413**  
**Certification of Lists of Independent Candidates**

Two or more certified independent candidates who are certified for the same electoral unit may join together and submit a single candidates list for that electoral unit.

A list of independent candidates shall submit its application form to the Provisional Election Commission in Sarajevo or to any OSCE office within Bosnia and Herzegovina no later than 17:00 hours on 20 July 2000. The Provisional Election Commission will have

fourteen days from the closing date of this certification to review and accept or reject the application.

A certified list of independent candidates must submit a candidates list for the canton that it intends to participate, which must be in a form approved by the Provisional Election Commission. The candidates list shall be in accordance with Article 417.

#### **Article 414 Independent Candidate List Status**

A list of independent candidates shall be considered a single political organisation in the electoral unit in which the list of independent candidates submits a candidate list from the date of its certification through the date on which the certification of election results is concluded. An independent candidate may not withdraw from a certified list of independent candidates prior to the certification of election results.

An independent candidate who has consented to appear on a list of independent candidates lists may not withdraw as a candidate prior to the certification of election results. A certified list of independent candidates may not remove a candidate from a candidates list which has been approved by the Provisional Election Commission.

#### **Article 415 Right to Appeal**

A political party, independent candidate, list of independent candidates or coalition which has been advised that its application or confirmation form has been rejected may appeal to the Election Appeals Sub-Commission within three days of the date of notification of the decision of the Provisional Election Commission.

The Election Appeals Sub-Commission shall decide the matter and provide a written decision to the political party, independent candidate, list of independent candidates or coalition. The decision of the Election Appeals Sub-Commission shall be final.

#### **Article 416 Candidates Lists**

A certified political party or coalition must submit a candidates list for each electoral unit in which the coalition intends to participate and the list must be in the form approved by the Provisional Election Commission. Candidates lists shall be submitted to the Provisional Election Commission by 1700 hours on a date established by the Provisional Election Commission.

In order to be a certified political party or coalition candidate the individual shall be a registered voter within the electoral unit for which the candidate stands.

A candidate who has consented to appear on the candidates list of a certified political party, list of independent candidates, or coalition may not withdraw as a candidate prior to the certification of election results. A certified political party, coalition or list of independent candidate may not remove a candidate from a candidates list which has been approved by the Provisional Election Commission.

A political party or coalition may not replace a candidate who was removed from the political party or coalition's list following a complaint from the candidate that he or she did not consent to have his or her name placed on that political party or coalition's list of candidates or by a decision of the Election Appeals Sub-Commission; however, a certified

political party or coalition may within 48 hours replace or substitute a candidate under the following circumstances:

- 1) a candidate has been declared ineligible by the Provisional Election Commission except when a candidate has been declared ineligible in accordance with Article 108;
- 2) the political party or coalition has submitted the same candidate in two different electoral units;
- 3) a candidate also appears on the candidates list of another party or coalition and has indicated a clear intention in writing to remain on the list of the other party or coalition; or
- 4) as provided for in Article 417.

A political party or coalition may appeal a decision of the Provisional Election Commission, concerning a candidates list, to the Election Appeals Sub-Commission within three days of the date of notification of the decision of the Provisional Election Commission.

The candidates list shall contain the name, surname, address of permanent residence, national identification number and signature of each candidate, signature of the president of the political party or presidents of the political parties in the coalition.

Political parties, coalitions or lists of independent candidates must submit a candidate financial disclosure form for each candidate when the candidates list is submitted.

For the cantonal elections the number of candidates on the candidates list of the political party, coalition or list of independent candidates may be ten percent (10%) higher than the number of mandates that are to be allocated.

For the multi-member constituencies established in Chapters 1100, 1200 and 1300 of these *Rules and Regulations* the number of candidates on the candidates list of a political party, coalition or list of independent candidates may be two (2) higher than the number of mandates that are to be allocated in that multi-member constituency.

(amended 14 July 2000 and 27 July 2000)

#### **Article 417 Gender Rule**

Every candidates list shall include candidates of male and female gender. Candidates of each gender shall be distributed on the candidates list in the following manner. At least one (1) candidate of each gender amongst the first three (3) candidates, two (2) amongst the first six (6) candidates, and three (3) amongst the first nine (9) candidates et seq. The number of candidates of each gender shall be at least equal to the total number of candidates on the list, divided by three (3) rounded down to the closest integer.

In the event that a political party, coalition or list of independent candidates does not comply with paragraph 1 of this article, then the political party, coalition or list of independent candidates will be given 48 hours to amend the candidates list.

In the event that a political party, coalition or list of independent candidates does not comply with paragraph 2 of this article then only the portion of the candidates list that complies with this article shall be accepted. However, if the candidates on the candidates list are not distributed in accordance with this article then they shall be moved on the list in order to comply with this article.

**Article 418**  
**Withdrawal of Candidacy**

An independent candidate may withdraw as a candidate before the election by submitting a notice to the Provisional Election Commission no later than the deadline set for the submission of political party and coalition candidates lists.

A certified political party, list of independent candidates or coalition candidate may not withdraw as a candidate after the deadline for the submission of candidates lists which shall be set by the Provisional Election Commission.

If the candidate is incapacitated or rejects the mandate after the election results are certified by the Provisional Election Commission, the name of the candidate shall be removed from the candidates list and the mandate shall be allocated in accordance with Article 1105, except for lists in cantons which shall be allocated in accordance with Article 1405. 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 Provisional Election Commission.

If there are no eligible candidates remaining on the list, then the mandate shall remain vacant.

**Article 419**  
**Death, Resignation or Incapacitation**

If a political party, list of independent candidates or coalition candidate dies, resigns, or is unable to permanently carry out his or her functions due to incapacitation, then the mandate shall be distributed to the candidate that received the next highest number of votes. If the candidates remaining received the same number of votes, then distribution of the mandate shall be given to the candidate according to their order on the list.

If there are no eligible candidates remaining on the list, then the mandate shall remain vacant.

**Article 420**  
**Publication of List**

After the certification of the submitted candidates lists, the Provisional Election Commission shall publish a list of candidates of the certified political parties, coalitions, and lists of independent candidates and the names of all independent candidates for each election in the sequence of the lottery number resulting from the lottery established in Article 528. The lists of candidates shall be published by a date established by the Provisional Election Commission. The candidates lists shall also be posted at the Polling Stations and published in the media. Municipal Election Commissions shall post candidates lists immediately upon receipt from the Provisional Election Commission.

**Article 421**  
**Political Platform**

Every political party, independent candidate, list of independent candidates or coalition which has not submitted a political platform for previous elections supervised by the OSCE shall be required to submit one. The platform shall be completed in accordance with instructions provided by the Provisional Election Commission. The platform shall state, clearly and explicitly, the views, ideas, and plans of the political party, coalition, list of independent candidates or independent candidate on issues, which shall include: return of refugees and displaced persons, economy, minority rights, reconstruction and

development, education and social services. A political party, independent candidate or coalition which has submitted a political platform for a previous election supervised by OSCE is not required to submit a new political platform.

Each political platform shall be reviewed by a committee consisting of a member from the Provisional Election Commission Secretariat, the OSCE Human Rights branch, the OSCE Democratization branch; designee of the High Representative and other International Non-Governmental Organizations that the OSCE Head of Mission deems appropriate. The Committee shall promulgate Rules of Procedure for the evaluation of political platforms. These Rules of Procedures are subject to the approval of the Provisional Election Commission.

A political platform which contains inflammatory or hate language, or language which a reasonable person could interpret as inciting violence, or language which violates the principles set forth in the European Convention on Human Rights, shall be deemed unacceptable and appropriate sanctions and/or actions shall be taken by the Provisional Election Commission.

Political platforms, which are incomplete or do not cover the specified issues according to the instructions provided, shall be returned to the political party, independent candidate, list of independent candidates or coalition for completion. If the political party, independent candidate, list of independent candidates or coalition fails to complete the political platform within 48 hours, the political party, independent candidate, list of independent candidates or coalition application shall not be accepted for certification.

#### **Article 422**

#### **List of Candidates for Compensatory Mandates**

Each political party and coalition certified to run candidates for the House of Representative of the Parliamentary Assembly of Bosnia and Herzegovina, the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, or the National Assembly of the Republika Srpska may submit a list of candidates for compensatory mandates to the Provisional Election Commission by 1 September 2000. Such list may be submitted for each of the bodies listed above for which the political party or coalition is certified.

The list of candidates for compensatory mandates may 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. Lists of candidates for compensatory mandates shall comply with Article 417.

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 1107, 1206, and 1306. The list will be made available to the public.

**Chapter 500**  
**Conduct of Elections**

**Article 501**  
**General Provisions on Polling Stations**

Polling shall be conducted at Polling Stations, unless provided otherwise by these *Rules & Regulations*.

The Polling Stations shall be designated by the Municipal Election Commission no later than twenty-five (25) 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 Provisional Election Commission. The Municipal Election Commission shall also submit a description of the area to be covered by each Polling Station. The Provisional Election Commission may change the location of a Polling Station if it determines that the location is not an appropriate location for polling.

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.

Each Polling Station shall be designated by a specific code number, municipality number and entity letter.

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

**Article 502**  
**Polling Station Criteria**

Polling station locations will be selected using the following criteria:

- 1) a Polling Station shall be designated in accordance with the number of voters, which should not be greater than one thousand (1000), taking into consideration the distance of voters from the Polling Station.
- 2) the room designated for polling shall have special space that 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 these *Rules and Regulations*, "Polling Station and surrounding area" shall include the area within fifty (50) metres of the entrance of a building in which a Polling Station is located.
- 5) the number of absentee Polling Stations will be based on the estimated number of absentee ballot applications received. These absentee Polling Stations will be located in places convenient to the administration of the absentee vote.
- 6) the Polling Station must be large enough to efficiently process voters and meet the requirements of the election staff, with sufficient furniture and space to accommodate supervisors, monitors, independent candidate, coalition, list of independent candidates and party observers. There must be enough space to permit placing voting

screens in a location to ensure the secrecy of the vote and placing ballot boxes in a position visible to election officials and other accredited persons.

- 7) access to the Polling Station shall be closed in case of emergency, before opening the Polling Station and after the close of the Polling Station.
- 8) the Polling Station must be located in an accessible place and should, when possible, have level access so that disabled persons may have easier access. Adequate lighting and protection from the elements is also required.
- 9) signs on and in the building where the Polling Station is located must be placed in appropriate areas, particularly where there is more than one Polling Station in the building.

### **Article 503 Changes in Polling Station Location**

Once Polling Stations have been selected and their locations advertised, any change in location is to be coordinated with the Provisional Election Commission. If a change is required, voters are to be notified through available media sources. Notices are to be posted at the original Polling Station location advising voters of the new Polling Station location.

### **Article 504 Campaign Material Prohibited at or near Polling Station**

No election campaign material is to be displayed at a Polling Station, or in the surrounding area. Political parties, independent candidates, list of independent candidates and coalitions must remove all campaign material that is within 50 metres of the entrance to the Polling Station 24 hours before voting starts. No election campaign information is to be broadcast on any communication device in the Polling Station, nor within hearing distance of the Polling Station.

### **Article 505 Polling Station Committee Member Presence**

Requirements for the presence of Polling Station Committee members during the period of voting and counting shall be set forth in the Polling and Counting Manual.

### **Article 506 Manual for Polling Station Committees and Municipal Election Commissions**

The responsibilities of the Polling Station Committees and the Municipal Election Commissions shall be further defined in the "Manual for Polling Station Committees and Municipal Election Commissions", which, subject to the approval of the Provisional Election Commission, shall form part of the *Rules and Regulations* of the Provisional Election Commission.

### **Article 507 Polling Station Material, Equipment and Ballots**

The Municipal Election Commission, as directed by the Provisional Election Commission, 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. Polling material includes, but is not limited to: 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 each specific Polling Station, forms for reporting results in accordance with these *Rules and Regulations*, and the Polling Station Committee Poll Book.

The Provisional Election Commission will provide to the Municipal Election Commission a suitable number of ballots for each polling station. The supply of ballots shall include 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 Instructions issued by the Provisional Election Commission.

The Polling Station Committee shall be responsible for security of the ballots, polling material and equipment. This responsibility lasts from the time they are received 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 these *Rules and Regulations*.

On the day prior to the Election Day, the Polling Station Committee shall determine whether the electoral material has been received for the specific Polling Station as complete and in an orderly condition.

If the conditions from the previous paragraph have not been met, the Polling Station Committee shall inform the Municipal Election Commission, which is bound to correct and remove all noticed shortcomings brought to its attention related to the delivery of the election material.

#### **Article 508 Maintaining Order at Polling Stations**

The Chairperson 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 Chairperson of a Polling Station Committee may require assistance by the police. Voting shall be suspended while police are present at the Polling Station.

The Chairperson of a Polling Station Committee may expel from the Polling Station and surrounding area any person who is 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 1800 of these *Rules and Regulations*.

Weapons or dangerous objects shall not be carried in or near the Polling Station and the surrounding area, except for police officers in cases referred to in paragraph 1 of this article and police officers who enter the Polling Station to vote. A police officer must depart promptly from the polling station after casting his or her ballot

Political insignia and symbols are not allowed in or near the Polling Station and the surrounding area.

#### **Article 509 Threat to Peace within a Polling Station**

If there is a threat to peace and order, an outbreak of violence or the presence of weapons within a Polling Station, the Chairperson of the Polling Station Committee shall:

- 1) ensure that the threat to peace, outbreak of violence or presence of weapons is removed from the Polling Station immediately;
- 2) if the threat, outbreak of violence or presence of weapons cannot be removed immediately, the Chairperson of the Polling Station Committee shall suspend voting for as long as it takes to restore peace and order to the Polling Station. If the Chairperson

deems it necessary, he may call upon the assistance of the police or security forces outside the Polling Station to restore peace and order within the Polling Station;

**Article 510**  
**Threat to Peace Outside a Polling Station**

If there is a threat to peace and order, an outbreak of violence or the presence of weapons outside a Polling Station, the police or other security force responsible for peace and order shall:

- 1) ensure that the threat, outbreak of violence or presence of weapons is removed from the vicinity of the Polling Station immediately;
- 2) if the threat, outbreak of violence or presence of weapons cannot be removed immediately, the Chairperson of the Polling Station Committee shall suspend voting for as long as it takes to restore peace and order to the vicinity of the Polling Station.

**Article 511**  
**The Polling Station Poll Book**

A Poll Book shall be kept during the voting process. 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 other information that may be required by these *Rules and Regulations* to be recorded in the Poll Book.

The Chairperson or a member of the Polling Station Committee, a voter or an accredited observer may enter his or her opinion or objections to any aspect of the voting process in the Poll Book and sign it personally. If the person has not signed the Poll Book personally then his or her opinion or objections will not be considered.

**Article 512**  
**Polling Station Procedures**  
**Before Polling Begins**

Before polling begins, and in the presence of members of the Polling Station Committee and any accredited observers, who may be present, the Polling Station Committee shall:

- 1) ensure that all materials have been received. The election staff will arrange the furniture and voting screens in such a way as to ensure the secrecy of the vote;
- 2) record the number of voters appearing on the excerpt from the Central Voters Register on the appropriate forms ;
- 3) verify and record the total number of ballots received by the Polling Station on the appropriate forms;
- 4) record any other information required under these *Rules and Regulations*;
- 5) prepare and display the empty ballot box(es) in the presence of the members of the Polling Station Committee and any accredited observers who may be present before sealing it;
- 6) record the names of accredited observers who are present in the Poll Book; and

7) place the ballot box(es) in a position that ensures that it will remain in plain view of the Committee members and the accredited observers throughout the polling.

In the case of an Absentee Polling Station, the information identified in subparagraphs (2) and (3) of this article will be recorded for each electoral unit for which ballots have been issued to the Absentee Polling Station.

**Article 513**  
**Polling Station Hours**

Voting shall last continuously during one day commencing at 0700 hours and ending at 1900 hours. If there is a disturbance of the order, the Chairperson 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.

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.

**Article 514**  
**Adjusting Hours for Interruptions**

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 Chairperson 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 in consultation with the Provisional Election Commission.

Polling may also be extended pursuant to this Article if polling is interrupted due to circumstances covered by Articles 508, 509, 510 and 516.

**Article 515**  
**Adjusting Hours for Late Opening**

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 (3) hours, then the Municipal Election Commission shall decide the length of time for which voting shall be extended in consultation with the Provisional Election Commission.

**Article 516**  
**Suspension of Polling**

The Municipal Election Commission or the Provisional Election Commission may suspend polling at a polling station when there are serious violations of the Provisional Election Commission *Rules and Regulations*

**Article 517**  
**Power of Chairperson to Remove Voter**

The Polling Station Chairperson in consultation with the Polling Station Committee shall prevent a person, who is on the excerpt from the Central Voters Register, from voting if he/she disturbs the peace at the Polling Station; such cases must be recorded in the Poll Book. The Provisional Election Commission shall issue additional guidelines for such expulsion in accordance with these *Rules and Regulations*.

**Article 518**  
**Ensuring the Secrecy Voting**

The Provisional Election Commission 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 519**  
**Duty to Explain Voting**

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

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

**Article 520**  
**Voting Location**

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.

A voter who has the right to vote for the municipality in which s/he resided on or before 6 April 1992 may vote in an Absentee Polling Station.

**Article 521**  
**Identification**

The Chairperson or a member of the Polling Station Committee shall determine the identity of the voter on the basis of a valid identification document.

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;
- 4) military identification card;
- 5) a valid identification document issued by a host country; or
- 6) a refugee card issued by a host government or other international agency.

A voter card or registration receipt is not acceptable identification for a voter.

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 522**  
**Signing the Voters Register**

After the voter has identified him or herself to the Polling Station Committee member by producing acceptable identification, and is found on the excerpt from the Central Voters Register, the Polling Station Committee member shall encircle the voter's name and surname in the excerpt from the Central Voter's Register and the voter shall sign his or her name next to the entry of his or her name in the excerpt from the Central Voters Register.

**Article 523**  
**Ballot Issuing and Voting**

A Polling Station Committee member will issue the ballot to the voter, at which time the voter will be instructed to proceed to one of the voting screens to mark the ballot. After marking, the voter will fold the ballot and place it in the ballot box.

**Article 524**  
**Voter Not Found on Voters Register**

If a voter cannot be found on the excerpt from the Central Voters Register in a regular polling station, the voter will not be permitted to vote there, and will be advised to visit the nearest Absentee Polling Station or other designated location.

If a voter cannot be found on the Voters Register at an Absentee Polling Station then the voter's name will be added to a Supplementary Voters Register.

The voter will sign the Supplementary Voters Register, and the voter will be allowed to vote by *tendered ballot* after signing.

Upon issuing a tendered ballot to a voter, the voter's identification documentation shall be retained until the voter returns the tendered ballot inside the appropriate sealed envelope. The voter's ballot will be placed in a special envelope by the voter, on which is written sufficient information from which the voter's eligibility 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 the *Rules and Regulations*, the Polling Station Committee shall forward each sealed envelope to the Provisional Election Commission and the eligibility of the voter shall be confirmed by the Provisional Election Commission before the envelope is opened and the ballot is counted. This process will be set out in detail in the Procedural Instructions from the Provisional Election Commission.

**Article 525**  
**Form of the Ballot at all Electoral Levels**

The Provisional Election Commission shall determine the form of the ballot for all elections.

**Article 526**  
**Elements of the Ballot**

A ballot shall contain only the following elements:

- 1) date of the election;
- 2) names of the bodies for which the election is being held;
- 3) names of the electoral lists of candidates of political parties, coalitions, lists of independent candidates 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 the all the candidates; and
- 4) instructions on the manner of using and marking the ballot.

**Article 527**  
**Elements of the Ballot for President and Vice President of the Republika Srpska**

The elements required to formulate the ballot for the President and Vice President of Republika Srpska shall be determined by the Provisional Election Commission. This shall be a preferential ballot with a preferential voting system as set forth in Article 902.

**Article 528**  
**Lottery for Ballot Order**

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 Provisional Election Commission 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 529**  
**Description of the Ballot – Open List**

The name of an independent candidate, list of independent candidates, political party, or coalition shall be printed on the ballot in the same manner in which it appears on the independent candidate's, political party's, list of independent candidates' or coalition's original application for certification.

The names of the certified independent candidates, political parties, coalitions and list of independent candidates will be listed on the ballot in an order drawn by lot, described in Article 528.

The ballots may be printed in such a manner so as to be equally suitable for hand counting or scanning.

**Article 530**  
**Description of the Ballot – Preferential Ballot**

The preferential ballots will list the names of the presidential and vice presidential candidates for each ticket that is running for President and Vice President in Republika Srpska. There will be a box next to each ticket for the voter to mark his/her order of preference by number. The tickets will be listed on the ballot in an order drawn by lot as described in Article 528.

**Article 531**  
**Marking the Ballot – Open List**

For open list elections, the voter may mark in the box next to one political party, coalition, list of independent candidates or an independent candidate. In addition, a voter may mark in the box next to one or more candidates within the list of only one chosen political party, coalition or list of independent candidates.

**Article 532**  
**Marking the Ballot – Preferential Ballot**

For preferential elections, a voter shall mark his or her ballot with a number one opposite the "ticket" of first preference. If the voter desires to express subsequent preferences, then s/he writes the numbers 2,3,4 et seq. opposite the names of any other "tickets" in order of preference. The maximum number of preferences a voter may mark is equal to the number of tickets on the ballot for the Presidency and Vice Presidency of Republika Srpska.

**Article 533**  
**Maintaining the Secrecy of the Vote**

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

A voter shall not display a marked ballot.

A voter shall fold the ballot in such a way that it cannot be seen how he or she has voted, and shall put the ballot in the appropriate ballot box.

At the Polling Station, voting must be done in person, and ballots must be filled out secretly except in cases where the voter requires assistance, as provided for in Article 537.

No person shall interfere with a voter who is marking the ballots, nor attempt to obtain any information regarding for which political party, list of independent candidates, coalition or independent candidate a voter has voted, is voting or is about to vote, nor prevent or attempt to prevent a person from exercising the right to vote.

#### **Article 534 Invalid Ballots – Open List Races**

A ballot for an open list race shall be invalid if:

- 1) it is not completed or is completed in such a way that it is not possible to ascertain reliably for which political party, coalition, independent candidate, list of independent candidates a voter has cast his or her vote;
- 2) names of candidates or political parties have been added in writing;
- 3) more than one political party, coalition, or independent candidate or list of independent candidates has been marked;
- 4) the voter can be identified based on markings added by the voter to the ballot, such as a signature;
- 5) the voter marks the ballot in a manner other than as allowed by these *Rules and Regulations*;
- 6) the ballot is not an authentic ballot in the format authorised and officially issued by the Provisional Election Commission; or
- 7) candidates within more than one political party, coalition, or list of independent candidates are marked.

A ballot that is damaged shall be valid unless the damage is such that the choice of the voter cannot be determined.

Invalid ballots are recorded on the appropriate record keeping forms as either blank, unmarked ballots or mismarked ballots.

#### **Article 535 Invalid Ballots - Preferential Voting**

A ballot in a preferential race will be invalid if:

- 1) it is not completed or is completed in such a way that it is not possible to ascertain the preference or order of preferences of the voter;
- 2) names of candidates have been added in writing;
- 3) the voter can be identified based on marking added by the voter to the ballot, such as a signature; or
- 4) the ballot is not an authentic ballot in the format authorized and officially issued by the Provisional Election Commission.

A ballot shall not be considered invalid because a voter marks fewer preferences than there are tickets on the ballot. A ballot that is damaged shall be valid unless the damage is such that the choice of the voter cannot be determined.

**Article 536**  
**Returning Out of Country Voters**

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 Bosnia and Herzegovina, the voter's name will be added to a special form that consists of all the same categories of data as appear in the excerpt of the Central Voters Register.

The voter will sign a form particularly designed for this purpose and the voter will have the right to vote by tendered ballot in accordance with the other provisions of these *Rules and Regulations*.

The voter's identification documentation shall be retained until the voter returns the tendered 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 these *Rules and Regulations*, the Polling Station Committee shall count the number of tendered ballots found in the ballot box and 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 Provisional Election Commission. The Provisional Election Commission 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 537**  
**Assisting Voters**

Upon request of voters who are blind, illiterate or bodily incapacitated, the Chairperson 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.

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.

A helping person may help only one voter.

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.

**Article 538**  
**Spoiled Ballots**

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". In order to receive a replacement ballot, the voter must return the spoiled ballot to a Polling Station Committee member and he/she must write the word "spoiled" on it. The replacement of a ballot shall be recorded in the Poll Book.

**Article 539**  
**By-Mail Voters**

A citizen of Bosnia and Herzegovina who has the right to vote and is abroad shall have the right to vote by mail, pursuant to these *Rules and Regulations*.

By-mail ballots received by 1700 hours on the day before Election Day shall be counted. By-mail ballots received after this deadline shall not be counted. In order to be counted, a by-mail ballot must be:

- 1) returned by a voter who has been determined to be properly registered to vote by mail; and
- 2) accompanied by the voter's registration receipt; and
- 3) sealed in the ballot envelope to ensure secrecy of the person's vote.

**Article 540**  
**Checking for Registration Receipt of By-Mail Voters**

In the event that the registration receipt is not found in the return envelop with the secrecy envelop, the secrecy envelop may be opened by in order to check the secrecy envelop for the registration receipt. This procedure may only be performed by authorized persons responsible for the conduct of Out of Country Voting and only in the presence of observers. The secrecy envelope shall be resealed immediately after the check for the registration receipt has been completed.

**Article 541**  
**Homebound and Institutional Voting**

The Provisional Election Commission may issue further procedural instructions which shall regulate the process of voting by citizens of Bosnia and Herzegovina who have the right to vote and are homebound due to old age, illness or disability, or are prisoners or confined to institutions.

Voting by voters who are homebound, hospitalized, or in prison may occur only on the day of polling.

A voter who is listed on the voters register, and who is homebound, hospitalized or in prison and therefore unable to vote in person on Election Day, may apply to his or her Municipal Election Commission to vote by special procedure.

The Provisional Election Commission may publish further criteria describing who shall be allowed to vote by special procedure.

If the Municipal Election Commission decides to accept the application for providing a special procedure, it shall mark the Voters Register, in the manner prescribed in the polling manual, to indicate that the voter has the right to vote by special procedure. It shall then add the voter's name to the Voters Register for Homebound and Institutionalized Voters.

The Municipal Election Commission shall give the Voters Register for Homebound and Institutionalised Voters to the Chairperson of the absentee polling station committee, or to one of the members of the absentee polling station committee, who shall be responsible for making arrangements to ensure that all persons on the Voters Register for Homebound and Institutionalised Voters can cast a ballot.

Municipalities with more than one absentee polling station may divide the list of homebound and institutionalised voters into separate sections for each absentee polling

station. However, each of these voter may not appear on more than one voters register for homebound and institutionalised voters.

All homebound and institutionalized voters shall cast an absentee ballot.

When the homebound and institutionalized procedure for of voting has been completed, the ballot box used for this process shall be sealed as provided for in the Polling Manual. The homebound and institutionalized voting ballot box is the responsibility of the Chairperson of the Absentee Polling Station Committee until the close of polling on Election Day. The homebound and institutionalized ballot box will then be opened at the same time as the other ballot box(es) at the absentee polling station, and its contents shall be treated in the same manner.

#### **Article 542 Closing the Polling Station**

After the last person in the queue at closing time has placed his or her ballot in the ballot box, the slot(s) in the ballot box(es) shall be sealed in accordance with the Polling Manual approved by the Provisional Election Commission. The sealing shall be in full view of any accredited observers who may be present. The Polling Station Committee Chairperson shall then declare the Polling Station closed.

#### **Article 543 Counting – General Provisions**

The Provisional Election Commission 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 homebound and institutionalised voters.

All other ballots shall be counted at the Polling Stations, except where the Provisional Election Commission determines that ballots should be counted at a centralized counting centre. The Provisional Election Commission shall establish Regulations for counting ballots and establishing the results at a centralized counting centre. The voting results at the centralized counting centre shall be posted at the counting centre so that the results can be publicly viewed.

In order to ensure the secrecy of voting, ballots shall not be counted in a manner that would violate the secrecy of the vote.

#### **Article 544 Counting Procedure Objectives**

The counting procedure shall meet the following objectives: accuracy, efficiency and control in elaborating the results, capability for recounts and repeat elections, and protection of the secrecy of the vote.

#### **Article 545 Responsibilities**

The Municipal Election Commission in the municipality shall be responsible for the proper conduct of the counting of ballots to be counted at Polling Stations, ensuring that Polling Station Committee members abide by the *Rules and Regulations* of the Provisional Election Commission and work in full co-operation with the International Supervisors.

The Provisional Election Commission shall be responsible for the proper conduct of the counting of ballots to be counted at a centralised counting centre.

**Article 546**  
**Supervision and Count**

The count at the Polling Station shall be carried out under the supervision of the Municipal Election Commission and accredited observers, if any.

**Article 547**  
**Counting Centre Staff**

Counting staff for the Counting Centre shall consist of persons from both entities of Bosnia and Herzegovina and, in co-operation with International Supervisors, shall account for the ballots, and other voting materials delivered to the Counting Centre and shall conduct the count of votes cast.

**Article 548**  
**Procedural Instructions**

The OSCE Deputy Head of Mission for Elections is authorised to issue Procedural Instructions, subject to the approval of the Provisional Election Commission, on the conduct of the count at Polling Stations and in OSCE Counting Centre. These Procedural Instructions shall be binding for all electoral bodies, OSCE international staff and accredited observers.

**Article 549**  
**Counting Locations**

Ballots cast at regular Polling Stations within Bosnia and Herzegovina, by voters whose names were found on the Voters Register, will be counted at the Polling Station immediately following the close of the polls on the day of polling. Preferential ballots cast for President and Vice President of the Republika Srpska will be counted for first preference at the polling station.

Tendered ballots, absentee ballots, and ballots cast by Homebound and Institutionalised voters within Bosnia and Herzegovina, and ballots cast by mail will be counted at a central counting centre established by the OSCE Deputy Head of Mission for Elections. If necessary, second and subsequent preferences for President and Vice President of the Republika Srpska will be counted at the Counting Centre.

**Article 550**  
**Counting Votes and Central Counting Centre**

Absentee ballots, by-mail ballots, ballots cast by Homebound and Institutionalised voters, and tendered ballots counted at the Counting Centre will be electronically scanned. Preferential ballots cast in regular polling stations shall also be electronically scanned at the Counting Centre as necessary to determine second and subsequent preferences.

Prior to polling day, validation pre-testing of each scanning machine will be accomplished on a schedule to be determined by the OSCE Deputy Head of Mission for Elections. The schedule will include a demonstration at the Counting Centre in the presence of accredited observers, representatives of the government, international observers, and representatives of the press.

Counting of ballots at a counting centre may not begin until after the close of the polls on the day of polling.

Validation testing of each scanning machine must be accomplished immediately prior to the initiation of counting at the Counting Centre on the first day and each successive day of counting until the count of all absentee, preferential and tendered ballots is completed.

A test team will establish test batches of ballots with hand counted results to be used for validation testing. If there is a discrepancy between the hand counted results and the scanned results, the counting on the scanning machine involved in the test shall not resume until the discrepancy is resolved.

Upon notification to the Provisional Election Commission, the OSCE Deputy Head of Mission for Elections may take a decision to count absentee, tendered, homebound and institutionalized, preference and by mail ballots manually, in the event of a malfunction of one or more of the scanning machines.

### **Article 551** **Accounting for Polling Activity at a Polling Station**

Immediately after the Polling Station is closed on the day of polling, and before the ballot box is opened, the Chairperson of the Polling Station Committee in full view of the International Supervisor if present, any accredited observers or any observers of a political party, coalition, list of independent candidates or an independent candidate who are present, shall ensure that:

- 1) the number of ballots remaining unused is verified and recorded on the Accounting Form;
- 2) the unused ballots are segregated, packaged and sealed according to the Procedural Instructions issued by the OSCE Deputy Head of Mission for Elections;
- 3) the total number of voters who signed the Voters Register acknowledging their receipt of ballots is recorded on the Accounting Form;
- 4) the number of spoiled ballots are counted and recorded on the Accounting Form; and
- 5) the spoiled ballots are sealed in the packet provided for that purpose.

In the case of an Absentee Polling Station Committee, the accounting procedure shall be completed for each electoral unit for which the Absentee Polling Station received ballots. The tendered ballots shall be separated from the absentee ballots, totalled and reconciled with the Supplementary Voters Register. Upon completion of the accounting procedures the ballots, Accounting Forms, Voters Register, Supplementary Voters Registers and other documents and materials will be segregated from other materials, packaged, distributed and transported in the manner specified in the Procedural Instructions issued by the OSCE Deputy Head of Mission for Elections.

### **Article 552** **First Count of the Votes at Polling Stations**

When preliminary accounting procedures established in Article 551 have been completed, prior to the actual count, the ballot box(es) shall be opened in full view of all persons present who are authorised to be in the polling station as established in the *Rules and Regulations*.

The Chairperson of the Polling Station Committee shall be responsible for the ensuring the accuracy of the count.

The number of ballots determined to be invalid will be recorded by category on the result form. Two separate stacks will be created, one for unmarked and one for mis-marked ballots.

The Chairperson and the members of the Polling Station Committee will sign the result form for each electoral race. By their signatures, they attest that the results are reported accurately.

The Chairperson shall announce the results to the members of the Polling Station Committee and any person who is authorised by the Rules and Regulations to be present at the polling station.

The following procedures shall be used for counting the ballots:

The ballots shall be sorted by electoral races. The ballots for each race shall be counted separately.

- 1) the ballots shall be placed face down;
- 2) the ballots shall be counted by placing them into stacks of twenty-five (25);
- 3) teams of counters shall double count each stack ;
- 4) the Chairperson shall add up and record the total number of ballots on the Result Form

The preferential ballots shall be counted first. The ballots will be sorted in separate stacks according to the first preferences on the ballot.

- 1) The votes shall be sorted according to the first preferences marked on the ballots and put into stacks of twenty-five (25). Each stack shall be double counted.
- 2) The first preference votes shall be counted and the total for each ticket recorded on the Result Form.
- 3) The ballots shall be packed by first preferences as recorded, then packaged to be sent to the Counting Centre.

The following procedures shall be used for counting the votes for open list voting for each electoral race:

- 1) The ballots will be sorted, in a separate stack for each independent candidate, political party, list of independent candidates and coalition appearing on the ballot.
- 2) The votes shall be counted by placing the votes into stacks of twenty-five (25). Each stack shall be double counted.
- 3) The Chairperson of the Polling Station Committee, will be responsible for ensuring that the ballots have been properly added to the stack for the appropriate independent candidate, political party, coalition, list of independent candidates or invalid category.
- 4) The number of ballots marked for each independent candidate, political party, list of independent candidates or coalition will be counted and recorded on the Result Form.

### **Article 553**

#### **Second Count of Votes for the Open List System at the Polling Station**

The following procedures shall be utilised for the second count of votes at the Polling Station for votes for candidates within the candidate's lists:

Each political party, coalition, list of independent candidates shall be counted separately. Independent candidates shall not be recounted.

The Chairperson shall determine whether one or two counting teams shall be used.

Ballots shall be counted using the tallying method. As the vote on each ballot is read out, a pen stroke is made next to that candidate on the tally sheet. There will always be two readers and two tally markers working as a team.

After the count of ballots for the candidates within a list has been completed, the results shall be confirmed against the two tally sheets. If the results are correct, the results for that list shall be summed up. Then the count shall be continued for the next political party, coalition, and list of independent candidates.

If the two tally sheets do not match, the problem shall be corrected before moving on to the next political party, coalition, list of independent candidates.

All results will be recorded on the Result Form. If a candidate did not receive any votes, a zero (0) shall be written against his or her name.

The completed Result Form must be signed by the Chairperson, and the Polling Station Committee members.

These procedures shall be repeated for each electoral race.

Upon completion of the counting and recording of the votes, the ballots, Accounting Form, Results Forms, Voters Register, and other documents and materials shall be packaged, distributed and transported in the manner specified in the Procedural Instructions issued by the Deputy Head of Mission for Elections.

The Provisional Election Commission may allow polling stations to close the counting after the first count and re-open it for the second count the following morning.

#### **Article 554** **Classifying Absentee Ballots**

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 designated Election Commission. The Provisional Election Commission shall regulate the manner and procedure of classifying the ballots according to the Municipalities as well as their forwarding to the Provisional Election Commission.

In the case of an Absentee Polling Station Committee, the accounting procedure shall be completed for each electoral unit for which the Absentee Polling Station received ballots. The tendered ballots shall be separated from the absentee ballots, totaled and reconciled with the Supplementary Voters Register. Upon completion of the accounting procedures the ballots, Accounting Forms, Voters Register, Supplementary Voters Registers and other documents and materials will be segregated from other materials, packaged, distributed and transported in the manner specified in the Procedural Instructions issued by the OSCE Deputy Head of Mission for Elections.

**Article 555**  
**Counting Forms at Regular Polling Stations**

Except in the case in which the Provisional Election Commission determines that the count shall be fully or partly conducted in a counting centre in accordance with Article 550, 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 valid votes cast for each political party, coalition, list of independent candidates and independent candidate, and the total number of votes for each individual candidate on a candidates list;
- 2) 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;
- 3) the total number of spoiled ballots;
- 4) the total number of unused ballots.

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 Chairperson or one of the signing members shall record this and the reason the member will not sign.

**Article 556**  
**Objections to Summary Results**

Any member who objects to the Summary of Results Forms may record his or her dissenting opinion in writing. The dissenting opinion shall be attached to the original Summary of Results Forms and recorded in the Polling Station polling book.

**Article 557**  
**Materials to Municipal Election Commission**

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 Poll Book, the excerpt from the Central Voters Register, all the special forms described in paragraph 1 of Article 507, all tendered ballots, valid ballots, invalid ballots, separately unused and spoiled ballots, and all other forms required by the Provisional Election Commission. The Chairperson of the Polling Station Committee shall retain a copy of the report of results.

The Chairperson of the Polling Station Committee shall post the voting results at the Polling Station so that the results can be publicly viewed.

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

**Article 558**  
**Storage of Ballots/Transportation of Election Material**

Upon completion of the count all used and unused ballots, Voters Register, Poll Books, records of concerns raised by accredited persons, and other official materials of the Polling Station are to be sealed in tamper evident bags marked with the code for the Polling Station and municipality and transported to the site determined by OSCE Headquarters - Sarajevo under secure conditions.

The Chairperson of the Polling Station Committee shall accompany the transport of ballots and election materials and deliver the ballots to the Municipal Election Commission.

Ballots and the other Election Materials shall be stored until all complaints are resolved and results are certified by the Provisional Election Commission.

#### **Article 559 Consolidation of Results**

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 Provisional Election Commission within twenty-four (24) hours after closing of the polls. The consolidated summary of results for the municipality shall contain the information required by procedural instructions issued by pursuant to Article 548. 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 these *Rules and Regulations*.

The Municipal Election Commission shall post the consolidated summary of the results so that the consolidated summary can be publicly viewed.

The Municipal Election Commission shall be responsible for the compilation of the elections results from their municipality and they shall forward the completed results to the competent OSCE Field Office within fifteen hours after the polling stations close. The Chairperson of the Polling Station Committee will submit one copy to the respective Municipal Election Commission and shall retain one copy.

#### **Article 560 Validation of Results**

The Provisional Election Commission shall establish Regulations for the validation of the election results.

The Provisional Election Commission shall establish, within a period of time as determined by its Regulations, the election results for the bodies at all levels of authority.

The Provisional Election Commission shall provide in its Regulations the order of establishing the election results for the bodies of authority at every level, the time lines for the establishment of the election results, the manner of making the detailed tabulation of results available to the public and announcing the election results. The detailed tabulation of election results shall include results of votes cast in regular Polling Stations.

#### **Article 561 Challenges to Results**

After the announcement of the election results by the Provisional Election Commission, 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 Provisional Election Commission 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 Provisional Election Commission 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

Provisional Election Commission of absentee ballots, ballots cast outside Bosnia and Herzegovina or tendered ballots.

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

A Municipal Election Commission may request that a recount of ballots be conducted by the Provisional Election Commission in a Polling Station in its municipality.

The Provisional Election Commission 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 fifty (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 a majority of the members of the Municipal Election Commission;
- 2) the request states with specificity the facts which justify a recount, including the specific article(s) of these *Rules and Regulations* 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 these *Rules and Regulations*, and
- 5) the request is presented to the Provisional Election Commission within seven (7) days of the date the Provisional Election Commission announced the official election results.

The Provisional Election Commission may order a recount, on its own initiative, 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.

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

#### **Article 562 Ordering a Recount**

In the event the Provisional Election Commission 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. Accredited observers of the political parties, coalitions, lists of independent candidates 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 563 Results Following a Recount**

After completion of a recount of ballots, the Provisional Election Commission shall establish the election results for the bodies of authority at all levels.

**Chapter 600**  
**Protection of the Electoral Right**  
**Election Appeals Sub Commission**

**Article 601**  
**Definition and Composition**

The Election Appeals Sub-Commission is a juridical body whose four members are appointed by the Chairperson of the Provisional Election Commission in consultation with its members. The Election Appeals Sub-Commission has powers delegated by the Provisional Election Commission, which from time to time may be amended. The Election Appeals Sub-Commission reports to the Head of the OSCE Mission to Bosnia and Herzegovina.

The Chairperson of the Election Appeals Sub-Commission shall be a distinguished international lawyer or jurist with election experience. The remaining members shall be senior judges, one each from Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska.

The Election Appeals Sub-Commission shall meet as often as necessary to perform its duties.

The Election Appeals Sub-Commission shall be served by a staff of four lawyers, one each from an OSCE participating state, Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, and the Republika Srpska.

**Article 602**  
**Function of the Election Appeals Sub-Commission**

The function of the Election Appeals Sub-Commission shall be to ensure compliance with the *Rules and Regulations* established by the Provisional Election Commission and to adjudicate complaints with regard to the electoral process and violations of the *Rules and Regulations* referred to it by the Provisional Election Commission, political parties, coalitions, independent candidates, lists of independent candidates, candidates, individuals or other entities.

The Election Appeals Sub-Commission shall adjudicate complaints regarding the following matters:

- 1) violations of the provisions on elections in the General Framework Agreement for Peace in Bosnia and Herzegovina;
- 2) violations of the *Rules and Regulations* of the Provisional Election Commission;
- 3) rules for certification political parties, coalitions, lists of independent candidates and independent candidates;
- 4) rules regarding campaign financing;
- 5) additions, deletions or changes in the Voters Register;
- 6) procedures or rules, including applications, polling and counting procedures established by the Provisional Election Commission;
- 7) all matters, including appeals, specifically referred to it under the *Rules and Regulations* of the Provisional Election Commission; and
- 8) any other matter referred to it by the Provisional Election Commission.

In the case of an individual whose citizenship confirmation form is not approved by the OSCE, the individual has a right to appeal only if he or she can demonstrate a violation of the confirmation procedures.

The Election Appeals Sub-Commission may refer cases or suspected criminal misconduct related to the elections to the competent authorities for further action.

The Independent Media Commission, after consultation with the Provisional Election Commission, may refer a violation of the Independent Media Commission's Code of Practice during the electoral process to the Election Appeals Sub-Commission.

### **Article 603**

#### **Procedures Before the Election Appeals Sub-Commission**

The Election Appeals Sub-Commission shall have the right to call witnesses, consult with government representatives of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, political parties, coalitions, independent candidates, lists of independent candidates, candidates and independent experts, and to solicit evidence it deems appropriate.

The Election Appeals Sub-Commission shall promulgate Rules of Procedure for the adjudication of matters over which it has authority.

The Rules of Procedure promulgated by the Election Appeals Sub-Commission may provide for the summary dismissal of any complaint or appeal which has been previously decided by the Election Appeals Sub-Commission or which is without merit.

Complaints related to pre-election and Election Day activities must be lodged within seventy-two (72) hours after the polls close. This deadline shall not apply to complaints related to the counting process as the deadline for such complaints is governed by Article 561. The Election Appeals Sub-Commission, within its discretion, may waive this deadline where it would be in the interest of justice to do so.

### **Article 604**

#### **Penalties and Fines**

The Election Appeals Sub-Commission shall have the right to impose appropriate penalties and/or fines against any individual, candidate, political party, coalition, list of independent candidates or body that violates the *Rules and Regulations* of the Provisional Election Commission. When imposing penalties and/or fines, the Election Appeals Sub-Commission shall take the following factors into account:

- 1) the responsibility of political party and coalition leaders for their actions and those of their party or coalition members;
- 2) the responsibility of candidates on political party, lists of independent candidates or coalition lists for their actions and those of their supporters; and
- 3) the responsibility of independent candidates for their actions and those of their supporters.

The Election Appeals Sub-Commission, when it determines a violation of the principles established in the General Framework Agreement for Peace in Bosnia and Herzegovina or the *Rules and Regulations* of the Provisional Election Commission has occurred, shall have the authority to:

- 1) prohibit a political party, independent candidate, list of independent candidates or coalition from running in the elections;

- 2) decertify a political party, list of independent candidates, independent candidate or coalition already certified ; and
- 3) remove a candidate from a candidates list and not allow the removed candidate to be replaced.

The Election Appeals Sub-Commission shall have the authority to set and apply pecuniary or other appropriate penalties for actions carried out with intent to disrupt the electoral process.

Any effort by a political party, coalition, list of independent candidate, independent candidate, other agent or individual to produce, organize, encourage, or abet fraudulent applications shall be subject to penalties by the Provisional Election Commission or the Election Appeals Sub-Commission. These penalties shall include the striking of candidates or the wholesale forfeiture of the offending party's right to run in the elections in Bosnia and Herzegovina and other sanctions as imposed by the Election Appeals Sub-Commission.

#### **Article 605 Adjudication of Complaints**

The Election Appeals Sub-Commission shall adjudicate all complaints before the Provisional Election Commission has verified and certified the results.

#### **Article 606 Decisions of the Election Appeals Sub-Commission**

All claims shall be settled by the Election Appeals Sub-Commission in a timely manner and within the deadlines established in its Rules of Procedure or by deadlines established by the Provisional Election Commission. A decision of the Election Appeals Sub-Commission shall be final and binding and may not be appealed.

In the event that a consensus cannot be reached by the Election Appeals Sub-Commission, the Chairperson will make the final and binding decision.

#### **Article 607 Modifications to Rules and Regulations**

In the event that situations arise which suggest it would be appropriate to modify the *Rules and Regulations* of the Provisional Election Commission, the Election Appeals Sub-Commission may apply for such modifications, which shall be determined by the Provisional Election Commission.

No modification of the *Rules and Regulations* by the Provisional Election Commission shall affect any decision already made by the Election Appeals Sub-Commission.

#### **Article 608 Dissolution of the Election Appeals Sub-Commission**

The Election Appeals Sub-Commission shall remain active until all claims are adjudicated and it is dissolved by the Provisional Election Commission.

**Chapter 700**  
**Rules of Conduct for Political Parties, Coalitions, Lists of Independent Candidates and Independent Candidates**

**Article 701**  
**Object of the Electoral Code of Conduct**

The object of this Code is to promote free and fair elections and a climate of democratic tolerance in which political activity can take place during the election period, which includes the full implementation of the results of the elections, without fear of coercion, intimidation or reprisals. This Code is binding on all political parties, coalitions and candidates, each of which must declare that it will abide by it in accordance with Chapter 700 of the Provisional Election Commission *Rules and Regulations*, before being certified by the Provisional Election Commission. It is the responsibility of political parties, coalitions, list of independent candidates and independent candidates to ensure that the Code is strictly observed by all their representatives, observers, candidates, campaign workers and political party, coalition, list of independent candidates and independent candidate supporters.

This Code is binding on all election workers, campaign workers, observers and political party, coalition, list of independent candidates and independent candidate supporters.

**Article 702**  
**Freedom to Campaign**

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.

For the purposes of public meetings as stated in sub-paragraph (2) of the previous paragraph, permits from the competent body shall not be required, but the organizer shall notify the competent body responsible for public order and peace, the Municipal Election Commission, and the International Police Task Force twenty-four (24) hours prior to holding such an event.

**Article 703**  
**Use of Public Facilities**

The competent bodies are obliged to ensure equitable treatment of political parties, coalitions, lists of independent candidates 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.

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.

Competent bodies shall not allow political parties, coalitions, lists 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 government buildings, on or above public roads, and on traffic signs.

#### **Article 704 Prohibited Activities**

Candidates and supporters of political parties, lists of independent candidates, and coalitions, as well as independent candidates and their supporters, and election administration officials 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 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 or any other materials that could have such effect.

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

#### **Article 705 Campaign Silence Period**

Commencing twenty-four (24) hours prior to opening of the Polling Stations, and until they close, political parties, coalitions, list of independent candidates and independent candidates are prohibited from:

- 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) making use of the local or international media for the purposes of influencing voters; and
- 4) using megaphones or other public address systems for the purpose of influencing voters.

#### **Article 706 Prohibition of Unlawful Arrests and Detention**

Consistent with the relevant Constitutions and with the European Convention on Human Rights, the Governments and competent authorities shall ensure that no obsta-

cles impede freedom of movement of candidates, supporters and voters during the entire electoral process.

To that effect and in conformity with the provisions agreed in Rome on 18 February 1996, no person may be arrested or detained forty-five days prior to election day and on election day for investigation or prosecution of serious violations of international humanitarian law unless:

- 1) the person has been indicted by the International Criminal Tribunal for the Former Yugoslavia (ICTY); or
- 2) the person has failed to comply with an order to appear before a Court of Bosnia and Herzegovina, a Court of the Republika Srpska or a Court of the Federation of Bosnia and Herzegovina 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.

#### **Article 707 Complaints**

Any political party, coalition, list of independent candidates, independent candidates, candidate or individual who has reason to believe that a political party, coalition, list of independent candidates, independent candidate or candidate in the election has committed a breach of this Code of Conduct will have the right to lodge a complaint directly with the Election Appeals Sub-Commission or the Provisional Election Commission.

**Chapter 800**  
**Reserved**

Chapter 800 is reserved for future additions to these *Rules and Regulations*.

**Chapter 900**  
**President and Vice President of the Republika Srpska**

**Article 901**  
**The Ticket**

The President and Vice President of the Republika Srpska shall be elected by voters registered to vote in the Republika Srpska. Each candidate for the office of the President shall run together with a candidate for office of the Vice President on a single ticket.

The 'ticket', for the purposes of this chapter, shall consist of the two (2) names of the candidates for the offices of President and Vice President.

**Article 902**  
**Form of the Ballot**

The Provisional Election Commission shall determine the form of the ballot for the President and Vice President of the Republika Srpska. The ballot for the President and Vice President of the Republika Srpska shall be a preferential ballot and the preferential voting system. A voter shall mark his or her vote on the ballot by writing the number 1 opposite the name of the ticket for whom the person votes as his or her first preference for the President and Vice President, and, if the voter wants to express subsequent preferences, by writing the numbers 2, 3, 4, et seq. opposite the names of any of the remaining tickets so as to indicate the order of the voter's preference for any of the remaining tickets.

The maximum number of preferences that a voter may mark is equal to the number of tickets on the ballot for the President and Vice-President for which the voter has selected to vote. A ballot shall not be invalid because a voter marks a number of preferences less than the number of tickets on the ballot.

Where a voter has placed a mark opposite the ticket, instead of a number, the voter shall be regarded as having written the number 1, provided that the voter has not placed a mark or a number opposite any other ticket.

If a voter has marked a series of preferences which is not in a sequence starting with the number one (1), only those marks being in sequence shall be deemed valid. The rest of the marks are regarded as unwritten.

If any ticket receives more than fifty percent (50%) of first preference votes, that ticket is elected.

If there is no winning ticket after first preference votes have been counted, the ticket receiving the fewest first preference votes is eliminated. If two (2) or more tickets tie in the number of fewest first preferences, then the tied ticket to be eliminated first shall be determined on the basis of the drawing of lots. The eliminated ticket's votes shall be transferred to the remaining tickets according to the second preferences shown by voters on the ballots for the eliminated ticket. Ballots without second preferences shall be disregarded in the second round of counting. After this transfer of second preferences, if any ticket receives more than fifty percent (50%) of the votes counted in this second round of counting, that ticket is elected. If there is still no winner after the transfer and count of these votes, then the ticket which now has the fewest votes is eliminated and that ticket's votes are transferred according to the next preference shown. This process shall continue until one ticket has more than fifty percent (50%) of

the total votes counted in a round of counting. The ticket that receives more than fifty percent (50%) of the votes counted in a round of counting is elected.

If a second preference vote cast by a voter who gave his or her first preference to an eliminated ticket has also been cast in favor of an eliminated ticket, then that voter's second preference shall be ignored, and the third, or, if necessary, subsequent, preference of the voter redistributed. If a ticket which has received second or subsequent preferences is eliminated, the third or subsequent, as appropriate, preferences of the voter who gave his or her second, or subsequent preferences to said ticket shall be transferred to tickets which have not yet been eliminated.

The transfer of preferences from eliminated tickets to remaining tickets shall continue until a ticket receives more than fifty percent (50%) of the votes counted in a round of counting. If a tie occurs between the two (2) remaining tickets, the ticket receiving the greatest number of first preferences in the first round of counting shall be the winner. If there is still a tie, second and subsequent preferences received in the first round of counting shall be considered in the same manner as the first preferences to determine the winning ticket. If there is still a tie after consideration of subsequent preferences, then the winner shall be determined on the basis of the drawing of a lot.

### **Article 903**

#### **Length of Mandate**

The mandate of the President and Vice-President of the Republika Srpska shall be determined by the Provisional Election Commission.

### **Article 904**

If the President dies, resigns, is removed from office by the Provisional Election Commission or the Office of the High Representative or is unable to permanently carry out his or her functions due to incapacitation, then the Vice-President shall succeed to the office of the President.

### **Article 905**

The Vice President who succeeds to the Presidency shall assume the rights, duties, and responsibilities of the President he or she succeeds and shall fill out the term of that mandate.

**Chapter 1000**  
**President and Vice-President**  
**of the Federation of Bosnia and Herzegovina**

**Article 1001**  
**Nomination of Candidates**

In electing the President and Vice-President of the Federation of BiH, a caucus of the Bosniac Delegates and a caucus of the Croat Delegates to the House of Peoples of the Federation shall each nominate, through a vote, one person. Election as President and Vice-President shall require approval of the two (2) nominees jointly by a majority vote in the House of Representatives of the Federation, then by a majority vote in the House of Peoples, including a majority of the Bosniac Delegates and a majority of the Croat Delegates. Should either House reject the joint slate, the caucuses shall reconsider their nominations. The persons elected shall serve alternate one-year terms as President and Vice-President during a two (2) year period. Successive Presidents may not be from the same constituent people.

**Article 1002**  
**Other Delegates May Vote**

An Other Delegate to the House of Peoples of the Federation of Bosnia and Herzegovina may vote in either the caucus of the Bosniac Delegates or the caucus of the Croat Delegates to the House of Peoples when these caucuses are nominating the President and Vice-President of the Federation of Bosnia and Herzegovina.

(Adopted 11 October 2000)

**Chapter 1100**  
**Parliamentary Assembly of Bosnia and Herzegovina**

**House of Representatives of the Parliamentary Assembly**  
**of Bosnia and Herzegovina**

**Subchapter A**

**Article 1101**  
**Method of Election**

The House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall consist of forty-two (42) members, twenty-eight (28) of whom shall be directly elected by voters registered to vote in the territory of the Federation of Bosnia and Herzegovina, and fourteen (14) of whom shall be directly elected by voters registered to vote in the territory of the Republika Srpska. The mandate of members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina shall be determined by the Provisional Election Commission.

Of the twenty-eight (28) members who shall be directly elected by voters registered to vote in the territory of the Federation of Bosnia and Herzegovina, twenty-one (21) shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 1105 of these *Rules and Regulations*, and seven (7) shall be compensatory mandates elected from the territory of the Federation as a whole under the proportional representation formula set forth in Article 1106.

Of the fourteen (14) members who shall be directly elected by voters registered to vote in the territory of the Republika Srpska, nine (9) shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 1105 of these *Rules and Regulations*, and five (5) shall be compensatory mandates elected from the territory of the Republika Srpska as a whole under the proportional representation formula set forth in Article 1106.

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 1106.

**Article 1102**  
**Federation Multi-Member Constituencies**

The twenty-one (21) mandates from five (5) multi-member constituencies for the House of Representatives for the Parliamentary Assembly of Bosnia and Herzegovina, from the territory of the Federation of Bosnia and Herzegovina, are as follows:

Constituency 1 consists of Cantons 1 and 10, and shall elect three (3) members.

Constituency 2 consists of Cantons 7 and 8, and shall elect three (3) members.

Constituency 3 consists of Cantons 5 and 9, and shall elect four (4) members.

Constituency 4 consists of Cantons 4 and 6, and shall elect six (6) members.

Constituency 5 consists of Cantons 2 and 3, and voters from the Brcko District who have registered to vote for the Federation of Bosnia and Herzegovina, and shall elect five (5) members.

**Article 1103**  
**Republika Srpska Multi-Member Constituencies**

The nine (9) mandates from three (3) multi-member constituencies for the House of Representatives for the Parliamentary Assembly of Bosnia and Herzegovina, from the territory of the Republika Srpska, are as follows:

Constituency 1 consists of the municipalities of Bosanska Krupa / Krupa na Uni, Bosanski Novi / Novi Grad, Bosanska Dubica / Kozarska Dubica, Prijedor, Bosanska Gradiška / Gradiška, Laktaši, Srbac, Prnjavor, Bosanski Petrovac / Petrovac, Sanski Most / Srpski Sanski Most, Banja Luka, Celinac, Drvar / Srpski Drvar, Kljuc / Ribnik, Mrkonjic Grad, Jajce / Jezero, Skender Vakuf / Kneževo, Kotor Varoš, Šipovo, Kupres / Srpski Kupres and Kostajnica, and shall elect three (3) members.

Constituency 2 consists of the municipalities of Derventa, Bosanski Brod / Srpski Brod, Odžak / Vukosavlje, Bosanski Šamac / Šamac, Orašje / Srpsko Orašje, Modrica, Gradacac / Pelagicevo, Bijeljina, Doboj, Gračanica / Petrovo, Lopare, Ugljevik and Teslic, and voters from the Brcko District who have registered to vote for the Republika Srpska and shall elect three (3) members.

Constituency 3 consists of the municipalities of Kalesija / Osmaci, Zvornik, Šekovici, Vlasenica, Bratunac, Srebrenica, Sokolac, Han Pijesak, Ilidža / Srpska Ilidža, Stari Grad Sarajevo / Srpski Stari Grad, Novo Sarajevo / Srpsko Novo Sarajevo, Trnovo (RS), Pale (RS), Rogatica, Višegrad, Mostar / Srpski Mostar, Nevesinje, Kalinovik, Gacko, Foca / Srbinje, Goražde / Srpsko Goražde, Cajnice, Rudo, Stolac / Berkovici, Ljubinje, Bileca, Trebinje and Milici, and shall elect three (3) members.

**Article 1104**  
**Independent Candidates and Deputies**

Every independent candidate for a constituency mandate shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the mandate of the elected candidate as provided in Article 1109.

**Article 1105**  
**Allocation of Constituency Mandates**

Mandates are allocated in each constituency in the following manner:

- 1) For each political party, list of independent candidates 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".
- 2) The number of votes for an independent candidate is the quotient for that candidate. 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 of the constituency mandates for the body have been distributed.

**Article 1106**  
**Allocation of Compensatory Mandates**

Compensatory mandates shall be allocated in the following manner:

Only political parties and coalitions 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 and lists of independent candidates, is distributed according to the formula set forth in Article 1105.

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 1105, is deducted. The remaining number is the number of compensatory mandates the list wins.

If a political party or coalition receives a negative number of mandates according to the procedure in the previous paragraph, 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 elected from the territory of the respective Entity.

#### **Article 1107** **Awarding of Compensatory Mandates**

A compensatory mandate won by a political party or coalition according to article 1106 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. If the party or coalition has not submitted such list, or if there are no more unelected candidates on the list, the mandate is given to the list of the same party or coalition in the constituency where the quotient that has not been allocated a mandate for the same list is higher than in any other constituency.

#### **Article 1108** **Identical Quotients**

If a tie occurs because the quotients are identical in the distribution according to Articles 1105, 1106 and 1107, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed first amongst candidates on the list who individually received at least three percent (3%) 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 three percent (3%) 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.

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 1107.

#### **Article 1109** **Termination of Independent Candidate Mandate**

If an elected independent candidate's mandate terminates in accordance with the provisions of Article 111 then the independent candidate's deputy shall succeed to the mandate held by the independent candidate. The deputy shall complete the mandate of the independent candidate and shall assume the rights, duties, and responsibilities of the independent candidate. If the deputy is unable to accept or complete the mandate for any of the reasons set forth in Article 111 then the mandate shall remain vacant until the next regularly scheduled elections.

**Article 1110**  
**Termination of Political Party or Coalition Mandate**

If an elected political party, list of independent candidates or coalition candidate's mandate terminates in accordance with the provisions of Article 111 then the mandate shall be given to the next candidate from the same constituency list in accordance with Article 1108 paragraph 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 1108 paragraph 3. If there are no more candidates remaining on any multi-member constituency list for the political party or coalition, then the mandate shall remain vacant until the next regularly scheduled elections.

**Subchapter B**  
**House of Peoples of the Parliamentary**  
**Assembly of Bosnia and Herzegovina**

**Article 1111**  
**Selection of Delegates**

Delegates from the Federation for the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall be selected, by members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, from amongst Bosniacs and Croats from the Federation of Bosnia and Herzegovina.

Delegates from the Republika Srpska to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall be selected, by members of the National Assembly of the Republika Srpska, from amongst Serbs from the Republika Srpska.

**Article 1112**  
**Nomination of Candidates**

Each political party or coalition represented in the Parliament of the Federation of Bosnia and Herzegovina shall have the right to nominate lists of candidates for the election of Delegates from the Federation to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The right to nominate lists of candidates shall mean the right to nominate a list of Bosniac candidates and a list of Croat candidates. Croat members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina shall vote for the Croat candidate lists, the Bosniac members of the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina shall vote for the Bosniac candidate lists.

Each political party or coalition represented in the National Assembly of the Republika Srpska shall have the right to nominate a list of Serb candidates for the election of Delegates from the Republika Srpska to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina. The members of the National Assembly of the Republika Srpska shall vote for the Serb candidate lists.

Each candidate list must have at least ten (10) candidates. If there is a vacancy due to death, resignation, or permanent incapacitation of a Delegate to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, then the vacancy shall be filled by the next eligible candidate on the same political party or coalition list as the Delegate who died, resigned, or is permanently incapacitated. If there are no e-

maining candidates on the list, then by-elections shall be held for the vacancy within thirty (30) days of the date of the vacancy.

In the election of Delegates, the proportional representation formula set forth in Article 1105 shall be used.

The vote shall be cast as a secret ballot.

#### **Article 1113**

##### **Termination of Mandate in Another Body**

If a Delegate, from amongst the members of the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, Parliament of the Federation of Bosnia and Herzegovina or the National Assembly of the Republika Srpska, also holds a mandate in the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina, his or her mandate as a member to the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina, or to the National Assembly of the Republika Srpska, terminates.

(Amended 6 March 2001)

#### **Article 1114**

##### **Length of Mandate**

The mandate of a Delegate to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall be for two (2) years, provided the mandate does not expire at an earlier date due to dissolution of the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina.

If a body that appointed Delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina is dissolved, then the mandates of the Delegates appointed by that body shall expire upon the appointment of new Delegates by the elected members of the body after new elections.

#### **Article 1115**

##### **Time of Election**

The election of the Delegates to the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina shall take place no later than thirty (30) days after the elections for the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina and the National Assembly of the Republika Srpska.

(Amended 11 October 2000)

**Chapter 1200**  
**Parliament of the Federation of Bosnia and Herzegovina**

**House of Representatives of the Parliament of the Federation  
of Bosnia and Herzegovina**

**Subchapter A**

**Article 1201**  
**Mandate of Members**

The House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina shall consist of one hundred forty (140) members, directly elected by voters registered to vote in the territory of the Federation of Bosnia and Herzegovina. The mandate of members of the House of Representatives of the Federation of Bosnia and Herzegovina shall be determined by the Provisional Election Commission.

One hundred and five (105) members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 1105 of these *Rules and Regulations*. Thirty five (35) compensatory mandates from the territory of the Federation of Bosnia and Herzegovina as a whole under the proportional representation formula set forth in Article 1106 of these *Rules and Regulations*.

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 1205.

**Article 1202**  
**Distribution of Mandates Among Multi-Member Constituencies**

One hundred and five (105) mandates from twelve (12) multi-member constituencies for House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina shall be allocated according to the following:

- 1) Constituency 1 consists of Canton 1 and elects twelve (12) members.
- 2) Constituency 2 consists of Canton 2, part of Canton 3 (Gradacac, Gracanica, Doboj-East) and voters from Brcko District who have registered to vote for to the Federation of Bosnia and Herzegovina and elects eight (8) members.
- 3) Constituency 3 consists of part of Canton 3 (Lukavac, Srebrenik, Tuzla, Celic) and elects nine (9) members.
- 4) Constituency 4 consists of part of Canton 3 (Teocak, Banovici, Zivinice, Kalesija, Sapna and Kladanj) and elects six (6) members.
- 5) Constituency 5 consists of part of Canton 4 (Doboj-South, Tesanj, Maglaj, Zepce, Zavidovici, Zenica and Usora) and elects twelve (12) members.
- 6) Constituency 6 consists of part of Canton 4 (Kakanj, Vares, Olovo, Visoko and Breza) and elects six (6) members.
- 7) Constituency 7 consists of Canton 5 and part of Canton 9 (Novi Grad-Sarajevo, Ilidza, Hadzici and Trnovo) and elects nine (9) members.
- 8) Constituency 8 consists of Canton 6 and elects thirteen (13) members.
- 9) Constituency 9 consists of Canton 7 and elects twelve (12) members.

- 10) Constituency 10 consists of Canton 8 and elects four (4) members.
- 11) Constituency 11 consists of part of canton 9 (Ilijas, Vogosca, Centar-Sarajevo, Stari Grad-Sarajevo, Novo Sarajevo) and elects ten (10) members.
- 12) Constituency 12 consists of Canton 10 and elects four (4) members.

**Article 1203**  
**Independent Candidates and Deputies**

Every independent candidate for a multi-member constituency mandate shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the mandate of the elected candidate as provided in Article 1109 of these *Rules and Regulations*.

**Article 1204**  
**Allocation of Multi-Member Constituency Mandates**

Mandates are allocated in each multi-member constituency under the formula set forth in Article 1105 of these *Rules and Regulations*.

**Article 1205**  
**Allocation of Compensatory Mandates**

Compensatory mandates shall be allocated under the formula set forth in Article 1106 of these *Rules and Regulations*.

**Article 1206**  
**Awarding of Compensatory Mandates**

A compensatory mandate won by a political party or coalition according to article 1205 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. If the party or coalition has not submitted such list, or if there are no more unelected candidates on the list, the mandate is given to the list of the same party or coalition in the constituency where the quotient that has not been allocated a mandate for the same list is higher than in any other constituency.

**Article 1207**  
**Identical Quotients**

If a tie occurs because the quotients are identical in the distribution according to Articles 1204, 1205 and 1206 of these *Rules and Regulations*, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed amongst candidates on the list in the manner set forth in Article 1108 paragraph 2 of these *Rules and Regulations*.

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 1107.

**Article 1208**  
**Vacancies**

If an elected independent candidate's mandate terminates in accordance with the provisions of Articles 111, then the vacancy shall be addressed in the manner set forth in Article 1109.

If a political party, list of independent candidates or coalition candidate's mandate terminates in accordance with the provisions of Articles 111 then the mandate shall be addressed in the manner set forth in Article 1110.

**Subchapter B**  
**House of Peoples of the Parliament of the Federation**  
**of Bosnia and Herzegovina**

**Article 1209**  
**Number of Delegates**

The Cantonal Assemblies shall elect eighty (80) Delegates to the House of Peoples of the Federation of Bosnia and Herzegovina.

The total number of Bosniac seats in the House of Peoples shall be thirty (30), the number of Croat seats shall be thirty (30), and the number of seats for Others shall be twenty (20).

**Article 1210**  
**Method of Selection**

Delegates to the House of Peoples of the Federation of Bosnia and Herzegovina shall be selected from the members of the Cantonal Assemblies.

**Article 1211**  
**Number of Delegates from Each Canton**

The Provisional Election Commission shall determine the total number of Delegates to be elected from each Canton using the number of registered voters as of March, 2000. For each Canton, the number of registered voters is divided by the numbers 1, 3, 5, 7, etc, as long as necessary for the allocation. The numbers resulting from these divisions are the quotients of the Canton.

All the quotients of all Cantons are ordered by size, the largest quotient being placed first in the order. Each Canton is allocated three seats. The three highest quotients of each Canton are deleted from the list of quotients. The remaining seats are allocated to cantons one by one in descending order according to the remaining quotients.

The Provisional Election Commission shall determine the rules for allocation of seats for Bosniac, Croat, and Other seats from each canton. This will be done in a manner that distributes the seats amongst Bosniaks, Croats and Others by taking into account the 1991 Census, and so that there is at least one delegate from each of those groups that has at least one member in the Assembly of that canton. If there is a tie during any allocation in this article, a lot is to be drawn.

**Article 1212**  
**Right to Nominate Candidates**

Each political party or coalition represented in a Cantonal Assembly, or a group of three (3) members of the same Cantonal Assembly, has the right to nominate candidates for the election of Delegates from that canton to the House of Peoples of the Federation of Bosnia and Herzegovina. Each candidate on the lists shall be identified as Bosniak, Croat, or Other.

Each member Delegate in the Cantonal Assembly shall cast one vote for a list. The mandates shall be distributed amongst the lists in proportion to the votes cast for the list, by the proportional allocation formula described in Article 1105. In establishing the quotas for the Bosniacs, Croats, and Others as provided in this chapter, the seat distribution shall be carried out in the following manner:

- 1) Mandates shall be distributed, one by one, to the lists with the highest quotients resulting from the proportional allocation formula. When a list wins a mandate, the mandate is allocated from the top of the list.
- 2) If, during the allocation process, a list has won a mandate but the candidate to be elected is from a group whose quota is already filled, the first candidate on the same list belonging to a group whose quota is not yet filled, shall be elected. If the list does not have such a candidate, then the mandate goes to the list with the next highest quotient.
- 3) This procedure shall be repeated until all the prescribed quotas are filled. If the required number of mandates to be filled from among Bosniaks, Croats or Others in a given Canton Legislature are not filled, then the remaining mandate(s) will be re-allocated to the Canton where the appropriate group has the highest unallocated quotient under article 1211, paragraph 3. If there is not a sufficient number of candidates of a group from any canton, the seats will remain vacant.

The vote shall be cast as a secret ballot.

If there is a vacancy due to death, resignation, or permanent incapacitation of a Delegate to the House of Peoples of the Parliament of the Federation of Bosnia and Herzegovina, 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. If there are no remaining candidates on the list, then the mandate shall be allocated in accordance with this Article.

#### **Article 1213 Time of Election**

The election of Delegates to the House of Peoples of the Federation of Bosnia and Herzegovina shall take place as soon as a Cantonal Assembly convenes after the elections for the Cantonal Assemblies.

#### **Article 1214 Length of Mandate**

The mandate of a Delegate to the House of Peoples of the Federation of Bosnia and Herzegovina shall be for two (2) years, provided the mandate does not expire at an earlier date.

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 by the elected members of the Cantonal Assembly after new elections.

(Amended 11 October 2000)

**Chapter 1300**  
**National Assembly of the Republika Srpska**

**Article 1301**  
**Number and Mandate of Members**

The National Assembly of the Republika Srpska shall consist of eighty-three (83) members, who shall be directly elected by voters registered to vote in the Republika Srpska. Sixty-two (62) members shall be elected from multi-member constituencies under the proportional representation formula set forth in Article 1105 of these Rules and Regulations. There shall be twenty-one (21) compensatory mandates from the Republika Srpska as a whole under the proportional representation formula set forth in Article 1106 of these Rules and Regulations.

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 allocation of compensatory mandates under Article 1305 of these Rules and Regulations.

The mandate of members of the National Assembly of the Republika Srpska shall be determined by the Provisional Election Commission.

**Article 1302**  
**Number of Mandates Among Multi-Member Constituencies**

Sixty-two (62) mandates from six (6) multi-member constituencies for National Assembly of Republika Srpska shall be allocated according to the following:

- 1) Constituency 1 consists of municipalities Bosanska Krupa / Krupa na Uni, Bosanski Novi / Novi Grad, Bosanska Dubica / Kozarska Dubica, Prijedor, Bosanska Gradiska / Gradiska, Laktasi, Srbac, Prnjavor, Sanski Most / Srpski Sanski Most, and Kostanjica and elects thirteen (13) members.
- 2) Constituency 2 consists of municipalities Bosanski Petrovac / Petrovac, Banja Luka, Celinac, Drvar / Srpski Drvar, Kljuc / Ribnik, Mrkonjic Grad, Jajce / Jezero, Skender Vakuf / Knezevo, Kotor Varos, Sipovo, and Kupres / Srpski Kupres and elects twelve (12) members.
- 3) Constituency 3 consists of municipalities Derventa, Bosanski Brod / Srpski Brod, Odzak / Vukosavlje, Modrica, Doboj, Gracanica / Petrovo, and Teslic and elects ten (10) members.
- 4) Constituency 4 consists of municipalities Bosanski Samac / Samac, Orasje / Srpsko Orasje, Gradacac / Pelagicevo, Bijeljina, Lopare, Ugljevik, and voters from Brcko District who have registered to vote for the Republika Srpska and elects eight (8) members.
- 5) Constituency 5 consists of municipalities Kalesija / Osmaci, Zvornik, Sekovici, Vlasenica, Bratunac, Srebrenica, Sokolac, Han Pijesak, Ilidza / Srpska Ilidza, Stari Grad / Srpski Stari Grad, Novo Sarajevo / Srpsko Novo Sarajevo, Trnovo (RS) , Pale (RS), Rogatica, and Milici and elects twelve (12) members.
- 6) Constituency 6 consists of municipalities Višegrad, Mostar / Srpski Mostar, Nevesinje, Kalinovik, Gacko, Foca / Srbinje, Gorazde / Srpsko Gorazde, Cajnice, Rudo, Stolac / Berkovici, Ljubinje, Bileca, and Trebinje and elects seven (7) members.

**Article 1303**  
**Independent Candidates and Deputies**

Every independent candidate for a multi-member constituency mandate shall run with a deputy on a single ticket. The deputy shall have no authority or power except where the deputy succeeds to the mandate of the elected candidate as provided in Article 1109 of these *Rules and Regulations*.

**Article 1304**  
**Allocation of Multi-Member Constituency Mandates**

Mandates are allocated in each multi-member constituency under the formula set forth in Article 1105.

**Article 1305**  
**Allocation of Compensatory Mandates**

Compensatory mandates shall be allocated under the formula set forth in Article 1106.

**Article 1306**  
**Awarding of Compensatory Mandates**

A compensatory mandate won by a political party or coalition according to article 1305 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. If the party or coalition has not submitted such list, or if there are no more unelected candidates on the list, the mandate is given to the list of the same party or coalition in the constituency where the quotient that has not been allocated a mandate for the same list is higher than in any other constituency.

**Article 1307**  
**Identical Quotients**

If a tie occurs because the quotients are identical in the distribution according to Articles 1304, 1305, and 1306, the mandate shall be allocated on the basis of the drawing of a lot.

Mandates won by a list shall be distributed amongst candidates on the list in the manner set forth in Article 1108 paragraph 2.

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 multi-member constituency according to the procedure set forth in Article 1107 of these *Rules and Regulations*.

**Article 1308**  
**Vacancies**

If an elected independent candidate's mandate terminates in accordance with the provisions of Articles 111, then the vacancy shall be addressed in the manner set forth in Article 1109.

If a political party, list of independent candidates or coalition candidate's mandate terminates in accordance with the provisions of Articles 111, then the mandate shall be addressed in the manner set forth in Article 1110.

**Chapter 1400**  
**Cantonal Assemblies**

**Article 1401**  
**Proportional Representation and Length of Mandate**

Mandates for Cantonal Assemblies shall be allocated under the proportional representation system set forth in Article 1404.

The mandate of the Cantonal Assemblies shall be determined by the Provisional Election Commission.

**Article 1402**  
**Number of Members**

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

- 1) A canton with a number of registered voters less than seventy-five thousand (75,000), shall have between twenty (20) and twenty-five (25) members;
- 2) A canton with a number of registered voters between seventy-five thousand (75,000) and two hundred thousand (200,000), shall have between twenty-five (25) and thirty (30) members;
- 3) A canton with a number of registered voters more than two hundred thousand (200,000), shall have between thirty (30) and thirty-five (35) members.

**Article 1403**  
**Standing for Election**

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

**Article 1404**  
**Distribution of Mandates**

Elections for the Cantonal Assembly shall be conducted in accordance with Article 1105.

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.

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

Mandates won by a list shall be distributed first amongst candidates on the list who individually received at least three percent (3%) 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 three percent (3%) 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.

**Article 1405**  
**Vacancies**

If the mandate of a candidate from the list of a political party, coalition, or independent candidates terminates in accordance with Article 111 then the mandate shall pass to the next candidate as set forth in Article 1404 paragraph 4. If the mandate of an independent candidate who did not stand on a list of independent candidates terminates in accordance with Article 111 then the mandate shall remain vacant.

**Article 1406**  
**Election of the President of the Canton**

The President of the Canton shall be elected from the Cantonal Assembly by a majority vote of the total number of members of the Cantonal Assembly. Each member of the Cantonal Assembly may nominate a candidate for the position of the President of the Canton. In the event a candidate does not receive a majority vote of the total number of members, a second election shall be conducted. If no candidate receives a majority of votes of the total number of members, a third election shall be conducted. The member that receives the most votes in the third election shall be elected. In the event that there is a tie, the youngest of the tied candidates shall be elected President of the Canton.

Cantons 6 and 7 shall be exempt from Article 1406 that pertains to the election of the President of the Canton.

**Chapter 1500**  
**Repeated, and Postponed Elections**

**Article 1501**  
**Repeated Elections**

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 Provisional Election Commission which shall be no later than fourteen (14) days from the day of annulling the elections.

**Article 1502**  
**Postponed Elections**

Postponed elections shall be conducted if, in an electoral unit or at a Polling Station, the voting did not take place on the day designated for voting.

Postponed elections shall be scheduled by the Provisional Election Commission.

Postponed elections shall, as a rule, be conducted within seven (7) days, and no later than thirty (30) days, from the day designated for voting in the regular elections.

**Chapter 1600**  
**Campaign Finance**

**Article 1601**  
**Obligation to File Financial Reports**

A political party, coalition, list of independent candidates and independent candidate that participates in the elections for bodies of authority at all levels in Bosnia and Herzegovina shall be obliged to file with the Provisional Election Commission, 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 Provisional Election Commission publishes the election results, a financial report shall be submitted to the Provisional Election Commission 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 on hand;
- 2) All income and disbursements based on: memberships; 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; credits; loans; donations; rebates; refunds; other operating expenditures; and other sources for the reporting period as determined by the Provisional Election Commission;
- 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 thousand (1,000) convertible marks, together with the date and amount of any such receipt;
- 4) The total amount of all accounts payable, and total amount of disbursements in the following categories: direct costs for political campaign; operating expenses; costs associated with entrepreneurial activity, and other costs; 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.

All certified political parties and political parties that are members of certified coalitions shall file a copy of their Periodic Financial Report with the Provisional Election Commission Secretariat by 1 August 2000.

**Article 1602**  
**Reports and Additional Reports**

The Provisional Election Commission shall specify in detail the content, form, manner and other details of reporting.

All persons who are required to file reports must also file such additional reports as the Provisional Election Commission may require.

**Article 1603**  
**Authorised Representative**

Every political party, coalition or list of independent candidates, shall appoint a competent person who shall be in charge of filing reports and record-keeping, and who shall be authorized to receive communications from the Provisional Election Commission.

Those who file reports shall inform the Provisional Election Commission 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.

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 Provisional Election Commission upon request.

**Article 1604**  
**Filing by Independent Candidates**

An independent candidate shall be directly responsible for filing reports with the Provisional Election Commission.

**Article 1605**  
**Public Access to Financial Reports**

The Provisional Election Commission shall make all reports available to the public, and shall take appropriate actions to ensure that all citizens have easy access to information contained within the reports.

**Article 1606**  
**Use of Public Funds Prohibited**

Use of public funds by any political party, coalition, list of independent candidates, independent candidate or candidate for campaign purposes is strictly prohibited. For the purpose of this Article, public funds shall include funds from an enterprise which has more than twenty-five percent (25%) of its capital owned by the government or has more than twenty-five percent (25%) of its annual business activities financed from the budgets of the governments of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina, the Republika Srpska, any canton, municipality or city.

One or more monetary transfers, made from one hundred (100) days prior until thirty (30) days after the Election Day from a public enterprise to a political party shall be deemed a contribution for campaign purposes made in violation of paragraph one of this article.

All licensed payment institutions in the territory of Bosnia and Herzegovina shall assist the Provisional Election Commission in the enforcement of the provisions of this article. Such assistance shall include prohibiting monetary transfers that violate the paragraph above.

All licensed payment institutions shall disclose to the Provisional Election Commission all monetary transfers made by a public enterprise to a political party from one hundred (100) days prior until thirty (30) days after the Election Day. Disclosure of such transfers shall be made in accordance with a directive from the Provisional Election Commission.

An indirect monetary transfer made by a public enterprise to a political party through one or more intermediaries with the intent to circumvent the provisions of this article shall be sanctioned as if the monetary transfer had been made directly to the party.

(amended 25 July 2000)

### **Article 1607 OSCE Contributions**

The OSCE is prohibited from providing monetary contributions to support the campaigns of political parties, coalitions, lists of independent candidates and independent candidates.

The OSCE shall be permitted to provide campaign support to political parties, coalitions, and lists of independent candidates and independent candidates in the form of in-kind assistance.

To the extent that the OSCE provides in-kind assistance, political parties, coalitions, lists of independent candidates and independent candidates which support multi-ethnicity, either through a multi-ethnic platform or multi-ethnic candidate lists, shall have priority to the in-kind assistance.

### **Article 1608 Disclosure of Property**

Every candidate standing for elected office at the level of Bosnia and Herzegovina or the Entity level shall submit to the Provisional Election Commission, a signed statement of his or her total property situation at the time that the candidates list is submitted to the Provisional Election Commission. The information shall be listed on a special form designed by the Provisional Election Commission and shall require information regarding the candidate's:

- 1) current income and sources of income, including all incomes, wages, profit from property, contributions as defined in Article 1601, account receivables and other incomes realized in Bosnia and Herzegovina and abroad for a period of the past twelve (12) months;
- 2) property, including money, bank accounts, business documentation, shares, securities, bonds, real property, personal property, occupancy right and other property and possessions which exceed five thousand (5,000) convertible marks, in Bosnia and Herzegovina and abroad; and
- 3) disbursements and other liabilities, including all debts, liabilities, promissory notes, loans and guarantees of such liabilities in Bosnia and Herzegovina and abroad.

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 1609 Due Date for Disclosure**

All candidates elected at all levels of authority except the level of Bosnia and Herzegovina and the Entity level shall be obliged to submit to the Provisional Election Commission, within thirty (30) days from the verification of mandates, a signed statement of their property situation referred to in Article 1608 of this on a special form approved by the Provisional Election Commission. Failure of the elected candidates to submit the signed statement by the deadline shall result in the termination of his or her mandate.

**Article 1610**  
**Public Access to Information**

The Provisional Election Commission shall make the forms containing the statements on total property situation available to the public. The Provisional Election Commission shall not be responsible for objections or complaints regarding the information contained in the forms.

The Provisional Election Commission shall issue an instruction regulating in detail the design and the manner of filling in forms from Articles 1608 and 1609 of this chapter.

**Article 1611**  
**Limitation on Campaign Expenditures**

The Provisional Election Commission shall announce, ninety (90) days before the Election Day, the number of voters entered on the Central Voters Register for each electoral race. No political party, coalition, list of independent candidates or independent candidate shall, based on the number of voters announced by the Provisional Election Commission, spend more than one (1) convertible mark per voter in each electoral race for the purposes of the election campaign.

For the purpose of applying the previous paragraph, each of the following is an electoral race: a municipality election, a canton election, the election for the National Assembly of the Republika Srpska, the election for the President and Vice President of the Republika Srpska, the election for the House of Representatives of the Parliament of the Federation of Bosnia and Herzegovina, the election for the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina.

**Article 1612**  
**Supplemental Filings**

Supplemental filings of the Financial Disclosure form shall be required of every candidate who wins a mandate in the elections established by Article 101 or who is indirectly elected. Supplemental filings shall be required three months prior to the termination of office. Supplemental filings shall be submitted to the Provisional Election Commission.

## **Chapter 1700**

### **Media**

#### **Article 1701**

##### **Election Information**

All broadcast media shall broadcast statements and information from Election Commissions free of charge for the purpose of informing voters about all aspects of the electoral process as set forth by the Provisional Election Commission. These messages shall be broadcast in accordance with instructions given by the Provisional Election Commission.

#### **Article 1702**

##### **Public Opinion Research**

Results of public opinion research related to the voting and elections shall not be released during the period beginning seventy-two (72) hours prior to the opening of Polling Stations and until the close of polling.

#### **Article 1703**

##### **Independent Media Commission**

All broadcast and print media in Bosnia and Herzegovina shall abide by the Independent Media Commission *Code on Media Rules for Elections*.

## **Chapter 1800 Election Observers**

### **Article 1801 General Provisions**

Representatives of international observers, associations of citizens, political parties, coalitions, lists of independent candidates and independent candidates may observe all electoral activities in Bosnia and Herzegovina provided that they are accredited in accordance with this chapter.

Observers shall have access to relevant documents and public election commission meetings and shall have access to all Voter Registration Centres, Polling Stations, By Mail Coordination Centre and Counting Centre for which they are properly accredited.

### **Article 1802 Conduct of Observers**

Observers shall be impartial and politically neutral while observing electoral activities. Observers shall not in any way interfere with electoral activities and they shall respect the secrecy of the ballot. An association of citizens, political party, coalition, lists of independent candidates and independent candidate may have only two (2) representatives at the same time at a public election commission meeting, Voter Registration Centre, Counting Centre or Polling Station.

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.

Observers shall observe the electoral process in accordance with the *Rules and Regulations* of the Provisional Election Commission and shall abide by the laws of Bosnia and Herzegovina, Federation of Bosnia and Herzegovina and the Republika Srpska.

### **Article 1803 Accreditation of International Observers**

The Provisional Election Commission shall accredit and issue accreditation identification for International Observers. The Provisional Election Commission shall issue Instructions on the criteria and the application process for the accreditation of international observers.

### **Article 1804 Accreditation of Citizens Associations**

The Provisional Election Commission shall accredit and issue accreditation identification to associations of citizens. The Provisional Election Commission shall establish criteria for accreditation of the associations of citizens and the distribution of accreditation identification. The application for accreditation shall include 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 certified political party, coalition, list of independent candidates or independent candidate.

### **Article 1805 Accreditation of Political Party Observers**

The competent election commission shall accredit a registered political party, coalition, and 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.

The Provisional Election Commission shall accredit observers who will observe the work of the Provisional Election Commission and the Central Counting Centre.

A Municipal Election Commission shall accredit observers who will observe the work of the Municipal Election Commission, Voter Registration Centres and Polling Stations in its jurisdiction.

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

**Article 1806**  
**Badge Design and Use**

The Provisional Election Commission shall issue instructions concerning the accreditation identification's design, and the manner that it is to be used by the observer.

**Article 1807**  
**Deadline for Application**

The final deadline for submission of an application for accreditation of observers shall be established by the Provisional Election Commission.

**Article 1808**  
**Denial of Accreditation**

An observer who has been denied accreditation by a Municipal Election Commission may submit a complaint to the Provisional Election Commission.

**Article 1809**  
**Complaints about Violations**

An observer may submit a complaint alleging a violation of these *Rules and Regulations* to the Provisional Election Commission, or the Election Appeals Sub Commission.

Complaints regarding a Voter Registration Centre or Polling Station should be entered in the Voter Registration Book or the Polling Station Book and/or other records of electoral activity.