

OSCE - Mission to Bosnia and Herzegovina
Provisional Election Commission

RULES AND REGULATIONS

Decisions until July 16, 1996

Please note that Supplements to these Rules and Regulations are anticipated. They may address areas not covered in these Rules and Regulations, or may supersede certain provisions. It is important to consult them.

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The Provisional Election Commission

In accordance with its authority established in Annex 3 of the General Framework Agreement for Peace in Bosnia and Herzegovina, has determined and agreed on the following Rules and Regulations for Elections in Bosnia and Herzegovina.

I General Provisions

✓ Article 1

The Rules and Regulations regulate the elections to be held in Bosnia and Herzegovina. Where a matter is not covered by these Rules and Regulations, existing law shall apply.

They shall be binding on the Governments of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska as parties to Annex 3 of the General Framework Agreement for Peace.

✓ Article 2

Deleted.

Article 3

Elections will be held on the 14th of September 1996 for:

(i) Local Elections:

- the municipal assemblies in Bosnia and Herzegovina
- the cantonal assemblies in the Federation of Bosnia and Herzegovina;

(ii) Higher Level Elections:

- the Presidency of Bosnia and Herzegovina
- the House of Representatives of Bosnia and Herzegovina
- the Presidency of the Republika Srpska
- the National Assembly of the Republika Srpska
- the house of Representatives of the Federation

Article 4

Deleted.

II The Right to Elect and to be Elected/Voters List

(Articles 5, 7, 9, 11 and 15 are based on the original wording of the Dayton Accord)

Article 5 Any citizen of Bosnia and Herzegovina aged 18 or older whose name appears on the 1991 census for Bosnia and Herzegovina shall be eligible, in accordance with the electoral rules and regulations, to vote.

Article 6 The Provisional Election Commission is publishing a Provisional Voters' List based on the 1991 Census, brought up to date so far as possible in accordance with the data available to the State Statistical Institute and other authorized bodies in both Entities, taking into account:

- (a) those who have attained the age of 18 since the census;
- (b) those who have changed their names by marriage or other legal means;
- (c) those who have died.

Copies of this list are being made available in all municipalities in both Entities and in the places outside Bosnia and Herzegovina where refugees are living. ~~Those qualified to vote will have a period of six weeks from the date of publication in which to check that their names appear correctly on the List and, if they wish, to make application for changes in the List.~~

Article 7 A citizen who no longer lives in the municipality in which he or she resided in 1991 shall, as a general rule, be expected to vote, in person or by absentee ballot, in that municipality, provided that the person is determined to have been registered in that municipality as confirmed by the Local Election Commission and the Provisional Election Commission.

Article 8 Every effort will be made by OSCE and the other international organizations concerned to facilitate the return of citizens to the municipality where they were registered in 1991 to vote in person. Those who cannot do so will be provided, on application, with an absentee ballot.

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

Article 9 Such a citizen may, however, apply to the Provisional Election Commission to cast his or her ballot elsewhere.

- Article 10 As exceptions to the general rule, the Provisional Election Commission will grant the right to change the place of registration in the following circumstances:
- (a) Citizens of Bosnia and Herzegovina who changed their place of residence between the 1991 Census and 6 April 1992.
 - (b) Persons who were citizens of Bosnia and Herzegovina on 6 April 1992, but who have changed their place of residence since that date, either voluntarily or forcibly as a result of the war, may register to vote in the municipality in which they now live and intend to continue to live; they may vote there in person, but not by absentee ballot;
 - (c) Refugees and displaced persons who do not wish to exercise the right provided for them in Article 1 of Annex 7 of the General Framework Agreement "*freely to return to their homes of origin* " may be registered to vote in the municipality in which they intend to live in future, and may vote there in person but not by absentee ballot.

Article 11 The exercise of a refugee's right to vote shall be interpreted as confirmation of his or her intention to return to Bosnia and Herzegovina. By Election Day, the return of refugees should already be underway, thus allowing many to participate in person in elections in Bosnia and Herzegovina.

Article 12 Refugees have the right to vote in the election without losing their status as refugees and without being obliged to return immediately to Bosnia and Herzegovina. Every effort will be made to facilitate the return of refugees to vote in person, without their forfeiting the right to go back after the election to the countries where they are now living.

Article 13 **Deleted.**

Article 14 Within a period of six weeks after publication of the Provisional Voters' List, citizens not listed in the 1991 Census must apply to the Provisional Election Commission to be added to the List if they:

- (a) can prove that they were omitted from the list;
- (b) have attained the age of 18 since the 1991 census;
- (c) have changed their name by marriage or other legal means;

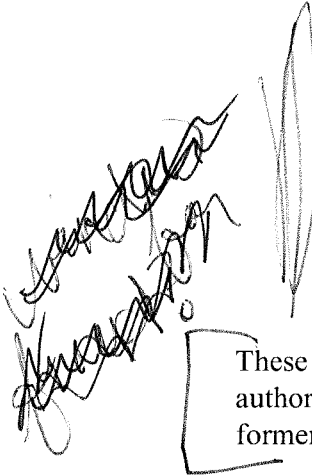
Within the same period, any person or organization may lodge with the Provisional Election Commission an application to have a name deleted from the List either because the person concerned has died or because he or she did not have citizenship of Bosnia and Herzegovina at the time of the 1991 Census. In the latter case, if the Provisional Election Commission decides to grant the

application, the person concerned shall have a right of appeal.

Article 15 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 stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

Identification Papers

Article 16 The following documents are acceptable for registration purposes by Local Election Commissions and are all valid for proving identity of a voter:

- 
1. ID-Card
 2. Citizenship-Certificate
 3. Passport
 4. Birth-Certificate
 5. Resident-Certification
 6. Driving-License
 7. Military-Booklet
 8. Health-Booklet
 9. Certificate of registration of change of name

These documents deemed valid if they were issued by Bosnia-Herzegovina authorities either in the Federation or in the Republika Srpska or by former Yugoslav authorities in the state.

10. Declaration:

Persons with no identification papers should submit a declaration of

- a) Name
- b) Address at the time of Census 1991
- c) Identity number (if known)
- d) Current address

This declaration should be made in presence of one of the following:

- magistrate
- religious authority
- municipal official
- two reputable persons whose names are on the Provisional Voters List

Article 17 Some applications for changes to the Provisional Voters List require specific documentation:

- if a listed name is now incorrect because of marriage: a marriage-certificate must be produced
- if a listed name is now incorrect due to legal change of name: a certificate of registration of change of name must be produced
- if a name is not on the list: proof of citizenship in 1991 will require production of a certificate of citizenship issued prior to the 1991 Census.

III Electoral Bodies

Election Commissions/Membership

- Article 18 The Election Commissions shall be appointed by the appropriate authorities for all elections. They shall be responsible for the conduct of the elections under the supervision of the OSCE and the Provisional Election Commission and execute other actions as instructed by the Provisional Election Commission.
- Article 19 All members of local Election Commissions shall be persons who are eligible to vote in the forthcoming elections.
- Article 20 Election Commissions shall comprise present and former judges of the Courts of Bosnia and Herzegovina. In the case that there is not a sufficient number of judges, then lawyers and other persons of high professional standing and appropriate experience and knowledge who can efficiently perform the work of the commission shall be appointed.
- Article 21 No person shall be appointed as a member of or be employed by or participate in the functions of the Election Commissions if he or she is:
- (a) ineligible to run as a candidate for office under the General Framework Agreement for Peace in Bosnia and Herzegovina;
 - (b) prohibited under any of the provisions of the Rules and Regulations of the Provisional Election Commission;
 - (c) elected to or holds a politically appointed office or is seeking an elected office;
 - (d) in a leadership position of a political party or intends to seek such a position; or
 - (e) shown to lack the impartiality necessary to be a member of the Commission.
- Article 22 The Provisional Election Commission may refuse the appointment or employment of any person by a Local Election Commission. The decision of the Provisional Election Commission shall be final. Appointment of members of the Local Election Commissions will be confirmed by the Provisional Election Commission.

Relationship of the Election Commissions with the Provisional Election Commission

Article 23 Authorized agents of the Provisional Election Commission, Supervisors, observers, and other members of the international community accredited by the Provisional Election Commission shall have access to all documents, records and be permitted to attend working groups, planning meetings and official sessions of the Election Commissions.

Article 24 The names of all members of the Election Commissions shall be submitted to the Provisional Election Commission for approval within 15 days of their appointment, but the Election Commissions shall begin their work immediately.

Article 25 Changes in the composition of the Election Commissions shall meet with the approval of the Provisional Election Commission.

Article 26 Election Commissions shall function in accordance with the Rules and Regulations of the Provisional Election Commission.

The responsibilities of the Election Commissions

Article 27 **Deleted.**

Article 28 The Election Commissions in consultation with the OSCE and the Provisional Election Commission shall provide geographic descriptions of the areas to be covered by polling stations and select sites for polling stations.

Article 29 The Election Commissions shall provide space, furniture, utilities, etc. for the:

- (a) Registration offices;
- (b) Polling stations;
- (c) Absentee voting polling stations;
- (d) Counting centers; and
- (e) Training.

- Article 30 The Election Commissions shall provide staff for the:
- (a) Registration process;
 - (b) Voting (Polling Station Committees);
 - (c) Absentee voting; and
 - (d) Counting.
- Article 31 The Election Commissions, under the supervision of the OSCE and the Provisional Election Commission, shall provide transport and security for materials from OSCE Regional Centers and Field Offices to and from Municipalities and to and from Polling Stations (for voting materials) including the:
- (a) Provisional Voters' Lists and application forms;
 - (b) Revised Voters' List;
 - (c) Voting Materials (ballot boxes, voting screens, etc.);
 - (d) Ballots (for absentee and for election day);
 - (e) Absentee ballot boxes; and
 - (f) Ballot boxes (to counting centers).
- Article 32 The Election Commissions, under the supervision of the OSCE and the Provisional Election Commission, shall provide warehousing for election materials and supplies as needed.
- Article 33 The Election Commissions shall attend meetings and training sessions presented by OSCE trainers for the:
- (a) Registration process;
 - (b) Absentee voting process; and
 - (c) Voting process.
- Article 34 The Election Commissions shall keep applicable records.
- Article 35 The Election Commissions shall assist with the distribution of election information and voter education materials.

Divided Municipalities

- Article 36 The Governments of the Federation of Bosnia and Herzegovina and Republika Srpska shall appoint *ad hoc* Election Commissions in all parts of divided municipalities without a municipal capital city in its territory:
- a) where the government has determined that there is a sufficient voting population to warrant the establishment of such *ad hoc* Election Commissions; and
 - b) when the government has decided not to merge the parts of divided municipalities with other municipalities.

- Article 37 In such cases as Art 36 (a) and (b) above, the elections in which the voting population of the divided municipalities may cast their votes includes,
- a) elections other than those at the municipal level, and
 - b) elections at the municipal level where there is a functioning municipal government.

- Article 38 If, by 19 July 1996, the Federation of Bosnia and Herzegovina and/or the Republika Srpska have not created *ad hoc* Election Commissions in some of the, divided municipalities as described in Art 36 above, there shall be no elections. No elections will be held in those divided municipalities of the Federation of Bosnia and Herzegovina or Republika Srpska, where there are no appointed Election Commissions.

- Article 38 (A) A citizen, who has been displaced from one side of the IEBL line to the other within a municipality divided by the IEBL line, shall have the right to vote by absentee ballot in the part of the divided municipality in which he/she lived in 1991.

IV Registration of Political Parties and Independent Candidates

Registration of Political Parties and Candidates for Legislative Bodies

Article 39 The rules for registering political parties apply to elections for the House of Representatives of Bosnia and Herzegovina, for the House of Representatives of the Federation of Bosnia and Herzegovina, for the National Assembly of the Republika Srpska, for cantonal legislatures and municipal assemblies.

Article 40 A political party can be registered in the 1996 legislative elections by completing and submitting to the Provisional Election Commission the appropriate application form. Political parties must submit their applications for registration no later than the date to be set by the Provisional Election Commission.

Article 41 The application form must include a list setting out the name, address on the Provisional Voters' List, original signature and identity number of each voter who supports the application of the political party. Voters may sign the list of more than one party. The number of voters required to sign the application is as follows:

- | | | | |
|-----|--|--------|------------|
| (a) | Bosnia and Herzegovina Federation of Bosnia and Herzegovina and Republika Srpska | 10,000 | signatures |
| (b) | Canton | 1,500 | signatures |
| (c) | Municipality | 200 | signatures |

Article 42 A political party that is registered at the Bosnia and Herzegovina or Entities level does not have to register also at the other levels in order to present candidates. Also, a political party registered at the canton level does not have to register also at municipal level in order to present candidates at that level. Political parties must indicate in their application whether they intend to present candidates at the lower level and must also indicate the electoral unit

where they will be presenting their candidates.

- Article 43 The deadline for submitting the lists of registered political party candidates is 5 p.m., July 04, 1996 for Entity and higher levels; and 5:00 p.m. on July 08, 1996 for local elections. Registered political parties may submit their lists to the Provisional Election Commission in Sarajevo or to any OSCE Office.
- Article 44 Registered political parties must submit a separate list of candidates for each election in which they plan to present one or more candidates and the list must be in the form approved by the Provisional Election Commission. No individual may appear on more than one list of candidates.
A registered party candidate may not withdraw as a candidate at the election after the deadline to be set by the Provisional Election Commission for the submission of the list of party candidates. A registered political party may within 48 hours replace a candidate who has been declared ineligible by the Provisional Election Commission.
- Article 45 The number of the names to be submitted on each list for each registered political party may be between one and the maximum number of seats to be contested in each election.
- Article 46 The application for registration of a political party must also include a statement signed by the President of the party or Vice-President on behalf of the President as authorized by the party, that the party will abide by the General Framework Agreement for Peace in Bosnia and Herzegovina, the Code of Conduct for Political Parties and Candidates, and the Rules and Regulations approved by the Provisional Election Commission.
¹No person who is under indictment by the International Tribunal for the Former Yugoslavia and who has failed to comply with an order to appear before that Tribunal may 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 maintains such a person in a party position or function, that party shall be deemed ineligible to participate in the elections.
- Article 47 When a political party has obtained the necessary number of signatures and completed the application form, the party must submit these documents to the Provisional Election Commission in Sarajevo, which will have seven days from the receipt of the application to review and accept or reject the application.
- Article 48 A political party which has been advised that its application has been rejected may appeal to the Election Appeals Sub-Commission within three days of being advised of the decision of the Provisional Election Commission. The Election Appeals Sub-Commission will have three days to review the matter and

¹ Adopted by the Provisional Election Commission on July 19, 1996

subsequently must provide a written decision to the political party. The decision of the Election Appeals Sub-Commission is final.

Coalitions

Article 49 Two or more political parties may choose to form a coalition and submit an application for registration under one name. In this case, the list of signatures of party supporters to be submitted with the application may include the names and signatures of any person who signed the list of either one of the political parties prior to their decision to form the coalition. Also, the party must submit a list of candidates under the name of the new coalition.

- Article 50 Two or more registered parties who register a coalition by June 21, 1996 will qualify to have the new coalition name shown on the ballots. Any coalition between June 21 and July 4 will not be reflected on the ballots but will be shown on all the Provisional Election Commission's posters of party candidates to be shown in the polling stations.
- Article 51 A notice informing the Provisional Election Commission of any new party coalition must be submitted to the Provisional Election Commission by 5 p.m. July 4 and must be signed by the President or Vice-President of all parties concerned.
- Article 52 Lists of coalition party candidates must be signed by the President or Vice-President of all parties concerned unless one person has been designated in writing by all parties concerned.

Registration of Independent Candidates for Legislative Bodies

- Article 53 The rules for registering Independent Candidates apply to elections for the House of Representatives of Bosnia and Herzegovina, for the House of Representatives of the Federation of Bosnia and Herzegovina, for the National Assembly of the Republika Srpska, for cantonal legislatures and municipal assemblies.

Qualifications

- Article 54 In order to be an Independent Candidate at the election a person must
- (i) be a voter
 - (ii) complete the required application for registration form and submit the necessary number of supporting signatures as follows:

| | | | |
|-----|--|-------|------------|
| (a) | Bosnia and Herzegovina | 5,000 | signatures |
| | Federation of Bosnia and Herzegovina and | | |
| | Republika Srpska | | |
| (b) | Canton | 800 | signatures |
| (c) | Municipality | 100 | signatures |

- Article 55 Independent Candidates must include with their application for registration a signed statement whereby they declare that they will abide by the General Framework agreement for Peace in Bosnia and Herzegovina, the Code of Conduct for Political Parties and Candidates and the Rules and Regulations approved by the Provisional Election Commission.

Article 56 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 stand as a candidate or hold any appointive, elective or other public office in the territory of Bosnia and Herzegovina.

Article 57 An Independent Candidate may only seek to be elected in one electoral unit.

Article 57 (A) An independent candidate may withdraw as a candidate at the election by submitting a notice to the Provisional Election Commission no later than the deadline set for the presentation of lists of registered party candidates.

Procedures for Registration

Article 58 (a) Independent Candidates must complete and submit the registration form developed for this purpose by the Provisional Election Commission. This form must be accompanied by a list giving the name, address on the Voters' List, original signature and identity number of the required number of voters who support the candidate.

(a) The registration form for Independent Candidates must be submitted to the Provisional Election Commission not later than the date to be set by the Provisional Election Commission. Any application for registration received after this deadline will not be accepted. The Provisional Election Commission will have seven days to accept or reject an Independent Candidate's application. If an application is rejected, the candidate will have three days to appeal the decision to the Election Appeals Sub-Commission as set out in Article 48.

Candidates for the Presidency

Article 59 The rules for candidates for the Presidency apply to elections for the Presidency of Bosnia and Herzegovina and the Presidency of the Republika Srpska.

Article 60 **Qualifications.**

In order to be a candidate for the Presidency a person must:

- be a voter
- indicate for which seat he/she is seeking to be elected

Article 61 Independent candidates for the Presidency must include with their application for registration a signed statement whereby they declare that they will abide by the General Framework Agreement for Peace in Bosnia and Herzegovina, the Code of

Conduct for Political Parties and Candidates and the Rules and Regulations approved by the Provisional Election Commission.

Article 62 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 stand as a candidate for the Presidency or hold any appointive, elective, or other public office in the territory of Bosnia and Herzegovina.

Article 63 A candidate for the Presidency may not seek to be elected in any other election.

Article 64 **Procedures for Registration**

(a) A candidate for the Presidency must either have his name submitted by the registered party sponsoring the candidate, or, in the case of independent candidate, must complete and submit a registration form containing the name, address on the Provisional Voters' List, original signature and identity number of 5,000 voters who support the candidate. Both submissions must be sent to the Provisional Election Commission no later than the date to be set by the Provisional Election Commission. A political party which intends to present a candidate only for the Presidency, must submit to the Provisional Election Commission a completed application form in accordance with Articles 40 and 41 above.

(b) The Provisional Election Commission will have seven days to accept or reject an application. If an application is rejected, the political party or the independent candidate will have three days to appeal this decision to the Election Appeals Sub-Commission. The Election Appeals Sub-Commission will have three days to review the matter and subsequently must provide a written decision to the political party or candidate, as appropriate. The decision of the Election Appeals Sub-Commission is final.

Article 64 (A) An independent candidate for the presidency may withdraw as a candidate at the election by submitting a notice to the Provisional Election Commission no later than the deadline set for the presentation of lists of registered party candidates.

REGISTERED INDEPENDENT CANDIDATE REPRESENTATIVES AND REGISTERED POLITICAL PARTY REPRESENTATIVES

- Article 65 The names of registered independent candidate representatives and registered political party representatives will be proposed by the registered independent candidates and the registered political parties.
- Article 66 The names of the representatives will be submitted on appointment forms to the local Election Commission, who will give a copy to the Polling Station Committee Chairmen.
- Article 67 Each registered political party or registered independent candidate may have one representative at a polling station at any time and may be represented at the counting centers. The numbers of representatives present at the Counting Centers will be determined by the Counting Center Chairman. The representatives will respect the Rules and Regulations of the Provisional Election Commission, will not interfere with the voting or counting process and must respect the secrecy of the vote.
- Article 68 All independent candidate representatives and registered political party representatives will have access to the polling stations and counting centers. Appointment forms must be shown to the Polling Station Committee Chairman who will give them a Provisional Election Commission- identification badge. The registered independent candidate representatives and registered political party representatives must wear the approved Provisional Election Commission-identification badge and may not wear or carry anything that identifies them with a particular party or candidate.
- Article 69 Any complaints by the independent candidate representatives or the registered political party representatives must be submitted to the Polling Station Committee Chairman at the voting station or counting center and will become part of official record of the polling station or Counting Center.

V POLLING STATIONS

CRITERIA FOR POLLING STATIONS IN BOSNIA AND HERZEGOVINA

- Article 70 A polling station means a room where a voter, whose name is on the Revised Voters' List, may vote. A polling place means a building where one or more polling stations are provided for the purpose of voting at an election. The Election Commission in each municipality must identify the locations of the polling stations by a date to be announced by the Provisional Election Commission.
- Article 71 The Local Election Commissions will provide a list of the polling stations and a description of the areas to be covered by each polling station to the Provisional Election Commission by a date to be announced by the Provisional Election Commission. The Local Election Commission will inform the voters of the locations of the polling stations in the municipality. Polling station locations will be selected using the following criteria.
- Article 72 An average of 600 - 800 voters will be used as a guideline for establishing a polling station.
- Article 73 The number of absentee voting stations will be determined by the Local Election Commission based on the estimated number of absentee ballot applications received during the registration. These absentee polling stations will be located in places convenient to the administration of the absentee vote.
- Article 74 The polling station may not be located in a building with government offices or offices associated with a political party. It may not be located in a building where liquor is sold or served.
- Article 75 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, candidate representatives and party representatives. 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 person.
- Article 76 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.
- Article 77 The polling station must be located in an accessible place and should, where

possible, have level access. Adequate lighting and protection from the elements is required.

Article 78 Signage 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 79 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 80 No weapons or arms allowed in the polling station unless the Polling Station Committee Chairman asks for the assistance of the security personnel. Details of any disturbance will be noted in the poll book. Specific times will be recorded showing when the polling station was closed, when it was reopened and the adjustment to the 19:00 hours closing time.

Article 81 No election campaign material is to be displayed at a polling station, nor displayed within 50 meters of the main entrance to the polling station. Political Parties and candidates must remove all campaign material that is within 50 meters 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 82 Each polling station will open at 0700 hours and close at 1900 hours.

Article 83 Lists of registered political party candidates and registered independent candidates will be posted at each polling station.

Article 84 Prior to the opening of the polling station, the Polling Station Committee Chairman will ensure that all materials have been received. The election staff will arrange the furniture and voting screens to ensure the secrecy of the vote. The ballot boxes will be sealed in the presence of any accredited supervisors, observers, political party or candidate representatives who are present and placed where they are visible to the Polling Station Committee members and the accredited persons present. Serial numbers of the ballots and the seals will be recorded on official forms.

Article 85 When the polling station opens, the Polling Station Committee members will vote first under the scrutiny of accredited persons.

DISRUPTIONS OF THE VOTING PROCESS

Article 86 If there is a threat to peace and order, an outbreak of violence or the presence of weapons within a polling station, the Chairman of the Polling Station Committee shall:

- a) ensure that the threat to peace, outbreak of violence or presence of weapons is removed from the polling station immediately;
- b) if the threat, outbreak of violence or presence of weapons cannot be removed immediately, the Chairman 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 Chairman 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;
- c) if voting has been suspended and peace and order restored, the Chairman shall extend the hours of voting by at least the amount of time taken from the beginning of the threat, outbreak of violence or presence of weapons to the restoration of peace and order;
- d) if peace and order have not been restored within a reasonable time and it appears to the Chairman that the possibility of peace and order being restored within a reasonable time is not likely, then the Chairman may postpone voting to the next day if possible; if that is not possible, then the Chairman of the Local Election Commission in conjunction with the senior OSCE agent in the area must designate another day, but no later than seven days from the day of the interruption; if the voting cannot be held within seven days, then the Provisional Election Commission shall decide when the vote shall be taken.

Article 87 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

- a) ensure that the threat, outbreak of violence or presence of weapons is removed from the vicinity of the polling station immediately;
- a) if the threat, outbreak of violence or presence of weapons cannot be removed immediately, the Chairman 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;
- a) if voting has been suspended and peace and order restored, the Chairman shall extend the hours of voting by at least the amount of

time taken from the beginning of the threat, outbreak of violence or presence of weapons to the restoration of peace and order;

d) if peace and order have not been restored within a reasonable time and it appears to the Chairman that the possibility of peace and order being restored within a reasonable time is not likely, then the Chairman may postpone voting to the next day if possible; if that is not possible, then the Chairman of the Local Election Commission in conjunction with the senior OSCE agent in the area must designate another day, but no later than seven days from the day of the interruption; if the voting cannot be held within seven days, then the Provisional Election Commission shall decide when the vote shall be taken.

Articles 88 and 89 **Deleted.**

VI PROCESS OF VOTING

- Article 90 **Method of voting:** The elections of the House of Representatives of Bosnia and Herzegovina, the House of Representatives of the Federation, the National Assembly of the Republika Srpska, and the local assemblies will be conducted by Proportional Representation on the basis of party lists and independent candidates. There shall be one list for each contending party in each municipality for the municipal elections, in each canton for the cantonal elections, and in each Entity (Federation of Bosnia and Herzegovina and Republika Srpska) for the Entity elections and for the elections at the level of Bosnia and Herzegovina.
- Article 91 The system of Proportional Representation to be used will be a simple quota system in which the initial allocation of seats will be made by dividing the total number of votes cast in the election by the number of seats, and then dividing, the number of votes cast for each party by the resulting figure. Any remaining seats are then allocated to the parties with the largest remainder, provided that that party has already won at least one seat in the initial allocation. A chart showing how this system will work is attached (See Article 115, p.27).
- Article 92 Distribution of the mandates among the candidates or the representatives from the same list will be done according to their order on the list of candidates.
- Article 93 The Presidency of the Republika Srpska and the Republika Srpska Member of the Presidency of Bosnia and Herzegovina will each be elected by a single direct ballot of voters registered in the Republika Srpska, the candidate receiving the largest number of votes being elected.
- Article 94 The Bosniac and Croat Members of the Presidency of Bosnia and Herzegovina will be elected by a single direct ballot of voters registered in the Federation, each voter having a single vote and the Bosniac and Croat candidates receiving the largest number of votes among the candidates of their nationality being elected.
- Article 95 All voting processes except the marking of the ballot may be witnessed by accredited Supervisors, observers, registered independent candidate representatives and registered political party representatives. Any complaints must be addressed to the Polling Station Committee Chairman, whose decision shall be final. The Polling Station Committee Chairman will maintain a record of such complaints and the decision taken.

Article 96 The ballot stubs / counterfoils will be numbered, but the ballot papers will not have a number.

Article 97 To assist with the voting process, ballots and ballot boxes will be colour-coded for each level of voting.

Article 98 To prevent voters from voting more than once, invisible ink detectable with an ultraviolet light will be used. Each voter will be checked for invisible ink stain with the ultra violet light prior to being processed to receive their ballot.

Article 99 The ballot papers will be printed with the names of the registered political parties and the registered independent candidates for the applicable election. The ballots for the Presidency of Bosnia and Herzegovina and for the Presidency of Republika Srpska will be printed with the names of the candidates and if applicable the registered political party. No write-in ballots will be accepted by the Provisional Election Commission.

Article 100 Voters who are voting at their 1991 Census address should vote at the polling station nearest their home.

Article 101 Displaced voters who apply to vote in their former location will be directed to vote at a specific polling place on election day, where their absentee ballots will be available. The voter will be required to produce their copy of the Application form.

Article 102 Voters who change their place of voting will be required to produce their copy of the Application form and produce acceptable identification prior to receiving ballots.

Article 103 After the voter identifies him/herself to the Polling Station Committee member and produces acceptable identification, a Polling Station Committee member will issue the ballots to the voter. The voter will be instructed to proceed to one of the voting screens to mark the ballot in the space provided beside the name of the political party or the candidate of his/her choice. The voter will fold each ballot and place them in the correct ballot boxes. A Polling Station Committee member will draw a line through the voter's name on the Voters' List to show that he/she has voted and will write the voter's name and address in the poll book. The voter's copy of the Application form will be retained by a member of the Polling Station Committee.

- Article 104 If a voter spoils his/her ballot, another ballot may be issued if the voter returns the spoiled ballot to the Polling Station Committee member, who will write the word 'spoiled' on it and place it in the "Declined and Spoiled Ballot" envelope. The Polling Station Committee member will then give the voter a replacement ballot. A Polling Station Committee member will record this fact in the poll book.
- Article 105 If a voter accepts the ballots and then declines to vote, the Polling station Committee member will write 'declined' on the ballot(s) and place the ballot(s) in the "Declined and Spoiled Ballot" envelope. A Polling Station Committee member will record this fact in the poll book. The voter will be instructed to leave the polling station.
- Article 106 At the request of a registered voter who is blind, illiterate or who is incapacitated by a physical cause, the Polling Station Committee member will permit another voter, selected by the voter, to assist him/her in marking the ballot. The voter will have the same guarantees of secrecy as other voters.
- Article 107 No person shall interfere with a voter who is marking the ballots, nor attempt to obtain any information regarding which candidate or political party a voter has voted for, is voting for or is about to vote for, nor prevent or attempt to prevent a person from exercising the right to vote.
- Article 108 Any registered voter who is in the line-up for voting at the closing hour will be permitted to vote. The Chairman of the Polling Station Committee will determine the last voter. After the last voter has placed the ballots in the ballot boxes, the slots in the ballot boxes will be sealed and the polling station will be closed.
- Article 109 The Polling Station Committee Chairman will count the number of spoiled and declined ballots and record the applicable numbers on the outside of the "Declined and Spoiled Ballot" envelope and seal it. The numbers of declined and spoiled ballots and the number of unused ballots will be recorded on the official forms under the careful scrutiny of Supervisors and other accredited persons.
- Article 110 The Polling Station Committee Chairman will count the number of voters who received ballots, record the number on the last page used of the poll book and sign it. The Supervisors and other accredited persons may also sign the poll book. The number of voters who received ballots will also be recorded on the official forms.

Article 111 Ballot boxes, the Voters' List, the "Declined and Spoiled Ballot" envelope, the record of concerns raised by accredited persons, official forms, used ballot stubs and unused ballots are to be transported to the Counting Center under secure conditions as soon as possible after the poll is closed. A Supervisor or accredited observer may accompany the personnel who transfer these items. Any other accredited persons may also accompany them.

Article 112 All other documents and election material are to be taken to the designated storage area.

Article 113 In-country voting and absentee voting will take place on the same day. Where possible, an absentee polling station will be located in the same building as a ordinary polling station. The voting process for voters casting absentee ballots will ensure the same ability for voters to cast their votes in secret.

Article 114 After the absentee vote is completed, all absentee ballots will be sent by secure transportation to the Provisional Election Commission's designated storage area where they will be sorted by municipality. Ballots cast on election day at the absentee poll and at the ordinary poll will be mixed with the ballots cast during the refugee vote, before the count takes place at the Municipal Counting Center.

**PROPORTIONAL REPRESENTATION EXAMPLE
PRIMJER PROPORCIONALNE REPREZENTACIJE**

VOTING RESULTS FOR 45 SEATS / REZULTATI GLASANJA ZA 45 MJESTA
VOTES CAST / SKUPLJENI GLASOVI $X=(A/B)+C$

A = Total Votes Cast for a Party
Broje osvojenih glasova po stranki
B = Total Votes Cast / Number of Seats
Ukupno glasova / Broj mjesta

e.g. Current example: / Primjer:
4074.066667 4074

C = Remainder (unallocated votes)
Ostatak (nepodjeljeni glasovi)

$$12 = \text{INT}(E/16)$$

| | |
|---------------------|-------|
| PARTY A / STRANKA A | 55398 |
| PARTY B / STRANKA B | 79201 |
| PARTY C / STRANKA C | 33698 |
| PARTY D / STRANKA D | 15036 |

Total Votes Cast / Ukupno glasova 183333

CALCULATION OF SEATS = 45
PRORACUN MJESTA

| | $X=(A/B)+C$ | | INTEGER REMAINDER CIJELI OSTATAK | | FINAL TOTAL UKUPNO |
|---------|-------------|--------------|-------------------------------------|--------------|-----------------------|
| | (A/B) | Seats/Mjesta | C | Seats/Mjesta | |
| PARTY A | 13.5977156 | 13 | 0.598 | 1 | 14 |
| PARTY B | 19.4402808 | 19 | 0.440 | 0 | 19 |
| PARTY C | 8.27134231 | 8 | 0.271 | 0 | 8 |
| PARTY D | 3.69066126 | 3 | 0.691 | 1 | 4 |
| | | 43 | | 2 | 45 |

VOTER EDUCATION AND INFORMATION 'DISSEMINATION

- Article 116 In order to inform the citizens of Bosnia and Herzegovina about the electoral process and citizens' rights as voters, the Provisional Election Commission has decided that all radio and television stations throughout Bosnia and Herzegovina and in both Entities shall broadcast informational voter education material produced by the Provisional Election Commission . These announcements shall be broadcast as public service announcements free of charge.
- Article 117 Public radio and television networks as well as private radio and television networks throughout Bosnia and Herzegovina and in both Entities will air these informational voter education messages during prime time beginning 24 May 1996 in accordance with instructions from the Provisional Election Commission. These broadcasts will continue throughout the electoral process.
- Article 118 The Provisional Election Commission will inform radio and television stations by a copy of this decision on voter education and information dissemination.
Each Entity will ensure that the stations are in compliance with these rules.

VII CODES

ELECTORAL CODE OF CONDUCT FOR POLITICAL PARTIES, CANDIDATES AND ELECTION WORKERS

- Article 119 The object of this Code is to promote conditions conducive to the conduct of a free and fair election and a climate of democratic tolerance in which political activity can take place during the election period without fear of coercion, intimidation or reprisals. The Code is binding on all political parties and candidates, who must declare their acceptance of it before being registered by the Provisional Election Commission. It is the responsibility of political parties and candidates to ensure that the Code is strictly observed by all their representatives, campaign workers and active supporters.
- Article 120 The following actions are strictly forbidden by the Provisional Election Commission:
- (a) The carrying or display of arms or weapons at political meetings, polling stations, or in the course of any gathering of a political party nature;
 - (a) The use on polling day of any communications device in a polling station, or any loudspeaker or public address system whether mobile or fixed within hearing distance of a polling station;
 - a) The exhibiting of any form of propaganda, campaign material or advertisement on or in a polling station;
 - d) OSCE Supervisors with the help of local police forces and, where appropriate, of the International Police Task Force will ensure that these prohibitions are observed.
- Article 121 All registered political parties and candidates must commit themselves to acknowledge the authority of the Provisional Election Commission; to implement and abide by its Rules and Regulations; to facilitate the access of its Members, official Supervisors and monitors, and other representatives, including accredited members of the OSCE Mission, to all public political meetings and other electoral activities; and to take all possible steps to ensure their safety from exposure to insult, hazard or threat in the course of their official duties.

Article 122 All registered parties and candidates will respect the right of other parties and candidates participating in the elections to conduct their campaigns in a peaceful environment, to hold public meetings and to have access to all forms of public media in order to explain their policies, to canvass freely for membership and support from the voters, and to publish and distribute notices of meetings, placards, posters and other written publicity material. They will refrain from disruption of meetings held by other parties and candidates and will not use, or incite others to use, any form of violence or intimidation against other parties and candidates or their supporters. They will respect the freedom of the press and will refrain from any harassment or obstruction of journalists in the pursuit of their professional activities. They will refrain from offering any inducement or reward to voters in return for their support, and from any threat of retaliation or reprisal against supporters of other parties and candidates.

Article 123 Any party or individual who has reason to believe that a party or candidate in the election has committed a breach of this Code of Conduct will have the right to lodge a complaint with the appropriate Election Commission or directly with the Provisional Election Commission, which will have the power to impose appropriate penalties, ranging from fines to disqualification of individual candidates or of one or more of the candidates appearing on a party list.

Article 124 All political parties and candidates pledge themselves to accept the result of the elections once these have been certified by the Provisional Election Commission.

**REGULATIONS CONCERNING THE OBLIGATIONS OF GOVERNMENTS IN
RELATION TO THE MEDIA IN BOSNIA AND HERZEGOVINA ***

- Article 125 The Governments will permit journalists to enjoy complete freedom of movement and unhindered pursuit of their professional activities throughout Bosnia and Herzegovina. Journalists who are citizens of Bosnia and Herzegovina shall exercise this right on the basis of an identification card issued by their media organization or by an appropriate professional association. Accreditation cards will be identical in both Entities, and will only state the name of the journalist, the specific media for which he or she works, and the date of expiration, and should include a photograph. Foreign journalists shall exercise their rights on the basis of accreditation already issued by the appropriate authorities in Bosnia and Herzegovina or to be issued in the future by the Media Experts Commission and such accreditation will be valid in the entire territory of Bosnia and Herzegovina.
- Article 126 The Governments recognize that the profession of journalism is an important service to the public, and will not impose any sanctions or penalties on journalists, nor subject them to detention, harassment or interference of any kind, in pursuit of their legitimate professional activities.
- Article 127 The Governments, in accordance with the provisions of paragraph 7 of the Agreed Measures adopted in Geneva on 18 March 1996, will ensure that licenses and frequencies for electronic and print media are granted expeditiously, on the basis of objective non-political criteria, in order to ensure that all political parties and candidates in the elections have equitable access to the media.

* The Media Experts Commission will ensure that the media themselves observe the Standards of Professional Conduct.

STANDARDS OF PROFESSIONAL CONDUCT FOR THE MEDIA AND JOURNALISTS *

- Article 128 In the pursuance of their duties, members of the media as the servants of public interest must maintain the highest professional and ethical standards.
- Article 129 Members of the media shall at all times defend the freedom of information and make a clear distinction between factual reporting and editorial comment.
- Article 130 Members of the media shall ensure that the information they report is factually accurate, complete, fair equitable and unbiased.
- Article 131 Members of the media must avoid distortion, suppression, falsification, misrepresentation and censorship.
- Article 132 Members of the media must not abuse their professional rights by accepting bribes or any other inducement that might influence the exercise of their professional responsibilities.
- Article 133 Members of the media ought to avoid language which encourages discrimination, ridicule, prejudice or hatred.
- Article 134 Members of the media shall rectify, promptly and with due prominence, any inaccuracies, ensure appropriate correction and apologies and afford a right of reply.
- Article 135 Members of the media shall protect their sources of information.
- Article 136 Media are encouraged to develop and periodically review their editorial policies.

* The Provisional Election Commission has determined that compliance with the following Standards of Professional Conduct for the Media and Journalists will be essential for the conduct of free and fair elections in Bosnia and Herzegovina. These Standards are based upon the Constitution as set forth in Annex 4 of the General Framework Agreement for Peace in Bosnia and Herzegovina and particularly on Article II (3)(h). The Standards are derived from international agreements referred to in the Framework Section of the Peace Agreement, and Point 8 of the Appendix to Annex 6, as well as the 1990 Copenhagen Document of the OSCE Conference on the Human Dimension, attached to Annex 3.

VIII SUPERVISORY BODIES

ELECTION APPEALS SUB-COMMISSION

Article 137 An Election Appeals Sub-Commission is established. The Election Appeals Sub-Commission will be a juridical body whose four members are appointed by the Chairman of the Provisional Election Commission in consultation with its members. It shall have its powers delegated therein by the Provisional Election Commission; powers which from time to time may be amended. The Chairman of the Election Appeals Sub-Commission will be a distinguished international lawyer or jurist with election experience; one senior judge from Bosnia and Herzegovina and one from the Federation of Bosnia and Herzegovina and Republika Srpska, will also be appointed. The Election Appeals Sub-Commission will meet, as required, at OSCE premises throughout Bosnia and Herzegovina or in its offices in the Faculty of Law; and will be served by a staff of four lawyers, one from an OSCE participating state and one from Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and Republika Srpska. It will draw up its own Rules of Procedure that shall include a procedure to lodge complaints. This body, once fully constituted, shall report to the head of the OSCE Mission to Bosnia and Herzegovina.

Article 138 The function of the Election Appeals Sub-Commission will be to ensure compliance with the electoral Rules and Regulations established by the Provisional Election Commission and adjudicate complaints with regard to the electoral process referred to it by the Provisional Election Commission, the Media Experts Commission, political parties, candidates, individuals or other entities. The Election Appeals Sub-Commission will adjudicate complaints regarding the following matters:

- (a) Violations of provisions on elections in the General Framework Agreement for Peace in Bosnia and Herzegovina; and
- (b) Violations of the Rules and Regulations of the Provisional Election Commission:
 - (i) Additions, deletions or changes in the Provisional Voter's List;
 - (ii) Standards of Professional Conduct for Members of the Media
 - (iii) Regulations Concerning the Obligations of Governments in Relation to the Media in Bosnia and Herzegovina;
 - (iv) The Electoral Code of Conduct for Political Parties, Candidates and Election Workers;

- (v) Rules for Registering Political Parties and Independent Candidates; and
- (vi) Any other procedures or rules, including polling and counting procedures established by the Provisional Election Commission.

Article 139 The Election Appeals Sub-Commission will have the right to call witnesses, consult with Government representatives of Bosnia and Herzegovina and from the Entities, political parties and independent experts; and solicit all other evidence it deems appropriate.

Article 140 The Election Appeals Sub-Commission will have the right to impose appropriate penalties and/or fines against any individual, candidate, party or body that violates the Rules and Regulations established by the Provisional Election Commission. In applying penalties and/or fines the Election Appeals Sub-Commission shall take the following factors into account:

- (a) The responsibility of party leaders for their actions and those of their party members;
- (b) The responsibility of candidates on party lists for their actions and those of their supporters; and
- (c) The responsibility of independent candidates for their actions and those of their supporters.

Article 141 The Election Appeals Sub-Commission may prohibit a political party from running in the elections, decertify a party already listed on the ballot, remove a candidate from a party list or an independent candidate from the ballot 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 established by the Provisional Election Commission has occurred. The Election Appeals Sub-Commission may set and apply pecuniary or other appropriate penalties for actions carried out with intent to disrupt the electoral process.

Article 142 In the event that a consensus cannot be reached by the Election Appeals Sub-Commission, the Chairman will make the final and binding decision. All claims must be settled by the Election Appeals Sub-Commission in a timely manner and within the deadlines established in its Rules of Procedure or other relevant documents approved by the Provisional Election Commission. The decision of the Election Appeals Sub-Commission shall be binding and may not be appealed.

Article 143 In the event that situations arise which require modifications to the regulations set forth herein, the Election Appeals Sub-Commission may apply for such

modifications to be determined the Provisional Election Commission. No such decision by the Provisional Election Commission shall affect any decision already made by the Election Appeals Sub-Commission.

Article 144 The Election Appeals Sub-Commission will remain active until all claims are adjudicated and will thereupon be dissolved by the Provisional Election Commission.

MEDIA EXPERTS COMMISSION

- Article 145 A Media Experts Commission has been established in order to assist the Governments of the Parties to Annex 3 of the General Framework Agreement for Peace in Bosnia and Herzegovina in the fulfillment of their obligations in relation to the media, in particular with respect to freedom of movement, full and equal access of the media and all other media activities related to the elections. The Media Experts Commission will also ensure that the media themselves observe the Standards of Professional Conduct.
- Article 146 The Media Experts Commission will meet in the OSCE Mission in Sarajevo under the chairmanship of the OSCE Senior Adviser for Media Development, and will include designated representatives of the Governments of Bosnia and Herzegovina, the Federation of Bosnia and Herzegovina and the Republika Srpska; qualified media specialists appointed by each of the Parties; representatives of the Ministries of the Interior of both Entities; a member appointed by the High Representative; and Human Rights officers of the OSCE Mission.
- Article 147 Sub-Commissions will meet in each of the regional Centers of the OSCE Mission (Banja Luka, Bihac, Mostar, Sokolac and Tuzla) under the chairmanship of the OSCE Regional Media Officer, and will include two designated representatives of the appropriate Entity Government, one of whom will be a representative of the Ministry of the Interior; a qualified media expert resident in the locality and appointed by the appropriate Entity Government; a member appointed by the High Representative; and Human Rights Officers of the OSCE Regional Center.
- Article 148 The Commission and Sub-Commissions will meet weekly, or more often upon the invitation of the Chairman or at the request of any of the Parties. A quorum will consist of half of the membership plus one. In the event of a dispute the decision of the Chairman will be final, but the Sub-Commission may decide to refer difficult issues to the Commission in Sarajevo, and the latter may refer such issues to the Provisional Election Commission.

- Article 149 The Commission and Sub-Commissions will have the responsibilities:
- (a) to issue accreditation to foreign journalists and to act as the final arbiter in disputes concerning the accreditation of foreign journalists;
 - (b) to investigate allegations of falsification of journalists accreditation cards, mistreatment of journalists and other media-related complaints, and to take or recommend to the Provisional Election Commission appropriate action;
 - (c) to monitor the fulfillment by the Parties of their obligations to ensure the security of journalists and their freedom of movement and unhindered pursuit of their professional activities; and, as necessary, make recommendations to the Provisional Election Commission;
 - (d) to monitor the performance of the media in providing equitable access for all political parties and candidates participating in the election campaign, and as necessary to take appropriate steps or make recommendations to the Provisional Election Commission;
 - (e) to arrange for monitoring of the media; to consider cases or complaints of erroneous news reporting or the use of inflammatory language by the media; to issue judgments on such complaints and insist on their full and prominent publication by the media concerned; and if necessary to refer them to the Provisional Election Commission.

Article 150 If the Provisional Election Commission decides that there has been a serious breach of the Media Regulations by Governments, or a serious failure by any of the media to observe the Standards of Professional Conduct for the Members of the Media, the Provisional Election Commission will have the power to impose fines or to take other appropriate action.

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RULES AND REGULATIONS FOR INTERNATIONAL ELECTION OBSERVERS

- Article 151 The Provisional Election Commission will invite International Observers in accordance with the General Framework Agreement for Peace in Bosnia and Herzegovina, Annex 3, Art III (e) and the Copenhagen Document, paragraph 8, which is an integrated component of the Dayton Peace Agreement. These Observers include representatives of governments and international organizations and representatives of international non-governmental organizations.
- Article 152 The Provisional Election Commission will authorize the Election Monitoring Group to accredit the International Observers.
- Article 153 International Observers will observe the electoral process in accordance with the Rules and Regulations of the Provisional Election Commission and they will not interfere in any way in electoral proceedings.
- Article 154 The International Observers shall abide by the laws of Bosnia and Herzegovina and of the two entities and by the Code of Conduct for International Observers.
- Article 155 International Observers shall be strictly impartial and politically neutral.
- Article 156 The Coordinator of the Election Monitoring Group and his office will co-ordinate a joint effort of the International Observers to observe all aspects of the electoral process. International Observers will be present at polling stations and counting centers and their observations will be the basis of the overall assessment of the electoral process.
- Article 157 The Coordinator of the Election Monitoring Group may report periodically and independently on the elections inside and outside the country. After the official announcement of the results the Coordinator of the Election Monitoring Group will make a final evaluation on the conduct of the election in a report to the Chairman in Office of the OSCE.
- Article 158 The Election Monitoring Group shall be responsible for coordinating the operations and the security measures for the international observation.
- Article 159 The International Observers shall have access to all relevant documents and meetings, shall be free to contact any person at any time during the entire period of the electoral process and shall have access to all polling stations and counting centers.