



INSTRUCTION
on conditions and procedures for accrediting election observers in Bosnia and Herzegovina

(consolidated text)

Sarajevo, May 2018

Pursuant to Article 2.9, paragraph (1), point 2, and having regard to Article 17.10, paragraph (2) of the Election Law of Bosnia and Herzegovina ("Official Gazette BiH", no. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 7/14 and 31/16) the Central Election Commission of Bosnia and Herzegovina, at its 22nd session held on May 24, 2018 has established the following

I N S T R U C T I O N

on conditions and procedures for accrediting election observers in Bosnia and Herzegovina (consolidated text)

CHAPTER I. INTRODUCTION

Article 1 (Application)

This instruction shall lay down:

- a) the procedure of submitting requests for accreditation and the criteria for accrediting election observers (Article 17.3, Article 17.4, paragraph (1) and Article 17.5, paragraphs (1) and (2) of the BiH Election Law),
- b) the deadlines for submitting the application and the deadlines for taking a decision on the application (Article 17.7 of the BiH Election Law),
- c) procedure for consideration of application for accreditation of election observers (Article 17.10, paragraph (2) of the BiH Election Law)
- d) design, contents and delivery of the accreditation badges (Article 17.6 of the BiH Election Law),
- e) access of the accredited observer to the location of observation of electoral activities (Article 17.1, paragraph (2) of the BiH Election Law),
- f) revoking the status of an observer (Article 17.10, paragraph (1) of the BiH Election Law), and
- g) the design of the accreditation application and the accreditation badge (Article 17.6 of the BiH Election Law).

Article 2 (Definitions)

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

- a) **observer** means a representative of a political subject, representative of an association and an international observer accredited in accordance with the provisions of this Instruction,
- b) **association** means an association or foundation established in accordance with the laws on associations and foundations,
- c) **international observer** means a representative of international government and international nongovernment organization, a representative of a foreign government and election officials, and
- d) **accreditation badge** means a document issued by the BiH Central Election Commission according to which the observers exercise their right to observe electoral activities.

CHAPTER II. SUBMITTING THE APPLICATION AND THE CRITERIA FOR ACCREDITING ELECTION OBSERVERS

Section A. Observers of political subjects

Article 3

(Receiving application for accreditation of political subjects – (Article 17.5 of the BiH Election Law)

(1) The representatives of political subjects, certified by the Central Election Commission of Bosnia and Herzegovina (hereinafter: the BiH Central Election Commission), shall the application form for accreditation of the observers to observe work of the Central Election Commission of Bosnia and Herzegovina (hereinafter: the BiH Central Election Commission) and work of the Main Center for counting to the BiH Central Election Commission. The representatives of political subjects shall submit the application form for accreditation of the observers to observe work of the election commission, Center for voters' register, work at the polling station and other places of electoral activities to the election commission in the basic constituency within the constituency for which they are standing for the election.

(2) The accreditation application form submitted by a political subject to the BiH Central Election Commission shall be found valid only if signed by persons, who are listed as persons authorized for representation in the application for verification of candidacy and whose signature is deposited with the BiH Central Election Commission.

(3) The BiH Central Election Commission shall communicate with political subjects exclusively through the head office of the political party, coalition, independent candidate or lists of independent candidates or through a person authorized for representation before the BiH Central Election Commission.

(4) The accreditation application form submitted by the political subject to an election commission in the basic constituency within the constituency for which it stands for the election, shall be found valid only if signed by persons, who are listed as persons authorized for representation in the application for verification of candidacy and whose signature is deposited with the BiH Central Election Commission or an election commission.

(5) A political subject shall submit the contact details (address, telephone/fax number and e-mail) together with the application form referred to in paragraph (1) of this Article.

(6) The application form for accrediting political subjects and the code of conduct form, as well as the statement on respecting secrecy of the vote, shall be available at the BiH Central Election Commission and the election commissions.

(7) Accompanying the application form referred to in paragraph (2) of this Article, a political subject shall complete a list of nominated observers, containing name, last name, number of a valid ID card, national identification number, as well as code of conduct form with signed statement on secrecy of voting for each nominated observer respectively.

(8) Political subjects found on the list of political subjects determined by the BiH Central Election Commission shall have the right to get accredited to observe electoral activities referred to in paragraph (1) of this Article under the procedure applied to the nomination of polling station committees' members.

Section B. Observers of associations

Article 4

(Receiving the application for accreditation of associations – Article 17.1, paragraph (1) of the BiH Election Law)

- (1) The representatives of association shall submit the application form for accrediting observers to observe all election activities to the BiH Central Election Commission.
- (2) In the application form the association shall indicate:
 - a) Election activities it wishes to observe,
 - b) Contact details (address, number of telephone, fax and e-mail),
 - c) Basic constituencies in which it wishes to observe election activities,
 - d) Number of observers, and
 - e) The reason why it wishes to observe the election process.
- (3) Together with the application the association shall provide:
 - b) List of nominated observers containing names and last names, numbers of valid ID card and national identification number of the observers,
 - c) An excerpt on registration of the association in the registry of associations with competent body, which cannot be older than 60 days, and
 - d) Code of conduct form and the statement on respecting secrecy of voting.
- (4) Association shall apply separately for each basic constituency in which it wishes to observe electoral activities.

Section C. International observers

Article 5

(Receiving the application for accreditation of international observers – Article 17.3 of the BiH Election Law)

- (1) The representatives of the international observers shall submit the application for accreditation to the BiH Central Election Commission.
- (2) Together with the application form representatives of the international observers shall indicate contact data on the application and shall complete the list of nominated observers, containing name, last name, country that issued the passport and the passport number.
- (3) In their applications, representatives of international observers shall indicate electoral activities they wish to observe. Representatives of international observers may observe indicated electoral activity in all basic constituencies of their choice.
- (4) The representative of an international organization shall sign a statement on the application form for accreditation that the said organization does not perform any activity on behalf of a political subject and that it shall adhere to the provisions of the BiH Election Law.
- (5) Accompanying the accreditation form the international observers shall submit a document, signed by the authorized person, giving the reasons why they are interested to observe election process in BiH.

Section D. Observers at diplomatic-consular representation offices of Bosnia and Herzegovina

Article 6 (Receiving the application)

(1) Political subjects, associations and international observers shall submit application form for accreditation of their observers to observe elections at a polling station designated for voting of citizens of Bosnia and Herzegovina (hereinafter: BiH citizens) at the diplomatic-consular representation offices of Bosnia and Herzegovina (hereinafter: DCRO BiH) directly to the BiH Central Election Commission or through the DCRO BiH.

(2) The representatives of political subjects, associations and international observers shall complete a list of nominated observers, containing name, last name, country that issued the passport, passport number, number of valid ID card and national identification number, as well as the code of conduct form and the statement on respecting secrecy of voting for each nominated observer respectively.

(3) In the application form the representatives of political subjects, associations and international observers shall indicate in which DCROs BiH, designated for voting, they wish to observe the voting process.

(4) In addition to the obligations set forth by the BiH Election Law and this Instruction the accredited observers shall be obligated to follow specific safety procedures relevant to the work of the DCROs.

Section E. THE CRITERIA FOR ACCREDITING OBSERVERS OF POLITICAL SUBJECTS AND ASSOCIATIONS

Article 7 (Criteria for accrediting political subjects and associations – Article 17.4 and 17.5 of the BiH Election Law)

- (1) Political subjects and association may propose for observers only persons who are citizens of BiH and are 18 years of age.
- (2) The BiH Central Election Commission shall reject the application for accreditation of a person:
 - a) who is a candidate at the forthcoming elections;
 - b) whose candidacy at the forthcoming elections was rejected or his/her name was subsequently removed from the list of candidates;
 - c) to whom the BiH Central Election Commission pronounced the sanction of illegibility to work at a polling station committee, Center for voters' register or at an election commission,
 - d) who was proposed by a political subject that is not certified to participate at the elections;
 - e) who is member of a polling station committee;
 - f) who holds a mandate in the executive or legislative government in the constituency at the level for which he/she is standing for the elections (for municipal council and municipal mayor at the local election, and for the higher levels of authority for the General Election).

CHAPTER III. DEADLINES FOR SUBMITTING AND RESOLVING REQUESTS FOR ACCREDITATION

Article 8

(Deadlines for receiving and resolving requests for accreditation - (Article 17.7 of the BiH Election Law)

- (1) The deadline for submission of the application accreditation shall start on the day elections are announced.
- (2) The final deadline for submission of the application for issuing accreditation to political subjects and associations is fifteen (15) days prior to the Election Day.
- (3) Competent election commission shall take a decision on applications referred to in paragraphs (1) and (2) of this Article no later than ten (10) days following submission of the application.
- (4) The final deadline for submission of request for accreditation of international observers is seven days prior to the Election Day, and exceptionally the BiH Central Election Commission may approve a request for accreditation a day prior to the Election Day.

CHAPTER IV RESOLVING REQUEST FOR ACCREDITATION OF ELECTION OBSERVERS (Article 17.10, paragraph (2) of the BiH Election Law)

Section A. Requests of political subjects

Article 9

(Resolving the requests of political subjects)

- (1) Application forms for accreditation of political subjects shall be made available on the website of the BiH Central Election Commission.
- (2) Political subjects shall submit completed accreditation application forms to the BiH Central Election Commission and to the election commissions, depending on whether they wish to be accredited to observe work of the Central Election Commission and work of Main Center for Counting or to observe work of the election commission, Center for voters' register or work at the polling stations and other locations of electoral activities.
- (3) Upon receipt of an accreditation application form, the BiH Central Election Commission and election commission shall verify whether a political subject is certified to participate at the elections in the constituency to which belongs the basic constituency for which political subjects had nominated their observers.
- (4) The verification referred to in paragraph (3) of this Article shall be made against the list of all political subjects, delivered by BiH Central Election Commission, that are certified in the constituency to which belongs the basic constituency for which political subject had nominated their observers.
- (5) BiH Central Election Commission and the election commission shall retain the original sample of the code of conduct form and the statement on respecting secrecy of voting. The decision on accreditation and the copy of the code of conduct form and the statement on respecting secrecy of voting shall be delivered to the political subject as an applicant. The decision of the election commission on accreditation of a political subject shall be delivered to the BiH Central Election Commission. List of accredited observers shall be delivered to all polling stations in the basic constituency to which the application refers. An observer shall be obligated to wear the accreditation.

(6) The BiH Central Election Commission and election commission shall reject the application to issue the accreditation by a decision in the following cases:

- a) if certification of a political subject was annulled;
- b) if the proposed observer does not meet conditions referred to in Article 3 of this Instruction; and
- c) if a person was already nominated, namely if he/she was accredited by other political subject or an association.

Section B. Requests of associations

Article 10 (Resolving requests of associations)

(1) The BiH Central Election Commission shall consider the applications for accreditation submitted by the associations, and if found that the association was founded or is sponsored by a political subject, or it was involved in any activities on behalf of the certified political subject, it may reject the application or if found that the association is neither founded nor sponsored by a political subject or that it was not involved in any activities on behalf of the certified political subject, the application shall be approved.

(2) The BiH Central Election Commission shall draw up a list containing the names of accredited observers to be annexed to the decision on accreditation of an association and shall be its integral part. The list shall be delivered to all election commission of basic constituencies in which the associations were accredited.

(3) Election commissions shall submit the list referred to in paragraph (2) of this Article to all polling stations in the basic constituency to which the application refers.

(4) If an association fails to provide evidence referred to in Article 4 of this Instruction, the BiH Central Election Commission shall reject the request for issuing accreditation of that association.

Section C. Requests of international observers

Article 11 (Resolving requests of international observers)

(1) The BiH Central Election Commission shall on the day it announces elections forward the Decision on announcing the elections to the BiH Ministry of foreign affairs and other relevant bodies aimed at timely dissemination of the information about the Election Day and election observation to the international observers and the states with which BiH has diplomatic-consular relations.

(2) The BiH Central Election Commission shall consider the request to issue international observer's accreditation and it may reject the request if found that the international observer is involved in any activities on behalf of the certified political subject.

(3) The BiH Central Election Commission shall make a list of international observers whose requests for accreditation were approved and shall distribute the list to all election commissions of basic constituencies in which the international observers are accredited.

(4) If possible, the BiH Central Election Commission shall prior to the Election Day hold a briefing for the accredited international observers and shall then distribute information material for election observation in BiH.

(5) If the international observers fail to present evidence referred to in Article 5 of this Instruction, the BiH Central Election Commission shall reject the request for issuing accreditation.

Section D. Observers at absentee polling stations and observers of mobile teams

Article 12 (Observers at absentee polling stations)

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

(2) Observers of associations may have access to the absentee polling station, namely to the polling station for which their request for issuing accreditation was approved.

(3) Political subjects and association shall bear the responsibility to seek from the BiH Central Election Commission the information on the location of absentee polling stations that are situated in other basic constituencies. Political subjects and association shall contact the election commission of basic constituency in which the absentee polling station is situated in order to accredit their observers.

Article 13 (Observers of mobile teams)

Municipal/City election commissions shall be obligated to prepare a work plan of the mobile team containing composition of the team, working schedule and the route to be delivered to an accredited observer upon his/her request.

CHAPTER V. DESIGN, CONTENTS AND DELIVERY OF ACCREDITATION BADGES

Article 14 (Design and contents of the accreditation – Article 17.6 of the BiH Election Law)

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

a) In the upper part:

1) Logo of the BiH Central Election Commission;

b) In the middle:

1) Election Logo;

c) Below:

1) Name and last name of accredited observer,

2) Date of issuance and number of decision,

3) Signature of authorized officer who issued the accreditation;

d) next to the signature, in right corner:

1) Stamp of the election commission issuing accreditation identification card, and

e) The type of the observer is indicated in the upper right corner:

1) for political subject the mark “PS” is given together with the code delivered by the BiH Central Election Commission,

2) for associations the mark “PU” with a number starting from number 1, and

3) for international observers the mark “MP” with a number starting from number 1.

(2) The accreditation for political subjects shall be white; for associations gray; and for international observers the accreditation shall be light pink.

(3) The information in accreditation shall be printed in languages officially used in Bosnia and Herzegovina, and on Cyrillic and Latin alphabet.

(4) The reverse side of the accreditation shall have the following text: “During observation of election process, an observer shall not disturb election activities and he/she shall respect the secrecy of voting. During observation of election activities, an observer shall wear the official accreditation badge and shall not wear any insignia or markings, which affiliate him/her with a specific political party, coalition, list of independent candidates, independent candidate and a candidate from the special list of candidates, representatives of national minorities.”

(5) Text from paragraph (4) of this Article shall be in English language on accreditation badges for international observers.

Article 15

(Distribution of official accreditation to political subjects)

(1) The BiH Central Election Commission shall be competent to design official accreditation badges (hereinafter: accreditation) for observers of political subjects accredited to observe work of the BiH Central Election Commission and the work of the Main center for counting.

(2) The BiH Central Election Commission shall define design of the accreditation and shall deliver the latter to the election commissions, and election commissions shall be accountable for issuing and delivering accreditation badges to all accredited observers of political subjects in their basic constituency.

(3) Accredited observers shall collect accreditation badges referred to in paragraph (2) of this Article in the election commission of the basic constituency in which they are accredited for observing, by presenting code of conduct form and the statement on respecting secrecy of voting.

(4) During observing of election activity each observer shall be obligated to wear accreditation.

Article 16

(Distribution of official accreditation to associations)

(1) The BiH Central Election Commission shall determine design of the accreditation and shall deliver it to the election commissions, and election commissions shall be accountable for distribution of accreditation badges to all accredited observers of associations in their basic constituency.

(2) When collecting accreditation, the representative of the association must present signed code of conduct forms and the secrecy statements of accredited observers to the election commission.

(3) Election Commission shall verify that the name of the association indicated in the statement corresponds to the name from the list of associations accredited by the BiH Central Election Commission.

(4) The election commission shall provide as many accreditation badges as there were signed code of conduct forms and the statements on respecting secrecy of voting.

(5) Accredited observer of association shall retain the signed code of conduct form and the statement on respecting secrecy of voting referred to in paragraph (3) of this Article, thus ensuring that the person wearing accreditation is the person who signed the code of conduct form and the statement on respecting

secrecy of voting.

(6) During observing of election activity each observer shall be obligated to wear accreditation.

Article 17

(Distribution of official accreditation to international observers)

(1) Accredited international observers shall collect the accreditation at the premises of the BiH Central Election Commission by the Election Day at latest.

(2) During observing of election activity each observer shall be obligated to wear accreditation.

Article 18

(Distribution of official accreditation to observers at the polling stations in DCROs)

(1) The BiH Central Election Commission shall be competent to design and distribute the official accreditation to accredited observers to observe elections at polling stations in DCROs BiH designated for voting of BiH citizens.

(2) Accredited observers referred to in paragraph (1) of this Article shall collect the accreditation at the premises of the BiH Central Election Commission or at the DCRO BiH designated for voting.

(3) An observer shall be obligated to wear the accreditation during observing the elections at polling station designated for voting of BiH citizens at DCROs BiH

CHAPTER VI. ACCESS OF ACCREDITED OBSERVER TO THE LOCATION OF ELECTORAL ACTIVITIES' OBSERVATION – (Article 17.1 and 17.2 of the BiH Election Law)

Article 19

(Access of observer to location of electoral activities)

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

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

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

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

(5) The number of international observers present at a polling station is not limited, but it must not affect regularity of the election process.

(6) International observer may be accompanied by an interpreter at any place where he/she observes the electoral activity.

CHAPTER VII. REVOKING THE STATUS OF AN OBSERVER

Article 20 (Reasons for revoking observer status)

(1) The election management body shall revoke the status of accredited observer and remove the observer from location of electoral activities during observation of election process if:

- a) observer interrupts electoral activities;
- b) observer does not respect secrecy of voting,
- c) observer does not wear official accreditation; and
- d) observer carries insignia which affiliate him/her with a certain political party,

Article 21 (Procedure of revoking the observer status)

(1) In the process of removing an accredited observer from location of electoral activities, a representative of the election management body should first warn the accredited observer who is disrupting the electoral process and undertake all other available measures and actions to stop the disturbance, and if accredited observer continues such an action, the representative shall remove him/her from the location of electoral activities.

(2) Competent election management body shall inform political subject, association namely international observer about the accreditation being revoked.

CHAPTER VIII. FINAL PROVISIONS

Article 22 (Attachments)

Integral part of this Instruction is:

- a) AP-1-PS and AP-2-PS application forms for accreditation of political subjects' representatives,
- b) AP-1-UG application form for accreditation of associations,
- c) AP-1-MP application form for accreditation of representatives of international organizations,
- d) AP-1-MP-E application form for accreditation of international observers in English language;
- e) (AP-1-IP) code of conduct form and the statement on respecting secrecy of voting;
- f) Design of accreditation for international observers;
- g) Design of accreditation for political subjects; and
- h) Design of accreditation for associations.

Article 23 (Regulations included in this Instruction)

This Instruction shall include the Instruction on conditions and procedures for accreditation of election observers in Bosnia and Herzegovina (Official Gazette of BiH, no. 37/14) and the Instruction on amending the Instruction on conditions and procedures for accreditation of election observers in Bosnia and Herzegovina (Official Gazette of BiH, no. 29/18)

Article 24
(Entry into force and publication in Official Gazettes)

This consolidated version of the Instruction shall be published in the Official Gazette of BiH, Official Gazette of FBiH, Official Gazette of Republika Srpska, Official Gazette of the BiH District of Brčko” and the web page of the BiH Central Election Commission www.izbori.ba.

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President
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