

CONFERENCE

**“2012 LOCAL ELECTIONS – ANALYSIS OF THE
ELECTORAL PROCESS”**

Jahorina, 11 - 13 April 2013

2012 LOCAL ELECTIONS – ANALYSIS OF THE ELECTORAL PROCESS

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FOREWORD

In 2013, we will mark nineteen years since the European Charter of Local Self-Government was ratified by Bosnia and Herzegovina and ten years of full-fledged membership of Bosnia and Herzegovina in the Council of Europe.

In Article 3 of the Charter contains the concept of local self-government which, among other things, stipulates that” *Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them...*”

In accordance with the Charter, the Contracting States should have transposed the principles of local self-government, contained in the Charter, into their national legislation in the form of a legal or constitutional norm. The law on local self-government was not adopted at the level of Bosnia and Herzegovina, and provisions on local self-government do not even exist as principles in the BiH Constitution.

In that situation, the Entities in Bosnia and Herzegovina adopted their own laws on the principles of local self-government, containing the basic principles of the Charter, including the basic principles of elections held at the local level.

Article 1.1 of the Election Law of BiH stipulates that the principles which shall be in force at all levels of government in BiH shall be determined by the Election Law of BiH.

The Election Law of the Republika Srpska stipulates that the election of local bodies (councillors in the Municipal Assemblies) shall be conducted pursuant to the Election Law of BiH, while the above-mentioned Entity law regulates the election and revocation of mandate of a Head of Municipality.

The Law on the Election, Termination of Mandate, Revocation and Replacement of Heads of Municipalities in the Federation of Bosnia and Herzegovina regulates the election, termination of mandate, revocation and replacement of Heads of Municipalities in the Federation of BiH, while the election of municipal councillors is regulated by the Election Law of BiH.

The Election Law of the Brčko District regulates the election of councillors of the Assembly of the Brčko District, and its Article 1.1.(2) stipulates that provisions of the Election Law of BiH shall be directly applied in case of any issues not expressly regulated by the Election Law of the Brčko District.

Also, we should point out that the election of city councillors and the City Mayor of Mostar is regulated by the provisions of the Election Law of BiH and of the Statute of the City of Mostar, while the election of city councillors of the City of Sarajevo and the city councillors of the Assembly of the City of Istočno Sarajevo is conducted on the basis of the provisions of the Election Law of BiH, by-laws adopted by the Central Election Commission of BiH and of statutes of the above-mentioned units of local self-government.

The diversity in terms of the scope of authority and manner in which the rules for the election of local self-government bodies are regulated is evident in Bosnia and Herzegovina. We are aware that one of the reasons for it is the constitutional structure of Bosnia and Herzegovina and the possibility that different levels of government approach this issue differently, but we think that it would be useful and desirable if certain mechanisms of electoral right, as well as electoral procedures, would be uniformly regulated in the law on local elections in Bosnia and Herzegovina. We are of the opinion that this would lead to fewer obstacles in the electoral process, and the election administration bodies at various levels would have fewer problems in the implementation of unified standards of conduct of local elections.

Local elections in Bosnia and Herzegovina, the fifth such elections since the signing of the Dayton Peace Agreement, were held in October 2012, with the implementation of such heterogeneous electoral rules.

On 07 May 2012, the Central Election Commission of BiH, pursuant to Article 1.14 and Article 2.9, Paragraph (1), Subparagraph 2.a of the Election Law of BiH, announced that the local elections would be held on 07 October 2012, for 78 municipal councils in the Federation of Bosnia and Herzegovina, 61 municipal assemblies in the Republika Srpska, 139 Heads of Municipalities in Bosnia and Herzegovina, the Assembly of the Brčko District, the Assembly of the City of Banja Luka and the City Mayor of Banja Luka. Due to a lack of implementation of a decision made by the Constitutional Court of BiH, which stipulated a deadline of six months to harmonise the electoral provisions with the Statute of the City of Mostar, the Central Election Commission of BiH, at its 19th Session, held on 07 May 2012, issued the Decision No 05-1-07-1-585-1/12 postponing the elections for the councillors of the City Council of Mostar.

For the 2012 Local Elections, the voters register consisted of the total number of 3,149,280 voters, not including the City of Mostar. In the Federation of BiH, there were 1,866,169 (59.26%) registered voters, in the Republika Srpska 1,199,179 (38.10%) and in the Brčko District 83,932 (2.64%) voters.

In terms of gender of the electorate, there were 1,577,894 women (50.11%) and 1,571,386 men (49.89%).

In terms of age of the electorate, there were 673,400 (21.38%) registered voters younger than 30 and 2,475,880 voters (78.62%) older than 30.

In the 2012 Local Elections, 84 political parties, 59 coalitions, 224 independent candidates (of both genders), of whom 53 members of national minorities, 16 lists of independent candidates with 106 candidates were certified for participation.

In total, 30,351 candidates were certified for participation in elections, for City Mayor/Head of Municipality 550 candidates, for Municipal Council/Assembly 29,801 candidates, of whom 149 national minority candidates.

The voter turnout was 1,779,718 (56.51%) voters, of whom 1,013,040 (54.79%) voters voted in the Federation of Bosnia and Herzegovina, in the Republika Srpska 689,392 (59.18%) voters and in the Brčko District 42,519 (51.57%) voters.

In total, 3,245 candidates were elected, either as City Mayor/Head of Municipality or in a Municipal Council/Assembly.

In terms of gender of candidates elected as City Mayor/Head of Municipality, the total number of 140 candidates were elected, of whom 135 male candidates (96.42%), and 5 women (3.58%).

In terms of gender of candidates elected for Municipal Council/Assembly, the total number of 3,105 candidates were elected, including members of national minorities, of whom 2,578 (83.81%) men and 498 (16.19%) women. The number of elected representatives of national minorities was 29, of whom 24 (82.76%) men and 5 (17.24%) women.

After each election, the election administration in Bosnia and Herzegovina analyses the elections.

A two-day Conference was held on Mount Jahorina, 11-13 April 2013, entitled “2012 Local Elections – Analysis of the Electoral Process”, organised by the Central Election Commission of Bosnia and Herzegovina, in co-operation with the Association of Election Officials of Bosnia and Herzegovina.

The Conference gathered approximately 200 participants, including members of local election commissions, representatives of political parties, elected officials, representatives of International Organisations in Bosnia and Herzegovina, and international guests.

The working titles of Conference workshops were *Election Implementation Bodies*, *Protection of the Electoral Right* and *Financing of the Campaign, Legal Norms and Experiences of Participants in the 2012 Local Elections*.

This publication is a result of the work of the Conference whose final document consisted of conclusions distributed to all the election administration bodies in BiH and to other stakeholders in the electoral process.

The publication was developed thanks to the support of the OSCE Mission to Bosnia and Herzegovina which, together with the Council of Europe, provided its wholehearted support to the organisation of the Conference and we would thus like to thank them most sincerely.

We hope that the publication will serve to initiate such electoral rules which will seek to improve the electoral legislation in Bosnia and Herzegovina.

Dr Ahmet Šantić, LL.D.

Branko Petrić, President of the Central Election Commission of BiH

Ladies and Gentlemen,

I have the honour to welcome all of you and to open the fifth post-election conference “2012 Local Elections – Analysis of the Electoral Process”. When I look at you, I see many faces of people who were present in this very room eight years ago, when we initiated this practice and when we organised the first conference. I would especially like to welcome H. E. Fletcher Burton, Head of OSCE Mission to Bosnia and Herzegovina, who is the head of an institution whose help was always there, including in these elections, and it seems



that we will need their help in the future as well. Also, I would like to welcome representatives of the Embassy of the Russian Federation, the Embassy of Sweden and the Embassy of Switzerland, representatives of the Council of Europe, OHR, Office of the EU Special Representative in Bosnia and Herzegovina, a member of the Election Commission of the Republic of Serbia and the Secretary of the Assembly of Vojvodina, Mr Milorad Gašić, who will participate in the work of the conference and will have his own presentation. I welcome four successful Heads of Municipalities in Bosnia and Herzegovina who were selected by the Central Election Commission of BiH to present their experiences here for future publication, in order to share them with future candidates.

They are Ms Snježana Rajilić, Head of Novi Grad Municipality, Mr Željko Josić, Head of Domaljevac-Šamac Municipality, and Mr Predrag Kovač and Mr Senaid Memić, Heads of Istočna Ilidža and Ilidža, the two Ilidža municipalities.

Also, I would like to welcome all of my colleagues, all members of the election administration, who contributed to the success of the local elections in Bosnia and Herzegovina, as well as all those who will participate in the conference, present their

experiences and adopt certain conclusions, in order for us to be prepared as best as possible for the next elections, and for them to be even more successful.

My greetings to all seven members of the Central Election Commission of BiH, the body which is at the top of the electoral pyramid, the Secretary-General and approximately seventy staff members of the Secretariat of the Central Election Commission of BiH, five hundred special service and temporary staff members working in the Central Counting Centre in the Central Election Commission of BiH during the elections, approximately six hundred members of Municipal and City Election Commissions in Bosnia and Herzegovina, approximately 40,000 Polling Station Committee presidents, members and deputy members, and 35,000 candidates who participated in the elections. One out of ten was elected, and the remaining nine out of ten missed their chance this time. Also, I would like to thank several thousand observers who worked in 5,000 Polling Stations, with more than three million voters, of whom two million put pen to paper and elected their representatives.

We should provide an assessment of the elections and, if we should try to do it, it would depend on who is giving the assessment and from which viewpoint. If we would look from the viewpoint of the winners, the elections were extremely correctly conducted, they were fair and successful; and if we would do it from the viewpoint of those who were not elected, they would certainly find reasons, other than personal reasons, for why they were not elected, but those subjective reasons are also relevant. From the viewpoint of the Central Election Commission of BiH, of the election administration and of independent observers who provide an assessment, all electoral steps stipulated by law and by procedures were conducted on time and in accordance with the law, and the results were confirmed and published within the stipulated deadline and in the stipulated manner. The newly elected authorities were inaugurated, which means that the results of the elections were implemented.

Unfortunately, these elections will be largely remembered by the lack of elections in the beautiful city of Mostar. That did not depend on the election administration, but on other circumstances and we expect the issue to be solved. This Conference is envisaged as our meeting and an exchange of experience in order for us, who adopt by-laws and conduct elections, to suggest to the legislators how to improve our electoral process. From a technical aspect, the last elections were held in the same manner as the ones before them, i.e. from hand to mouth. Unfortunately, there was no space for technical improvement of the elections, but we will not back down, and will probably find the way to propose technical improvements in accordance with the trends of the modern democratic Europe.

During the break, you will have the opportunity to see machines which could be of service in the electoral process, if the legal and financial preconditions are met. You can also ask questions during the workshops and try to find appropriate solutions, as well as to adopt certain conclusions, which will be published together with all the speeches and presentations.

I wish you a pleasant stay on this beautiful mountain of ours, in this beautiful hotel, as well as successful work in this conference room.

Ambassador Fletcher M. Burton, Head of OSCE Mission to BiH



Let me start by expressing my appreciation for the work, the professional work of the Central Election Commission of BiH during last year's municipal elections.

And let me thank them as well for the regional philosophy, for their cooperation with neighbouring states, I believe they've invited guests from neighbouring countries, including Serbia- that's an important part of the conference.

I am honoured to be here at this conference, because of its composition, also because of its philosophy; if for me this is a comfortable fit, I was in the country in the dawn of the Central Election Commission of BiH, I was here during the 1995, 1996, 1997 period.

And I've seen how the Commission has emerged, how step by step it's taken over every increasing share of responsibility. That's the success of Annex 3 and Dayton, it's the success of Bosnia and Herzegovina, and it's a great success at the Central Election Commission of BiH.

The Central Election Commission of BiH has established its independence, it has proved its professionalism, and those are the fountain heads of its integrity, of its credibility.

A word about the OSCE, a word about my Mission; as you know we maintain a significant presence in this country, we maintain a broad deployment throughout this country. We still support the Central Election Commission of BiH, we still provide advice, and we also serve as a conduit to the Central Election Commission of BiH from ODIHR for technical advice, the Office for Democratic Institutions and Human Rights.

ODIHR was involved in the 2010 elections, it issued recommendations on its analysis of the conduct of those elections, and that will be a theme as we run up to the 2014 elections.

One central recommendation from the ODIHR report dealt with the Sejdić-Finci case. Certainly a topic here this week in Bosnia and Herzegovina- not just a concern of the EU and the Council of Europe, also a concern of the OSCE and ODIHR. We encourage the political leaders, the parliamentary authorities to tackle this case Sejdić-Finci.

Important is that the Central Election Commission of BiH can play its role in taking these initiatives, these resolutions, and doing its work. You know, looking back on October, 2012, and the conduct of the municipal elections, those who observed the elections concluded that they were, and this is a quote “well-prepared, conducted in an orderly manner, and organized in accordance with international standards”. Pretty good evaluation, well prepared, well conducted, well organized. I am looking forward to the deliberations of this conference, to the deliberations that emerged from this conference, and my Mission has pledged to help disseminate the results of this conference, including in the form of a brochure for wider readership.

Now let me conclude, and here I would like to cite the President’s letter of invitation to me, I appreciate not just the invitation, but the philosophy behind it. As President Petrić wrote, “the Conference has been recognized as a very useful and encouraging for the enhancement of the electoral process and democratization of the society in general”. Exactly right, it is not just about the technical aspects, looking back to October, 2012, but also the broader themes involved, including that most important of all, democratization.

A period of history that’s always been of great interest to me was the so-called age of Enlightenment, the 18th century so important for Europe and my country as well, the US. So much of the democratic philosophy that we draw on today, that we will draw over the course of this conference crystallized in that period, in the 18th century. The philosophers of the Enlightenment, the practical politicians of that century, always had an understanding of human institutions; they knew that human institutions would never be perfect, because human endeavour is never perfect. But their conclusion was, it’s always important to strive, and these are the terms they used, for more perfect institutions, to overcome imperfections. By the way, that language found its way into the American Constitution as well, that striving for more perfect institutions, including those that underpin democracy.

Again, thank you for inviting me, I am pleased to be here in this line up here, with real professionals who have established their integrity and their credibility, and who now want to look back, reflect, and find ways to improve the electoral conduct, as we look forward to 2014.

Thank you very much.

*Milorad Gašić, Secretary of the Assembly of the Autonomous Province of Vojvodina,
Diana Vučetić, Anamarija Rehak and Viktorija Čović,
Assistants in the Assembly of the Autonomous Province of Vojvodina*

**STATUS OF NATIONAL MINORITIES IN THE ELECTORAL SYSTEM
OF THE REPUBLIC OF SERBIA WITH A SPECIAL EMPHASIS ON
THE LOCAL ELECTIONS HELD IN THE AUTONOMOUS
PPROVINCE OF VOJVODINA IN 2008 AND 2012**

Summary:

The topic of this presentation is the analysis of political representation of national minorities in the electoral system of the Republic of Serbia with a special emphasis on local elections held in 2008 and 2012 in the Autonomous Province of Vojvodina.

Political organisation of national minorities has its roots in the breakup of Yugoslavia and the introduction of the multi-party system in Serbia, which created the political atmosphere conducive to the establishment of political parties representing national minorities.

In the presentation, we first of all discuss general theoretical foundations of the political representation of national minorities, followed by the definition of terms of a national minority and of a political party representing a national minority, in accordance with the current regulations of the Republic of Serbia, including the statistics regarding major national minorities, in accordance with the 2011 Census in the Republic of Serbia. Finally, we discuss the constitutional framework and legal regulation of political representation of national minorities.

There is a special chapter dedicated to the analysis of local elections held in 2008 and 2012 in local self-government units located in the Autonomous Province of Vojvodina.



The reason for the special analysis of elections in those local self-government units is their heterogenous population.

In spite of certain deficiencies in the mechanisms for political representation of minorities, they play a significant role in the exercise of minority rights, facilitate better political representation, better articulation of interest and the higher degree of legitimacy of the entire system.

Key words: national minorities, political parties representing national minorities, political representation of national minorities

INTRODUCTION

In accordance with the 2006 Constitution of the Republic of Serbia, persons belonging to national minorities shall be guaranteed special individual or collective rights (Articles 75-81), guaranteeing special protection to national minorities for the purpose of exercising full equality and preserving their identity (Article 14, Paragraph 2).

The Constitution of the Republic of Serbia, as well as the Statute of the Autonomous Province of Vojvodina favour affirmative action in order to achieve political equality of minorities in the society. The Constitution, in its Article 76, Paragraph 3, recognises affirmative action in favour of national minorities, stipulating that “Specific regulations and provisional measures which the Republic of Serbia may introduce in economic, social, cultural and political life for the purpose of achieving full equality among members of a national minority and citizens who belong to the majority, shall not be considered discrimination if they are aimed at eliminating extremely unfavourable living conditions which particularly affect them.”

Article 20, Paragraph 3 of the Statute of the Autonomous Province of Vojvodina also stipulated that measures which the Autonomous Province of Vojvodina may introduce in the economic, social, cultural and political life, for the purpose of achieving the full equality of communities and groups which are, due to being different, in an unfavourable position when compared to citizens belonging to the majority community, shall not be considered discriminatory.

Serbia also signed and ratified the most important international conventions and agreements on the protection of rights of national minorities, first of all the Framework Convention on the Protection of Rights of National Minorities (in 2001) and the European Charter on Regional and Minority Languages (in 2005).

Having in mind that the Republic of Serbia is a participating State of OSCE, it should be mentioned that Serbia implemented many of the 1999 Lund Recommendations on the Effective Participation of National Minorities in Public Life issued by the High Commissioner on National Minorities (HCNM), which represent an attempt to explain,

in relatively simple terms, and improve the content of minority rights and other standards, generally applicable in situations dealt with by HCNM.

Political representation is a very important part of the protection of rights of national minorities and an important step towards political equality of national minorities. The basic function of the parliament, as one of the most important institutions of a democratic society is to represent all citizens of the country, regardless of their race, gender, ethnicity, social background, political or other belief, etc. If some citizens are discriminated against and they do not feel that their interests are equally represented in parliament, the legitimacy of the parliament is thrown into question. Encouragement of a larger political representation may contribute to better understanding and to attracting the attention of the public to the problems faced by minorities, better mutual respect and to the encouragement of dialogue and tolerance. Thus it is not necessary for the composition of the parliament to fully reflect all the differences in the society, but it is necessary to find an appropriate formula which guarantees political equality because, when the minorities are better integrated into the system, the level of democracy is higher.

*NATIONAL MINORITIES AND POLITICAL PARTIES REPRESENTING A NATIONAL
MINORITY – definition of terms*

Unlike the states which explicitly listed in their legal acts those ethnic communities granted the status of national minorities, in the Republic of Serbia the definition of minorities is provided in Article 2, Paragraph 2 of the Law on Protection of Rights and Freedoms of National Minorities from 2002 which guarantess the status of a national minority to all groups of citizens numerically sufficiently representative and, although representing a minority in the territory of the state, belonging to a group of residents having a long term and firm bond with the territory of the state and possessing characteristics such as language, culture, national or ethnic affiliation, origin or religious denomination, differentiating them from the majority of the population and whose members are distinguished by care to collectively nurture their common identity, including their culture, tradition, language or religion. National minorities are all groups of citizens termed or determined as nations, national or ethnic communities, national or ethnic groups, nationalities and nationalities.

On the territory of the Republic of Serbia, in accordance with the 2011 Census, national minorities number approximately 16.68% of the population which puts the Republic of Serbia, according to the classification¹, into the category of countries with distinctly homogenous population.

¹ Slaviša Orlović, Political Representation of National Minorities – Serbia in a comparative analysis, UDK:323.15:324](497.11)

Data on the number of members of national minorities in the Republic of Serbia, in accordance with the 2011 Census² are presented in a table in Attachment No 1.

On the territory of the Autonomous Province of Vojvodina, the national minorities represent 33.24% of the population of Vojvodina, which indicates that Vojvodina, according to the same classification, has a more heterogenous population³.

Political organisation of national minorities has its roots in the breakup of Yugoslavia and the introduction of the multi-party system in Serbia, which created the political atmosphere conducive to the establishment of political parties representing national minorities. Today, according to the data from the Register of Political Parties maintained by the Ministry of Justice and State Administration of the Republic of Serbia (as of 06 February 2013) there are 91 registered political parties, of which 53 are political parties representing national minorities. In total, 26 political parties, of which 20 political parties representing national minorities, have their headquarters in the Autonomous Province of Vojvodina.⁴ In Vojvodina, interests of the Hungarians are represented by 6 parties, three parties represent the interests of Bunjevci, two parties each represent the interests of Croats, Slovaks, Roma and Ruthenians and one party each represents the interests of Romanians, Macedonians and Montenegrins, while other national minorities do not have their own political parties.

The definition of a political party representing a national minority is stipulated by the Law on Political Parties (Article 3), the Law on the Election of the Members of Parliament (Article 81, Paragraph 3), the Provincial Assembly Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina (Article 75, Paragraph 5) and the Law on Local Elections (Article 40, Paragraph 6) which imply that those are parties whose actions, apart from those characterising all the political parties, are especially directed towards representing and advocating the interests of a national minority and the protection and improvement of rights of members of that national minority in accordance with the Constitution, the law and the international standards.

The Law on the Election of the Members of Parliament, the Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina and the Law on Local Elections also stipulate that the relevant election commissions, shall decide, at the proclamation of an electoral list, whether the submitter of the electoral list should be considered as political party representing an national minority or a coalition of political parties representing national minorities, at the request of the submitter of the electoral list which must be made at the time of electoral list submission. As a result, the fact that

² www.stat.gov.rs

³ Slaviša Orlović, Political Representation of National Minorities – Serbia in a comparative analysis, UDK:323.15:324](497.11)

⁴ www.mpravde.gov.rs

a party was registered as a political party representing a national minority is insufficient, but additional criteria is applied in the specific case (assessment of programmatic goals contained in the founding act, the title of the political party and the existence of the National Council of a national minority, etc).

LEGAL REGULATION OF ELECTORAL SYSTEM IN THE REPUBLIC OF SERBIA

In the Republic of Serbia, the elections are held at three levels: at the level of the Republic, at the level of the Province and at the local level.

The electoral system in the Republic of Serbia is the proportional one with a single electoral unit for the entire territory of the state and it is regulated by the following act:

- The Law on the Election of the Members of Parliament ("Official Gazette of RS", No 35/2000, 57/2003 – Decision of the Constitutional Court of RS, 72/2003 – State Law, 75/2003 – Amendments to the State Law, 18/2004, 101/2005 - State Law, 85/2005 - State Law, 28/2011 - Decision of the Constitutional Court, 36/2011 and 104/2009 - State Law).

Elections in the Autonomous Province of Vojvodina are conducted in accordance with a combined system (60 MPs are elected in accordance with the proportional system, and 60 MPs are elected in accordance with the majority system) and it is regulated by the following acts:

- The Provincial Assembly Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina ("Official Gazette of AP Vojvodina", No. 3/2012 – Consolidated Text) and
- The Provincial Assembly Decision on the Electoral Units for the Election of Members of the Assembly of the Autonomous Province of Vojvodina ("Official Gazette of AP Vojvodina", No. 12/04, 16/04-Amendments and 18/09-Change of the Title of the Act).

Elections at the local level are regulated by the Law on Local Elections ("Official Gazette of RS", No 129/2007, 34/2010 - Decision of the Constitutional Court and 54/2011).

General regulations applied in case of elections at any level in the Republic of Serbia are the following:

- Law on Political Parties ("Official Gazette of RS", No 36/2009);
- Law on the Financing of Political Activities ("Official Gazette of RS", No 43/2011);

- Law on the Single Voters' Register ("Official Gazette of RS", No104/09 and 99/11)

THE MANNER OF REPRESENTATION OF NATIONAL MINORITIES IN THE ELECTORAL SYSTEM OF THE REPUBLIC OF SERBIA

All the segments of the electoral system influence the representation of minorities: the form of the electoral system, the size of the electoral unit, the manner of the distribution of mandates, the threshold, etc.

The electoral system provides solutions in order to facilitate easier representation of national minorities. When there is a danger that minorities might not be adequately represented, then some of the well-known "electoral formulas" are put in place, and they may be applied depending on the type of the electoral system and the degree of geographic concentration of minority communities or of particular minorities.

The more favourable status of national minorities in the electoral system of the Republic of Serbia is reflected in the following:

I More favourable conditions for registration of political parties representing national minorities than those representing the majority population

The Law on Political Parties (Article 9) stipulates that a political party representing a national minority may be established by at least 1,000 citizens of age and citizens of the Republic of Serbia having capacities for work, while a political party representing the majority population may be established by at least 10,000 citizens of age and citizens of the Republic of Serbia having capacities for work.

II Special status of a political party representing a national minority when returning the "election bond"

Pursuant to the Law on the Financing of Political Activities, an "election bond" is a guarantee by a political entity participating in elections that it would return the public funds if it fails to win at elections a minimum of 1% of valid ballots or minimum 0.2% of valid ballots if the political entity is representing interests of a national minority (Article 26 of the Law).

III Abolishment of the threshold for minorities to enter parliament, i.e. introduction of a "natural threshold" (a mathematical method used when calculating the number of seats won from the number of votes and represents a proportion between the number of valid

ballots cast and the number of elected seats in parliament, where the resulting number represents a number of votes (of minorities, in this case) sufficient to win one seat in parliament).

Level of the Republic

Elections for the Members of Parliament in the Republic of Serbia are conducted in accordance with the proportional electoral system, in which the Republic of Serbia is a single, plurinominal electoral unit. The manner of calculation of votes into seats is conducted in accordance with the D'Hondt method (by applying the system of the highest averages), and the threshold is 5%.

The 2004 Law on Amendments to the Law on the Election of the Members of Parliament⁵ abolished the threshold, as a measure of positive discrimination applicable to the party lists of national minorities, thus providing more adequate representation of minorities in the parliament of the Republic of Serbia (Article 81 of the Law on the Election of the Members of Parliament stipulated that “Only those electoral lists that won at least 5% of votes out of the total number of voters who have voted in the electoral unit shall participate in distribution of mandates. Political parties representing national minorities and coalitions of political parties representing national minorities shall participate in distribution of mandates even if they won less than 5% of votes out of the total number of voters who have voted.”).

However, it was not envisaged in the amendments to lower the number of signatures necessary to nominate minority lists; thus the political parties representing minorities, as well as other political parties, still have to submit 10,000 signatures with their electoral lists.

Level of the Province

Elections in the Autonomous Province of Vojvodina are conducted in accordance with a combined system (60 MPs are elected in accordance with the proportional system, and 60 MPs are elected in accordance with the majority system)

For the purpose of electing Members of the Assembly in accordance with the proportional electoral system, the Autonomous Province of Vojvodina is a single, plurinominal electoral unit. The manner of calculation of votes into seats is conducted in accordance with the D'Hondt method (by applying the system of the highest averages), and the threshold is 5%, similar to the election of the Members of Parliament. Political parties representing national minorities and coalitions of political

⁵ The Law on the Election of the Members of Parliament ("Official Gazette of RS", No 35/2000, 57/2003 – Decision of the Constitutional Court of RS, 72/2003 – State Law, 75/2003 – Amendments to the State Law, 18/2004, 101/2005 - State Law, 85/2005 - State Law, 28/2011 - Decision of the Constitutional Court, 36/2011 i 104/2009 - State Law).

parties representing national minorities shall participate in distribution of mandates even if they won less than 5% of votes out of the total number of voters who have voted.⁶

When the Provincial Assembly Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina was adopted in 2004⁷, which introduced the combined electoral system, national minorities were granted special treatment in the electoral system of the Autonomous Province of Vojvodina. Article 54 of the Decision, which regulates candidacies of Members of the Assembly in accordance with the proportional electoral system, stipulates that political parties representing national minorities and coalitions of political parties representing national minorities may nominate candidates for Members of the Assembly if they have been supported by signatures of at least 3,000 voters per electoral list, instead of 6,000 voters for other political parties.

For the election of Members of the Assembly of the Autonomous Province of Vojvodina, 60 electoral units are formed.

As far as the candidacies in accordance with the majority electoral system are concerned, no difference is made between a political party representing a national minority and any other political party, since Article 28 of the Decision stipulates that candidates for Members of the Assembly may be nominated by political parties, coalitions of several political parties, citizens' groups and coalitions of political parties and citizens' groups which have collected the signatures of at least 200 voters in an electoral unit.

Local level

Elections for councillors in the units of local self-government in the Republic of Serbia are conducted in accordance with the proportional system, and a unit of local self-government is a single, plurinominal electoral unit. The manner of calculation of votes into seats is conducted in accordance with the D'Hondt method (by applying the system of the highest averages), and the threshold is 5%, similar to the election of the Members of Parliament.

Affirmative action at the local level was introduced only in 2007 when the new Law on Local Elections⁸ was adopted, which also stipulates that political parties representing

⁶ The Provincial Assembly Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina ("Official Gazette of AP Vojvodina", No. 3/2012 – Consolidated Text, Article 75

⁷ The Provincial Assembly Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina ("Official Gazette of AP Vojvodina", No. 3/2012 – Consolidated Text)

⁸ Law on Local Elections ("Official Gazette of RS", No 129/2007, 34/2010 - Decision of the Constitutional Court and 54/2011)

national minorities and coalitions of political parties representing national minorities shall participate in distribution of mandates even if they won less than 5% of votes out of the total number of voters who have voted. The previous law stipulated that electoral lists which won at least 3% of votes out of the total number of voters who have voted shall participate in distribution of mandates. In multi-ethnic units of local self-government in which members of national minorities constitute a relative or an absolute majority, this measure has no importance because voters mostly support their own minority parties.

LOCAL ELECTIONS IN THE AUTONOMOUS PROVINCE OF VOJVODINA HELD IN 2008 AND 2012 – Comparative Analysis

2008 Local Elections

Local elections in the Republic of Serbia were held on 11 May 2008 and, in the Autonomous Province of Vojvodina, were conducted in all 45 units of local self-government.

In Vojvodina, in total 290 political entities nominated their candidates, while 36 political parties/coalitions representing national minorities nominated their candidates, which represents 12.41% of the total number of political entities which participated in the local elections in Vojvodina in 2008.

In those elections, parties representing national minorities, or coalitions of parties representing national minorities had their candidates' lists in 30 out of 45 units of local self-government in Vojvodina, i.e. in 66.7% units of local self-government.

Hungarian national minority parties nominated their candidates in the largest number of units of local self-government (the total number was 23, out of which in 21 units of local self-government candidates were nominated by the Hungarian Coalition - Istvan Pasztor, and in 2 units of local self-government by the Civic Union of Hungarians). For data per political parties/coalitions representing national minorities in units of local self-government, please see Attachment 2.

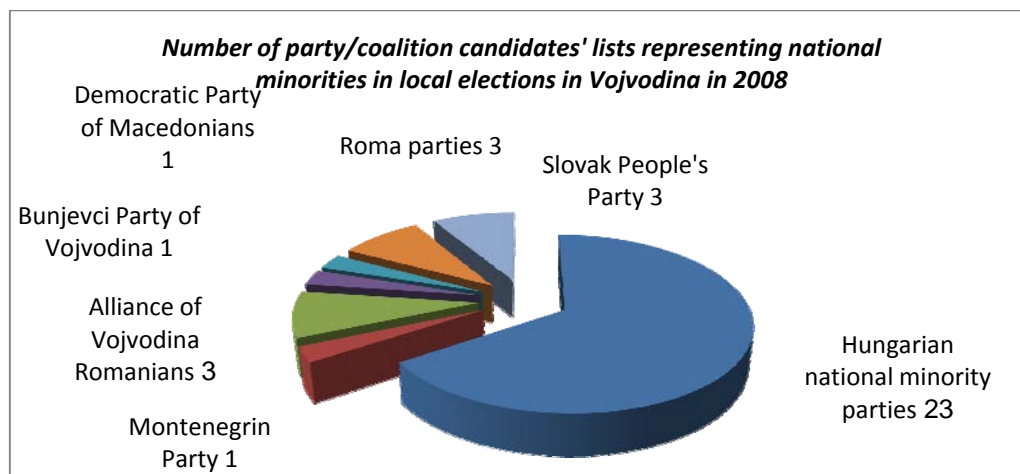


Figure 1

Political parties representing national minorities (Figure 1) nominated 35 candidates' lists, of which only 5 did not succeed in winning a seat in a local parliament. (Figure 2)

Hungarian national minority parties won 151 seats, i.e. 17.22% of all seats in 20 units of local self-government in which they entered into parliament. (Attachment 3)

Interestingly, the Alliance of Vojvodina Romanians did not win a single seat although they nominated their candidates in 3 units of local self-government. (Attachment 3)



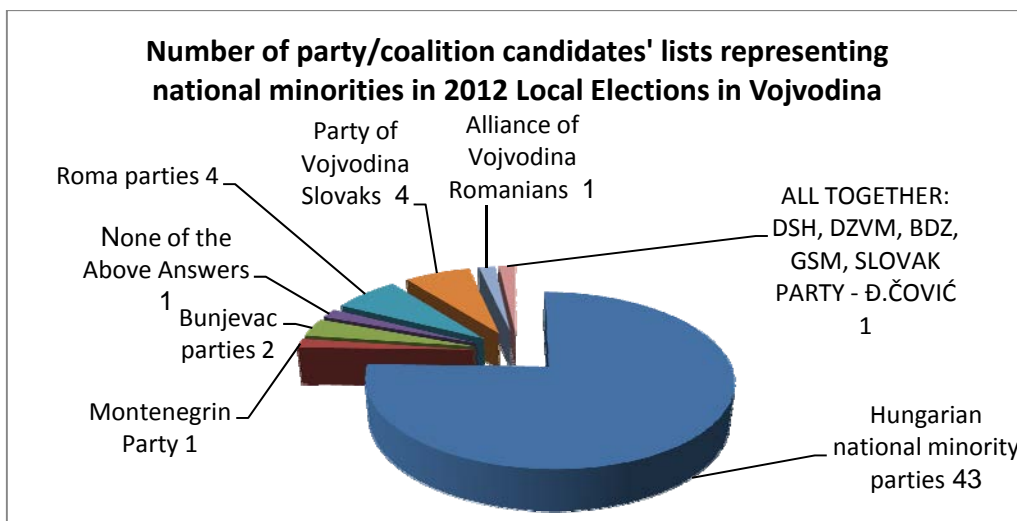
Figure 2

2012 Local Elections

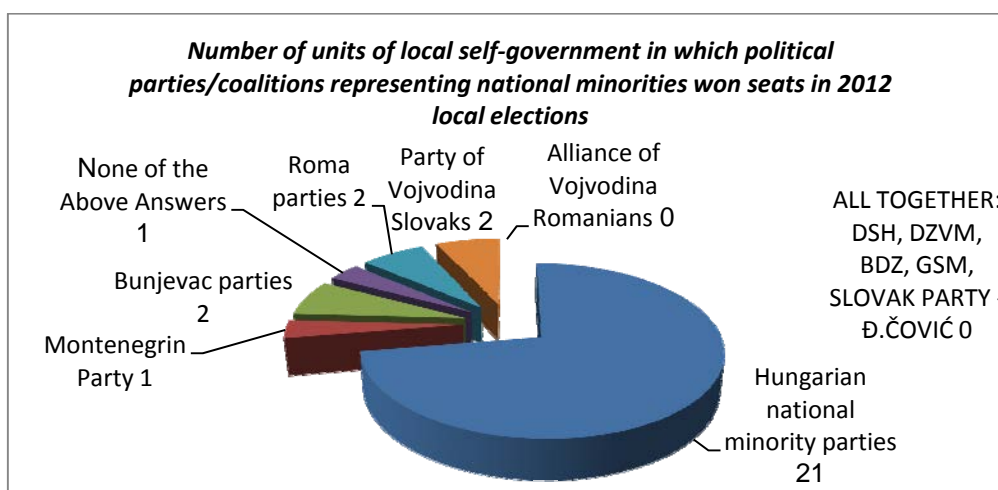
2012 Local Elections in the Republic of Serbia were held on 06 May 2012 and, in the Autonomous Province of Vojvodina, were conducted in 42 out of 45 units of local self-government.

In Vojvodina, in total 444 political entities nominated their candidates, while 57 political parties/coalitions representing national minorities nominated their candidates, which represents 12.84% of the total number of political entities which participated in the local elections in Vojvodina in 2012.

In those elections, parties representing national minorities, or coalitions of parties representing national minorities had their candidates' lists in 29 out of 42 units of local self-government in Vojvodina, i.e. in 69.05% units of local self-government. (Attachment 4)



Picture 3



Picture 4

Hungarian national minority parties nominated 43 candidates' lists (Picture 3), almost double in comparison to 2008, but they won 125 seats in the 2012 elections, which was 26 seats less than in 2008, when they won 151 seats. One should add that, in 2008, more Hungarian national minority parties were part of a pre-election coalition.

In order to further illustrate the point, let us look at an example of Hungarian national minority parties at the local elections in the town of Bečej in 2012, where five Hungarian national minority parties nominated their candidates' lists, of which only the Union of Vojvodina Hungarians – Istvan Pasztor won 5 seats out of the total number of 36, i.e. approximately 14% of votes. Those same parties, had they entered into some

kind of a pre-election coalition, would have won more than 20% of votes, i.e. approximately 7 seats.

Similar examples could be found by analysing the participation in elections of political parties of other politically organised national minorities.

CONCLUSION

The election formula which is applied in Serbia, with the “natural threshold” for candidates’ lists of national minorities provides an opportunity for representatives of national minorities to win seats in parliament, depending on the support of voters. Also, more favourable conditions for registration of a political party representing a national minority indicate that Serbia largely ensured respect of one of the basic rights of national minorities, i.e. participation in its political life.

National minorities in Serbia in general, and in Vojvodina in particular, are not all politically organised. Political parties representing organised national minorities are divided and there is insufficient co-operation between them, which leads to dispersed votes from the electorate and no seats in parliament in spite of favourable institutional conditions. Those effects could be mitigated by changing the electoral system. Thus the seats would not be allocated to candidates’ lists of national minorities, but the number of seats won by each national minority would be determined on the basis of the sum of votes won on all candidates’ lists of that minority. The sum of votes won by a national minority would be divided by the number of votes sufficient to win one seat in parliament, resulting in the number of seats allocated to a minority. The seats would be allocated to the national minority political party which won the most votes. Having in mind the current election regulation in the Republic of Serbia at all levels, according to which the interests of a national minority are politically represented only through parties or coalitions of parties representing national minorities, the issue arises concerning citizen groups, i.e. whether citizen groups can represent, and under what conditions, the interests of a national minority at the local level in case the national minority is not politically organised.

Also, the analysis of implementation of measures of affirmative action indicates that they are effective in case of large and politically well-organised national minorities, resulting in Hungarian and Roma national minority parties acting individually when they represent the interest of members of those national minorities, while political parties of small minorities, if they want to participate in parliamentary life, need to enter into a coalition with various other political parties.

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Law on the Protection of Rights and Freedoms of National Minorities (“Official Gazette of the Federal Republic of Yugoslavia”, No11/02,”Official Gazette of Serbia and Montenegro”, No 1/03-Constitutional Charter, “Official Gazette of RS”, No. 72/09-State Law)

The Provincial Assembly Decision on the Election of the Members of the Assembly of the Autonomous Province of Vojvodina (“Official Gazette of AP Vojvodina”, No. 3/2012 – Consolidated Text) and

The Provincial Assembly Decision on the Electoral Units for the Election of Members of the Assembly of the Autonomous Province of Vojvodina (“Official Gazette of AP Vojvodina”, No. 12/04, 16/04-Amendments and 18/09-Change of the Title of the Act).

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Prilog 1.

	<i>Popis stanovništva 2011. godine u Republici Srbiji</i>	
	ukupno	učešće u ukupnom stanovništvu (%)
Republika Srbija	7 186 862	100,00
Srbi	5 988 150	83,32
Mađari	253 899	3,53
Romi	147 604	2,05
Bošnjaci	145 278	2,02
Hrvati	57 900	0,81
Slovaci	52 750	0,73
Crnogorci	38 527	0,54
Vlasi	35 330	0,49
Rumuni	29 332	0,41
Jugosloveni	23 303	0,32
Makedonci	22 755	0,32
Muslimani	22 301	0,31
Bugari	18 543	0,26
Bunjevci	16 706	0,23
Rusini	14 246	0,20
Goranci	7 767	0,11
Albanci *	5 809	0,08
Ukrajinci	4 903	0,07
Nemci	4 064	0,06
Slovenci	4 033	0,06
Rusi	3 247	0,05

*nepotpun podatak

Prilog 2

<i>Lokalni izbori u Vojvodini 2008-pregled učešća stranaka nacionalnih manjina</i>				
Lista	Osvojeni mandati	% Mandata	Odbornika u opštini	Opština
Magyar koalicio-Pasztor Istvan-Mađarska koalicija-Ištvan Pastor-dr Bimbo Mihalj	19	65%	29	Kanjiža
Mađarska koalicija - Ištvan Pastor	22	53%	41	Bačka Topola
Mađarska koalicija - Ištvan Pastor	12	48%	25	Mali Idoš
Mađarska koalicija - Ištvan Pastor	12	41%	29	Senta
Mađarska koalicija-Ištvan Pastor	13	36%	36	Bečej
Mađarska koalicija - Ištvan Pastor	9	31%	29	Ada
"Magyar koalicio - PŠsztor István, Mađarska koalicija - Ištvan Pastor"	21	31%	67	Subotica
Mađarska koalicija-Ištvan Pastor	8	24%	33	Temerin
Magyar koalicio - Pasztor Istvan - Mađarska koalicija - Ištvan Pastor	7	22%	31	Novi Kneževac
Građanski savez Mađara - Rac Sabo Laslo	4	13%	29	Senta
Mađarska koalicija-Ištvan Pastor	3	12%	25	Nova Crnja
Mađarska koalicija - Ištvan Pastor	3	9%	31	Žitište
Demokratska partija Makedonaca-Dr. Stevo Jačimovski	2	8%	23	Plandište
Mađarska koalicija-Ištvan Pastor	2	7%	28	Srbobran
Građanski savez Mađara - Tamaš šaš	2	6%	29	Ada
Mađarska koalicija - Ištvan Pastor - Demokratska zajednica Hrvata	2	6%	29	Apatin
Mađarska koalicija - Ištvan Pastor	2	6%	31	Novi Bečej
Mađarska koalicija - Ištvan Pastor	4	6%	61	Sombor
Crnogorska partija	1	4%	25	Mali Idoš

Slovačka narodna partija - Juraj Červenak	1	3%	31	Bački Petrovac
Unija Roma Srbije	1	3%	33	Bela Crkva
Slovačka narodna partija	1	2%	42	Bačka Palanka
Nova demokratska stranka Roma Srbije-Ferez Dermaku	1	2%	35	Beočin
Romska stranka	1	2%	35	Beočin
Magyar koalicio - Pasztor Istvan - Mađarska koalicija - Ištvan Pastor	1	2%	39	Kikinda
Mađarska koalicija	1	2%	45	Kovin
Mađarska koalicija - Ištvan Pastor	1	2%	37	Kula
Mađarska koalicija - Ištvan Pastor (SVM,DZVM,DSVM)	2	2%	67	Zrenjanin
Mađarska koalicija-Ištvan Pastor	1	1%	78	Novi Sad
Slovačka stranka	1	1%	39	Kovačica
Bunjevačka stranka Vojvodine - Branko Francišković	1	1%	67	Subotica
Alijansa vojvođanski Rumuna	0	0%	23	Alibunar
Mađarska koalicija - Ištvan Pastor	0	0%	28	Odžaci
Alijansa vojvođanskih Rumuna	0	0%	70	Pančevo
Alijansa vojvođanskih Rumuna	0	0%	45	Vršac

Prilog 3.

Zastupljenost stranaka nacionalnih manjina na lokalnim izborima u Vojvodini u 2008						
Naziv stranke	Br. Predlagača	%	Broj opština u kojima imaju osvojene mandate	%	Broj osvojenih odborničkih mandata	% ucesca u vlasti u opstinama gde su osvojili mandat
Stranke mađarske nacionalne manjine	23	65,71	20	44,44	151	17,22%
Crnogorska partija	1	2,86	1	2,22	1	4,00%
Alijansa vojvođanskih Rumuna	3	8,57	0	0,00	0	0
Bunjevačka stranka Vojvodine	1	2,86	1	2,22	1	1,00%
Demokratska partija Makedonaca	1	2,86	1	2,22	2	8,00%
Romske stranke	3	8,57	2	4,44	3	2,91%
Slovačka narodna partija	3	8,57	3	6,67	3	2,73%
Ukupno	35	100	28	62,22	161	35,86%

Prilog 4.

Lokalni izbori u Vojvodini 2012-pregled učešća stranaka nacionalnih manjina				
Lista	opština	Br odbornika	Br osvojenih mandata	%
Savez vojvodanskih mađara- Ištvan Pastor	Mali Idoš	25	8	32,00%
Crnogorska partija – Nenad Stevović	Mali Idoš	25	1	4,00%
Savez vojvodanskih mađara- Ištvan Pastor	Bačka Topola	41	16	39,02%
Demokratska stranka vojvodanskih Mađara-Andraš Agošton	Bačka Topola	41	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Kula	37	2	5,41%
Savez vojvodanskih mađara- Ištvan Pastor	Bečej	36	5	13,89%
DEMOKRATSKA ZAJEDNICA VOJVODANSKIH MAĐARA - VAJDASÁGI MAGYAROK DEMOKRATIKUS KÖZÖSSÉGE	Bečej	36	0	0,00%
Demokratska Stranka Vojvodanskih Mađara	Bečej	36	0	0,00%
Pokret mađarske nade – Balint Laslo	Bečej	36	0	0,00%
ZA SVE NAS- GRADANSKI SAVEZ MAĐARA - MINDANNYIUNKÉRT MAGYAR POLGÁRI SZÖVETSÉG	Bečej	36	0	0,00%
UNIJA ROMA SRBIJE	Opovo	25	0	0,00%
Demokratska zajednica vojvodanskih mađara - Marta Horvat Odri - VMDK - Horváth Ódry Márta	Sombor	61	1	1,64%
Savez vojvodanskih mađara- Ištvan Pastor	Sombor	61	3	4,92%
Savez vojvodanskih mađara- Ištvan Pastor	Žitište	31	3	9,68%
Rumuni-Alijansa vojvodanskih Rumuna	Vrsac	45	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Zrenjanin	67	2	2,99%
Savez vojvodanskih mađara- Ištvan Pastor	Srbobran	28	0	0,00%

Pokret mađarske nade Eržebet Gazdik	Srbobran	28	0	0,00%
Stranka vojvodanskih Slovaka	Bački Petrovac	31	2	6,45%
Savez vojvodanskih mađara- Ištvan Pastor	Pančevo	70	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Subotica	67	16	23,88%
Bunjevačka stranka - Blaško Gabrić	Subotica	67	1	1,49%
Pokret mađarske nade - Balint Laslo	Subotica	67	1	1,49%
Mirko Bajić - Savez bačkih Bunjevaca	Subotica	67	2	2,99%
Demokratska stranka vojvodanskih Mađara - Almasi Silard	Subotica	67	1	1,49%
Sve zajedno: DSH, DZVM, BDZ, GSM, SLOVAČKA STRANKA - Đ.ČOVIĆ	Subotica	67	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Senta	29	12	41,38%
Senta pripada Senčanima!Gradanski savez Mađara-Laslo Rac-Sabo	Senta	29	3	10,34%
Pokret mađarske nade	Senta	29	0	0,00%
Demokratska zajednica vojvodanskih Mađara-Jožef Berze	Senta	29	0	0,00%
Romska demokratska stranka-Tomislav Bokan	Novi Sad	78	6	7,69%
Savez vojvodanskih mađara- Ištvan Pastor	Novi Sad	78	1	1,28%
Nijedan od ponuđenih odgovora	Novi Sad	78	1	1,28%
Savez vojvodanskih mađara- Ištvan Pastor	Novi Kneževac	31	6	19,35%
Savez vojvodanskih mađara- Ištvan Pastor	Kovacica	39	1	2,56%
Stranka vojvodanskih Slovaka	Kovacica	39	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Ada	29	6	20,69%

DZVM- Čonka Aron	Ada	29	1	3,45%
Građanski savez Mađara- Tamaš Šaš	Ada	29	0	0,00%
Pokret mađarske nade- Balint Laslo	Ada	29	0	0,00%
VMSZ – Együtt Magyarkanizsa Községért – Pásztor Istvan	Kanjža	29	11	37,93%
Magyar Remény Mozgalom – László Bálint	Kanjža	29	1	3,45%
SVM HUDI ERVIN	Nova Crnja	25	3	12,00%
Savez vojvodanskih mađara- Ištvan Pastor- Ištvan Pastor	Novi Bečej	31	2	6,45%
Savez vojvodanskih mađara- Ištvan Pastor Ištvan Pastor	Kikinda	39	2	5,13%
Savez vojvodanskih mađara- Ištvan Pastor Ištvan Pastor	Čoka	25	9	36,00%
Pokret mađarske nade - Zoltan Margit	Čoka	25	0	0,00%
DZVM, GSM - JOŽEF CARA	Čoka	25	0	0,00%
Romska demokratska stranka-Asan Murina	Beočin	35	2	5,71%
Ujedinjena partija Roma-Amela Demiri	Beočin	35	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Bač	25	0	0,00%
Stranka vojvođanskih Slovaka	Bačka Palanka	42	2	4,76%
Savez vojvodanskih mađara- Ištvan Pastor	Bačka Palanka	42	1	2,38%
Savez vojvodanskih mađara- Ištvan Pastor	Temerin	33	3	9,09%
Demokratska stranka vojvođanskih Mađara-Čorba Bela	Temerin	33	3	9,09%
Stranka vojvođanskih Slovaka	Stara Pazova	48	0	0,00%
Savez vojvodanskih mađara- Ištvan Pastor	Apatin	29	2	6,90%

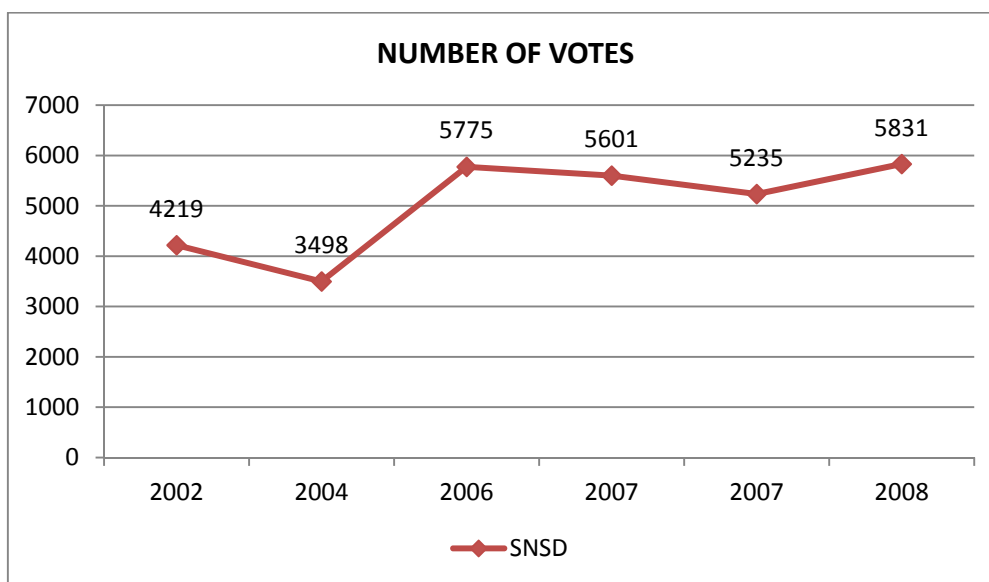
Prilog 5.

Zastupljenost stranaka nacionalnih manjina na lokalnim izborima u Vojvodini u 2012.						
Naziv stranke	Br. Predlagača	%	Broj opština u kojima imaju osvojene mandate	%	Broj osvojenih odborničkih mandata	% ucesca u vlasti u opštinama gde su osvojili mandat
Stranke mađarske nacionalne manjine	43	75,44%	21	50,00%	125	13,22%
Crnogorska partija	1	1,75%	1	2,38%	1	4,00%
Bunjevačke stranke	2	3,51%	2	4,76%	3	1,49%
Ni jedan od ponuđenih odgovora	1	1,75%	1	2,38%	1	1,28%
Romske stranke	4	7,02%	2	4,76%	8	7,10%
Stranka vojvođanskih Slovaka	4	7,02%	2	4,76%	4	5,48%
Alijansa vojvođanskih Rumuna	1	1,75%	0	0,00%	0	0
SVE ZAJEDNO: DSH, DZVM, BDZ, GSM, SLOVAČKA STRANKA - Đ.ČOVIĆ	1	1,75%	0	0,00%	0	0
Ukupno	57	100,00%	29	69,05%	142	32,57%

EXPERIENCES OF CANDIDATES ELECTED AT THE 2012 LOCAL ELECTIONS (HEADS OF MUNICIPALITIES) IN RUNNING CAMPAIGNS

Snježana Rajilić MSc, Head of the Municipality of Novi Grad

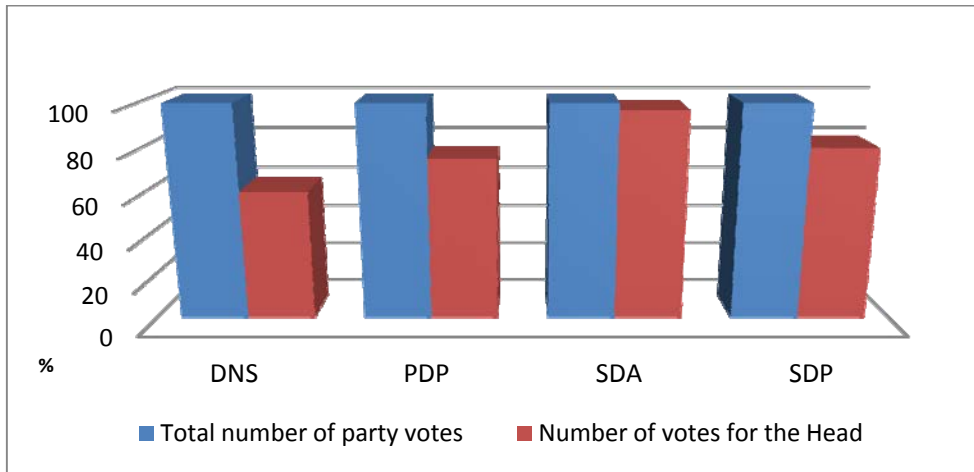
We have commenced the 2012 Local Elections campaign with the analysis of the previous election results of the general, presidential and local elections held in the 2002 – 2010 period. On the basis of that analysis per individual constituencies and settlements within a municipality, we have concluded that the party to which I belong has continually recorded a growth in the number of votes - except in 2007 when the elections for the revocation of the then Head of Municipality were held - amounting from 4219 votes in 2002 to 5831 votes won at the 2008 Local Elections.



Places where it is necessary to initiate additional activities on animating voters have been identified in order to have the best possible results achieved at the forthcoming elections.

Special emphasis has been placed upon the 2008 Local Elections where, in addition to analysing the votes of members and supporters of my party, we have also assessed the number of votes for the Head of Municipality candidate cast by coalition partners. It has been identified that the support to the joint candidate for the

Head of Municipality had been very generous, in addition to support exerted by DNS.

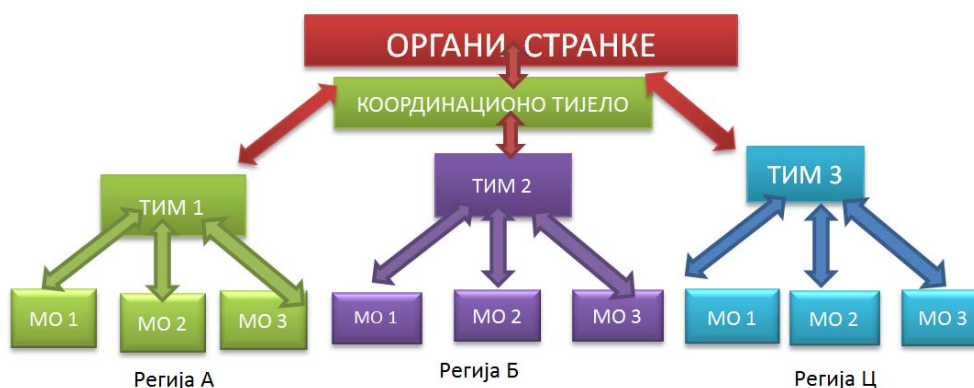


Upon the analysis we have commenced planning the activities in relation to the 2012 campaign by setting principles on the basis of which the new election campaign will be run, as follows:

- Develop campaign on the basis of results arising from the 2008-2012 term.
- Develop campaign on reasonable goals set for the 2012-2016 term.
- Refrain from running “dirty” campaigns that would be based on denigrating other political parties participating in Local Elections.
- Refrain from campaigns that would be based on belittling and offending other candidates for the Head of Municipality who come from other political options.

The Action plan for running the campaigns comprised several segments. The first segment involved Action Teams that were responsible for individual parts of the Municipality, carrying out the field activities along with the Co-ordination Body, through party municipal boards. They reported to the internal bodies of the party on a regular basis.

The field activities included meetings with the representatives of party municipal boards, Action teams’ members and citizens of certain areas aimed at assessing the needs and problems of the population in those areas.



One of the standard activities in running a campaign is rallying. The central goal of organising rallies is to introduce a wider public to the candidates for members of municipal councils and the Head of Municipality and to introduce them to the plan of activities and projects/platform to be implemented in the course of the forthcoming term.

Along with a large number of local rallies organised in larger settlements, the central rally was organised in Novi Grad Municipality and attended by the highest-ranking representatives of the SNSD.

PROMOTIONAL MATERIALS

Firstly, we have developed a local slogan that had been visibly displayed on all promotional materials carrying the official campaign slogan prepared by the SNSD municipal board.

Having in mind that the 2008 slogan was: “My House Novi Grad. Let’s Renovate and Build It Together!”, the slogan of the 2012 Local Elections read: “We Proved We Can, Together!”

МИ СМО ПОКАЗАЛИ СМО

МОЖЕМО

ЗАЈЕДНО

Along with this one, a personal slogan of the candidate for the Head of Municipality had been defined:



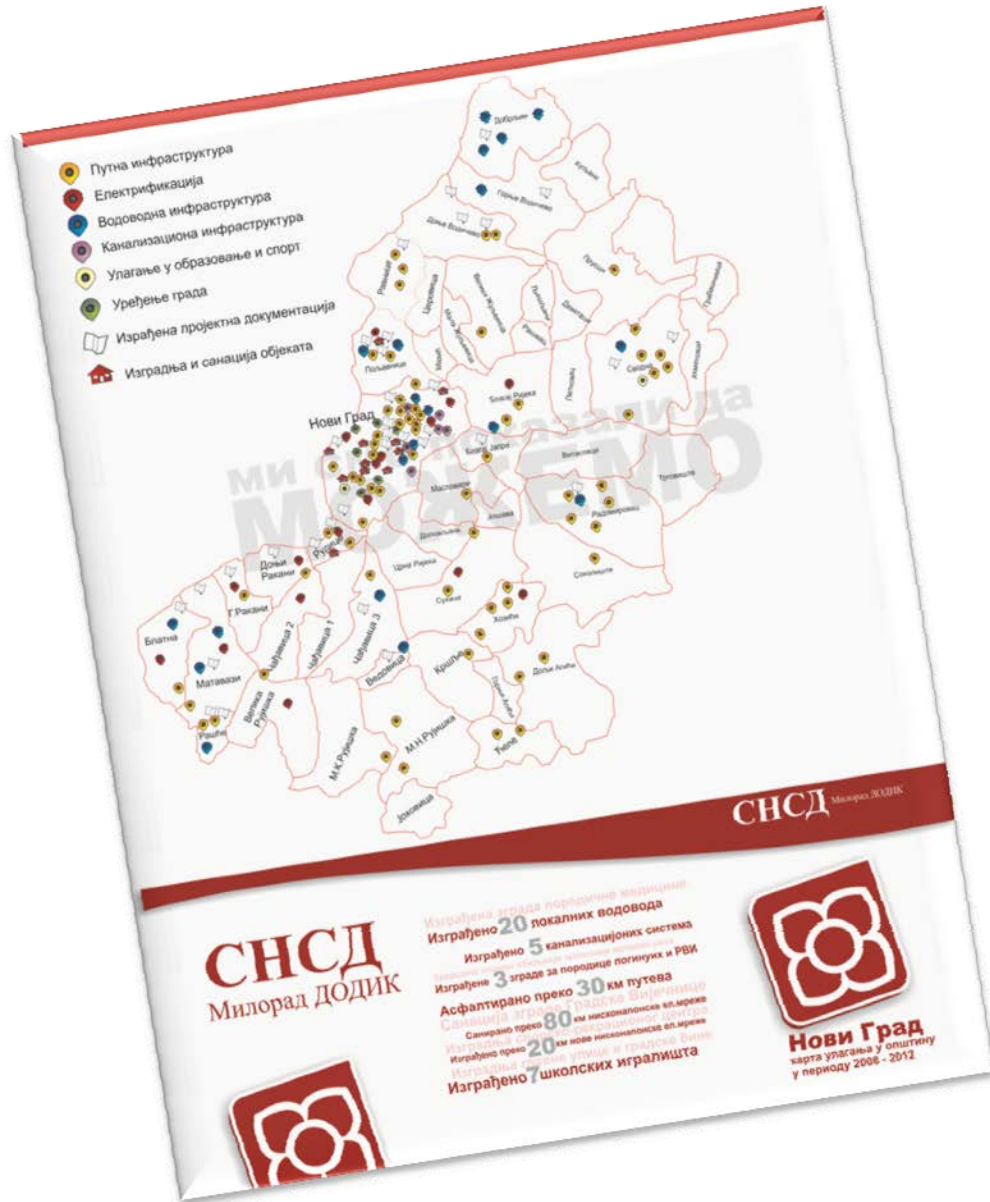
Unlike other political parties who had run for the 2012 Elections, SNSD had a reasonable platform that was presented to voters in brochures distributed at rallies.



Other standard promotional materials comprised:

- Leaflets for both the head of municipality and municipal councillors candidates,
- Posters – head of municipality candidate
- Caps – carrying the party and head of municipality candidate logos
- Pencils – carrying the party and head of municipality candidate logos
- Tote bags – carrying the party and head of municipality candidate logos

At each election, the SNSD Novi Grad has been trying to present something innovative to the citizens, a kind of promotional materials that would draw the attention of voters. This time it was the so-called “Investment Map”. It included a map of the Novi Grad Municipality with the investments precisely marked. The investments were displayed graphically and broken down by sector.



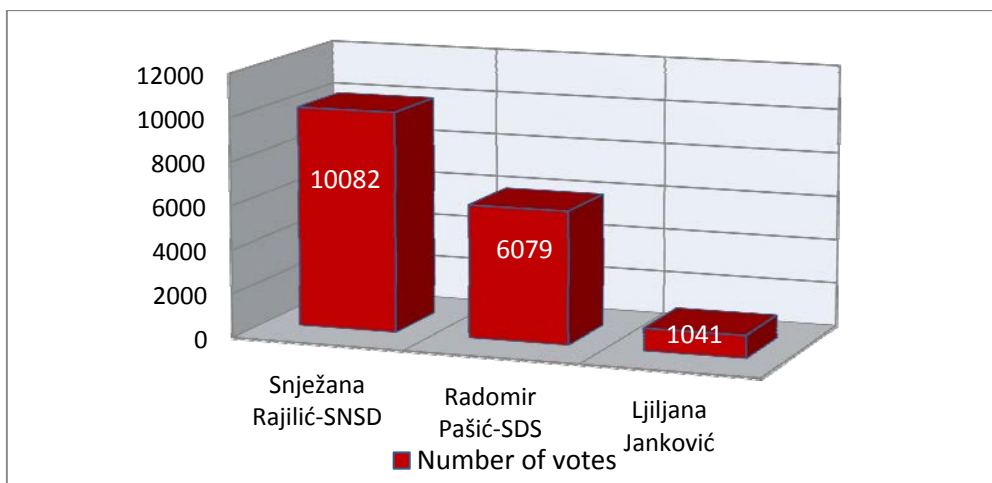
With the aim of promoting the party and the candidates, we have used Internet as one of the most powerful marketing tools. We have posted all the presentations online.



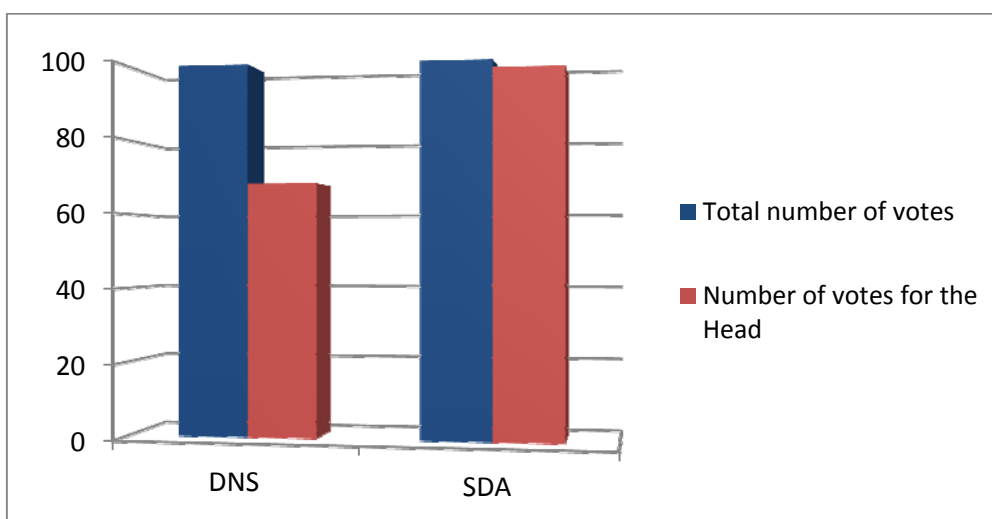
Results

The results of the 2012 Local Elections have shown and confirmed that the best method of running a campaign has been to present what had already been achieved. In that way, all the pledges toward voters signed by a party that have produced certain results will differ from what other parties running in the elections promise to voters.

Having in mind that it is much easier to win power than to maintain it, we are satisfied with the results, regardless of a low number of votes won. We should not forget that the coalition gathered around the SNSD in this electoral process comprised fewer parties than in 2008, affecting the total number of votes for the head of municipality candidate.



It is also evident that coalition partners have significantly supported the joint candidate, consequently affecting the government composition in the municipal council.



Prof. Dr. Senaid Memić, Head of the Ilidža Municipality

I am honoured and pleased to have the opportunity to address you. First of all, I would like to congratulate the Central Election Commission for their work and all those who have been participating in the electoral activities all these years. It is my opinion that it is one of the most responsible activities in any country, including, of course, in BiH.

I would also like to commend the members of the Ilidža Municipality MEC for their excellent work and activities they have conducted in the past couple of years. You all know that two election cycles were held in the past couple of years, due to sudden death of the late Amer Ćenanović. The Ilidža MEC had to invest a lot of efforts into ensuring the best possible manner of organising the elections. I was elected the Head of Municipality at both the early and regular elections.

The work of a head of municipality is quite demanding and challenging. It takes a lot of patience for and understanding of the problems faced by the citizens who come to us on a daily basis in pursuit of their rights. I believe that a period of two consecutive terms is sufficient for such a responsible function and for the first man of a municipality to carry out ideas and visions.

I also believe that we do not need twenty-five parties running, because this large number is too costly for our society. The same applies to Head of Municipality election. The optimal number of candidates running for the head of municipality is three to five, in my opinion.

I also think that we should take into consideration the month of the Election Day. I am of the opinion that the month of August is a more convenient period for holding



elections for most of our citizens, living abroad, come home for the summer holidays, students are on the summer break and the citizenry in general has less obligations.

It is our common interest that as many citizens as possible cast their votes and fulfil their civic duties thus contributing to the election credibility. A greater turnout means more interest in common wellbeing and progress. When we have more people casting their votes, no one will use the most powerful weapon in BiH, which is “I do not care about politics”, “let them do what they want” while constantly spitting on anyone trying to achieve something. For the sake of efficiency and cost-effectiveness, I think it would be good to consider the idea of holding the elections every four years, local and general elections simultaneously.

The Ilidža Municipality MEC updates the lists of new voters very efficiently each year, that is of those voters who turned eighteen, moved or deceased, as well as of all those who have the right to vote and to be elected in line with the Election Law.

At the last local elections, when I won the highest number of votes, I insisted on understanding amongst people, tolerance, solidarity, humanity and, above all, patriotism in my election campaign. If we possess all these qualities, it is very easy and simple to talk about our priorities with the citizens, about our needs and objects of building and reconstructing.

Secondly, in politics across the world, moral individuals are desirable, not those who have improper private lives, constantly hanging out in bars and hotels. Why would we not legally prescribe a ten-year candidacy ban for all those who are found lying about, framing and slandering opponents during election campaigns? I, for example, have no reasons to settle accounts with my opponents after the elections – and they have done me wrong.

I have developed a mini-strategy which I have presented to citizens at rallies and asked them to engage, make suggestions and define their priorities in order to have them all incorporated into a common strategy of development of the Ilidža Municipality to make our Ilidža more beautiful and prosperous.

In conclusion, I would like to utter a few more words. Our people, our population recognises sincere and capable individuals, regardless of all well-conceived election campaigns and all funds and lobbying. People tend to choose those who are sincere and capable and who will live up to their expectations. Thank you for giving me the opportunity to share my thoughts with you, briefly.

Predrag Kovač, Head of Istočna Ilidža Municipality

Dear members of the Central Election Commission, ladies and gentlemen, dear guests. Guests, because I come from Istočno Sarajevo and we are on the Jahorina Mountain, which forms part of Istočno Sarajevo. I greet you all and I hope that this kind of gatherings will contribute to establishing fair elections in Bosnia and Herzegovina.

I hope that at all the workshops to follow, all these people who have gained experience in conducting the elections will point out to certain necessary changes and I am certain that the Central Election Commission will continue giving its best to introduce those changes and improve our electoral processes.



The election process, as a democratic will of citizens, is an on-going process. We have elections every two years and I am convinced that the new election cycle commences when a newly-elected official enters his or office, sits down in his or her armchair and starts performing his or her elected duties. I am an example of a person, as the previous speaker - my colleague and neighbour – said, who has been elected the Head of Municipality for the third term. The third time, the easiest time. So, so long as there are people willing to perform duties as elected officials, to stand ready to serve the citizens rather than rule them and treat them equally regardless of their voting options, there is no need to restrict the number of candidacies for the same level of authority. Voters require time to realise that the real jobs have been completed, though it might not be visible at first, and that the elected representatives fulfil their election campaign pledges.

Today we have the opportunity to hear from previous speakers that all electoral races fall under a technical process. All those who adhere to strictly prescribed rules will achieve the desired election results. If they all adhere to valid legal regulations in that process, formal requirements will be met and everything will be alright.

However, we have to pose certain questions. Where do we stand as a society? Are we only in an economic crisis or also in a deep moral crisis? Is politics the end or the means? If politics is the means for all of us to work together and create conditions for a better and more meaningful life, if the results of such work will lead to leaving

better living conditions for our children and grandchildren than our forefathers have left to us, I think that politics, in that case, certainly ought to be seen solely as the means, not as the end, though today politics is the end, most frequently. A large number of candidates tend to use politics to position themselves on the lists and create conditions for themselves to grab their desired offices and gain financial benefits, while forgetting at the same time about their responsibility toward voters and duties.

In terms of legislative and executive offices, there is a major difference in responsibilities. Not a single elected legislative official is held accountable for voting in favour of something that might cost the people and country a lot, according to current laws. On the other hand, should someone from the executive government pass a detrimental decision, luckily for all of us I will say, there are certain authorities to investigate into that and indemnify both the citizens and country.

Election is a technical issue and that is visible in the fact that all of us, more or less, prepare in an identical way. Of course, that is what the western democracy has brought to us. It is quite clear how each individual is supposed to behave in an electoral cycle in order for a political entity to win the needed or expected number of votes. Should anything be neglected in that process, desired outcome would not be attained, though Bosnia and Herzegovina has a significant number of people who monitor the work of all of us who frequently call ourselves politicians and make our electoral choices on that basis. Of course, there are those who are influenced in various ways in the electoral cycle itself.

What is also very important is that should the elected government never make a large or catastrophic mistake, it might never be replaced. I come from SDS and we have had a few failures at previous elections organised for various government levels in municipalities, entities and at the level of Bosnia and Herzegovina. In the meantime, we have learned something from our political opponents and I believe that we have surpassed them, at least, at the last local elections.

It is also a fact that we have all been trying to influence in various ways the legislative authorities to amend the election laws and remove all their shortcomings in order to produce candidates of a better quality. I do not support open lists and I will tell you why. Simply because a political party which wins the elections might not fulfil the promises given to its voters within its political platform once it has assumed power and the voters will blame the political party for that. For a reason, many might say. But, is that really so? After winning the elections, the terms belong to elected officials and they can switch between different parties without bearing any consequences. Most frequently, they do that in pursuit of their personal ambitions.

By acting in that way, they prevent their political party from achieving its set goals. There are no sanctions for them or public condemnation.

I believe that this is one of the reasons why we have such a large number of political parties and a fragmented political scene, which, in turn, affects the quality of candidates on all lists. Most importantly, in our country the internal party conflicts do not cease once we have created the lists, but it, literally, lasts beyond the end of the elections, all the way to counting the preferential votes. That is certainly not good for both the voters and political parties.

Most of you will, since you have acquired extensive experience, suggest certain solutions. I hope that those solutions will be in favour of the improvement of the electoral cycle. Only within a good electoral process can those who are elected find the best solutions for the citizens and live up to their expectations. In order for this to happen, certain segments of the Election Law in effect in Bosnia and Herzegovina must be changed. By adopting, primarily, all positive lessons we have learned and the experience of neighbouring countries and beyond, we must work on creating an electoral system that will make Bosnia and Herzegovina a desirable place for living.

Hoping that this kind of conferences will produce better solutions, I greet you all and wish you a successful day.

Željko Josić MSc, Head of Domaljevac Municipality

Nowadays, all aspects of social life are connected to marketing. A marketing-based approach exists also in politics. Political marketing emerged when the politics started using the advanced and highly developed methods and techniques of commercial marketing.

Political marketing is part of the marketing of non-profit activities, as opposed to the marketing of profitable activities relating to production, consumption and trade. Theorists of the political marketing treat politics as a public service. Therefore, principles and resources in the area of the trade of goods and services may be applied to **politics**, with necessary modifications.



Politicians, in that context, are seen as a kind of entrepreneurs, while political parties fall under business corporations in their specific areas of activity.

Political marketing is focused on political market. It is oriented toward political public or citizenry and **sells the images and programmes** of candidates to them. Producers are political parties. Political marketing is nothing less than a managed

process aimed at **meeting the interests of voters** through shaping, offering and trading a political product presented within a political platform.

The following lies behind the notion of political marketing: 1) promotion of political ideas, values and programmes, 2) political communication through advertising, 3) mobilisation of political public, 4) personalisation of politics, 5) publicly supporting politicians/candidates, 6) shaping the image of politicians/candidates, 7) designing politics, 8) political manipulation, 9) political persuasion and 10) methods of governing human behaviour in politics

Similarities between Economy and Politics

What represents a company in the economic dimension is a political party in politics, economic product is the political candidate/programme, market share is the percentage of votes, product demand is the election turnout, consumers are the citizens and profit is the election result. However, there is one major difference: **in politics, the winner takes it all (!)** while in economy an interaction model is at play.

Furthermore, political marketing is marked by a **negative propaganda** which is not allowed in economy. **Emotional involvement** of people is far more present in politics.

Democracy and Political Marketing

Democracy and political marketing may be viewed in close connection to each other. Demonstration of the concept of political marketing is impossible in undemocratic societies. Democracy in politics, simply, represents competition. In totalitarian societies, only one marketing segment is used and that is **promotion (monopolistic marketing)**.

Socio-psychological Dimension of Political Marketing

Political behaviour of individuals/voters is connected to political socialisation (process of educating and preparing individuals for political conduct) and political culture (set of skills and beliefs about a political system). Political conduct is exactly what is in the focus of voters at elections. Political marketing would like to provide and answer to a complex question **“Why do people make certain decisions, how the decisions are shaped and how can they be affected”?**

One excellent method to examine the mood of voters is **public opinion survey**. Public opinion is an indirect reaction of an individual as a member of a broader

group interested in a matter. Perception of a matter itself and set of values and opinions are constantly mutually refracting.

Political Campaigning and Elections

Election, as a political market, may be defined as a mechanism of supply and demand, that is, of acceptance or rejection of a political programme. A specific application of marketing in politics takes place during the political campaign prior to the elections. A campaign is a planned, co-ordinated programme of achieving certain targeted results. So, **political campaigning** is an intentional activity focused on achieving a political goal – winning the elections. Its fundamental features include: 1) fund raising, 2) attracting volunteers 3) affecting the voters through programmes and 4) managing dimension

A political campaign must be based upon a **communication strategy** to involve the following elements: 1) selecting an issue that must be of interest to voters, 2) identifying audience or message recipients/target groups, 3) styling as a method of interaction and 4) timing – selection of the right moment (timing the campaign launch is considered to be the art of politics).

A political campaign is led by an **expert team**. The roles within that team include: 1) political candidate running in the elections, 2) head of campaign, 3) funding co-ordinator, 4) legal co-ordinator, 5) political co-ordinator, 6) PR co-ordinator, 7) candidate's schedule co-ordinator and 8) speech writer.

Election campaigning techniques can be **direct and indirect campaigns**:

Direct Campaigns include home hospitality events and parties, door to door campaigning, street campaigning and pre-election rallies attended by many people.

Indirect Campaigns include campaigning over the phone, distribution of unsolicited mail, distribution of leaflets, issuance of press releases, display of posters, organization of press conferences, campaigning using electronic media such as the Internet, radio and TV.

Political Propaganda

Political propaganda is carefully engineered and planned activity aiming at changing or retaining certain political views of individuals, groups or a society at large. Its purpose is to form and promote certain image of a political party or a candidate. Known forms of political propaganda are black, white or grey. **Black**

political propaganda is based on lies and deception, manipulation and use of all available resources to attain a certain goal, usually in the short run. **White** political propaganda is based on presentation of open and truthful facts, while **grey** political propaganda lies somewhere in between.

Conclusion

Political campaigning consists of a number of techniques aiming at making the candidate desirable to his potential constituency, introducing him to the highest number of voters possible and highlighting the differences between him and his opponents, in order to secure him optimum use of the available funding to win sufficient number of votes required to accomplish the final goal – the election victory.

It entails a broad spectrum of activities political parties and candidates undertake to promote key political ideas and values in order to win political office.

*Irena Hadžiabdić, Member of the Central Election Commission of BiH
Ermin Kos, Head of Elections Department and ICT Department*

ELECTION PROCESS ANALYSIS – 2012 LOCAL ELECTIONS

The analysis we are about to present shall not be based on the usual statistics. We believe we have elaborated on that matter enough at the time of the elections and immediately following the elections. This analysis was prepared using a specific software tool, in cooperation with the International Institute for Democracy and Electoral Assistance (IDEA) based in Stockholm. The tool we used contains



methodology and instruments necessary for detailed analysis of all relevant issues which might put the election process and the process of planning and conduct of the elections at risk. In addition, the tool also provides useful features for analysis of complex information of different type and presentation of the results using geographical mapping.

Only four countries in the world had the opportunity to work with IDEA over the past year, during the testing phase. In addition to BiH, Kenya, Columbia and Sri Lanka also

worked with IDEA. The methodology will soon become available to other election bodies worldwide.

Since we do not have much time, and given the fact that this analysis is intended to serve as an introduction and a background for your ideas and recommendations, to be shared later during workshops, we focused on the most important elements of the pre-election period, election day and the post-election period.

The main features of 2012 local elections were:

- Increase in the number of registered voters in the Central Voters' Register.
- Problems and abuses in the process of registration of voters outside BiH in the Central Voters' Register. Inadequate level of compliance with the procedures for registration of voters causing the voters outside BiH, despite being instructed

otherwise, to incorrectly fill out registration forms, fail to sign them, fail to provide complete address and enclose invalid or expired documents, which in turn, resulted in rejection of 5,855 applications for registration of voters from outside BiH. In addition, in some municipalities, such as, for example, Pelagićevo, Brčko, Zvornik, Osmaci, Novo Goražde, Vukosavlje, Brod, Srebrenica, Istočno Novo Sarajevo and Istočna Ilidža, applications for registration of voters outside BiH were submitted on behalf of those voters, without their knowledge, which is why the material was passed on to the relevant prosecutors' offices.

- During this election process, difficulties recurred with registration of displaced persons, due to incomplete and inaccurate records kept by the relevant bodies, which made it difficult to verify the identity of about 28,000 displaced persons in the Central Voters' Register to enable them to exercise their right to vote.
- We also experienced problems with registration of voters who opted to vote with the help of mobile teams, which included inconsistencies between the number of signatures on voters' registers and number of envelopes in mobile teams' bags, incorrect distribution of materials to mobile teams operating on a territory of a single municipality and reports of persons who did not have right to vote, due to failure of municipal/city election commissions to verify their data. Some supplemental voters' registers were not certified by municipal/city election commissions, and municipal/city election commissions kept increasing the number of mobile teams, even on the election day, which resulted in decision to reject certain materials.
- In general, the number of political entities and candidates certified for the elections increased compared to 2008 local elections.
- The number of accredited observers also increased, especially among citizens' associations, and for the first time ever, we decided to revoke accreditation issued to an observer in the Central Counting Centre.
- In the process of appointment of polling station committees, we received a total of 31 complaints of political entities about decisions of municipal/city election commissions on appointment of polling station committees. In 10 cases, the Central Election Commission accepted complaints and revoked first instance decisions of the municipal/city election commissions, issuing instruction to repeat the procedure.
- On election day, as a result of violations that occurred at polling stations, a total of 282 complaints were submitted to the municipal/city election commissions, in addition to a total of 48 submitted to the Central Election Commission. Those violations included preventing political parties' observers from attending counting of votes, or reviewing the voters' register, open appeals to voters to vote for a given

candidate, insertion of additional ballots into ballot boxes and provision of assistance to voters who were blind, illiterate or physically disabled, using methods other than those mandated under the Election Law.

- The most serious violations of the election rules occurred in the process of counting of ballots. The process of verification of election results indicated a high number of validation errors such as: discrepancy between the number of signatures and the number of ballots in the ballot box, candidate received more votes than his political party, discrepancy between the total number of valid and spoiled ballots and the number of ballots in the ballot box, one person voting on behalf of several voters or one voter voted several times.
- The Central Counting Centre received a total of 282 requests for recounting from 92 municipalities, while the Central Election Commission performed recounting at 25 polling stations in 15 municipalities. In addition, recounting was performed ex-officio at 183 polling stations.
- Irregularities in the process of packing recurred during this election process, since the material was not packed correctly. In addition, the required forms and voters' registers were not enclosed to packages with materials, which necessitated verification of contents of packages and recounting.

Due to these abuses, the elections for the municipal councils and heads of municipalities were repeated in Istočni Mostar, Istočni Drvar and Vukosavlje, at one polling station.

- The campaign financing rules, specifically, the requirements to present reports within the deadline mandated under the law have been violated on an unprecedented scale. Out of 85 political parties, only 44 met the requirement on time; out of 330 independent candidates, only 9 complied. Only after appeals by the Central Election Commission, political entities acted as instructed, although we still have not received post-election reports from about 20 political parties and 59 independent candidates.

Two political parties exceeded the campaign spending limit. In general, political parties invested more funds than ever into printing and display of posters.

During all stages of the election process, a total of 159 appeals were lodged to the Appellate Division of the Court of BiH, whereby 90% of decisions made by the Central Election Commission were confirmed.

Finally, the biggest drawback of 2012 elections was failure to conduct the elections in Mostar and the biggest difficulties we experience in our work result from the fact that we must rely on other bodies and their decisions, primarily the legislative bodies, which, in the case of Mostar, did not enable us to proceed.

These facts were presented in detail in our report submitted to the Parliamentary Assembly of BiH.

Finally, allow me to underline some practices which require attention:

- Abuses in the process of registration of voters in the Central Voters' Register,
- Trading with seats in polling station committees,
- Influence of political entities on voters during the period of electoral silence,
- Voting on behalf of other persons,
- Addition/subtraction of votes to/from political entities.



Only elimination of these abuses can result in recognition of our work not only by the international observers but also by the entire public of BiH.

Stjepan Mikić, Member of the Central Election Commission of BiH
Ermin Kos, Head of Elections Department and ICT Department
Ognjen Gašović, Expert Adviser for Normative and Legal Affairs

Workshop 1 – ELECTION IMPLEMENTATION BODIES



Election administration represents one of the most important links in the chain of election process and is therefore crucial to preparation and implementation of fair and democratic elections.

The workshop under the title: Election Implementation Bodies was designed and organised in the intent

to analyse and examine operations of the election administration both from the perspective of its members and the perspective of active participants in the election process. The analysis shall focus on review of substantive law of relevance to the election process and review of methods and procedures implemented by the election administration.

In constant attempt to improve the election process in Bosnia and Herzegovina and thus improve the work of the election administration, analysis of work of the election administration was performed following 2012 local elections, in order to identify weaknesses and oversights.

In the introductory part, we shall present the work of the election administration, which consists of:

- The Central Election Commission of Bosnia and Herzegovina,
- Election commissions, and
- Polling station committees.

We shall focus on implementation and the method of implementation of laws and by-laws, operations of the election administration, funding of the election

administration, the procedure of registration of voters in the Central Voters' Register and implementation of the election activities by the election administration. The analysis was made on the basis of reports received by election commissions and specific observations referring to the work of the election administration.

The analysis encompassed the following elements of operation of election commissions:

- Work of election commissions in sessions,
- Work of centres for voters' register in the process of change of voting options and verification of voters' rights,
- Appointment and training of polling station committees,
- Received and reviewed appeals/complaints,
- Compliance with requirements mandated under laws and by-laws, compliance with deadlines and performance of activities of election commissions.

The objective of the workshop is to make specific conclusions, based on discussion among participants of the workshop, and undertake and initiate appropriate action in 2013, in order to remedy the noted weaknesses.



Dr Suad Arnautović, Member of the Central Election Commission of BiH

Hasida Gušić, employee of the Secretariat of the Central Election Commission of BiH

Sanja Tošović, employee of the Secretariat of the Central Election Commission of BiH

Workshop 2 – CAMPAIGN FINANCING, LEGAL PROVISIONS AND EXPERIENCES OF PARTICIPANTS IN THE LOCAL ELECTIONS



Political party financing and campaign financing are mandated under the Law on Political Party Financing and the Election Law. Both laws are under the mandate of the Central Election Commission of BiH.

The Law on Political Party Financing was adopted in 2000. Its implementation was only partial until early 2005. Political parties only submitted their financial statements as a requirement for certification for participation in the elections, while many ignored the requirement to submit post-election and annual financial statements.

The Central Election Commission of Bosnia and Herzegovina set up its Audit Office in 2005 and assigned it to review and control financial statements and audit political parties financing. Since 2005 to date, the Audit Office audited financial statements of political parties for 2004, 2005, 2006, 2007, 2008, 2009 and 2010, issuing a total of 479 audit reports. During the same period, the Central Election Commission of Bosnia and Herzegovina issued decisions to declare fines in 202 instances and administrative measures in 38 instances, due to violations of the provisions of the Law on Political Party Financing and the provisions of Article 15.10 of the Election Law of Bosnia and Herzegovina.

Workshop under the title: “Campaign Financing, Legal Provisions and Experiences of Participants in the Local Elections” will be organised during the course of the conference under the title: “2012 Local Elections – Analysis of the Electoral Process”, with the view of facilitating exchange of experience and making recommendations for improvement of legal provisions which refer to political party and campaign financing.

The workshop will focus on the following areas of political party and campaign financing:

- New legal provisions – Law on Political Party Financing: The focus of this part of the workshop will be on review and clarification of the process of implementation of the Law on Political Party Financing which entered into force on 5 December 2012, with particular emphasis on sources of funds, limits of membership fees and limits of contributions from individuals and legal entities, in addition to prohibition of certain sources of funding.
- Chapter 15 of the Election Law of BiH: The focus of this part of the workshop will be on financial reporting responsibilities of political entities, in addition to limits of campaign spending and transparency of financing.
- The existing practice and experience of the Central Election Commission of Bosnia and Herzegovina in implementation of the Law on Political Party Financing and the Election Law of Bosnia and Herzegovina: This part of the workshop will, among other things, focus on presentation of data on sources of funds, campaign costs and audit findings.



Dr Ahmet Šantić, Member of the Central Election Commission of BiH
Radoje Šupeta, employee of the Secretariat of the Central Election Commission of BiH
Uma Isić, employee of the Secretariat of the Central Election Commission of BiH

Workshop 3 – PROTECTION OF THE ELECTORAL RIGHT



The provisions of Chapter 6 of the Election Law of Bosnia and Herzegovina (“Official Gazette of 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 and 18/13), mandate protection of the electoral right, provided by the election commissions and the Appellate Division of the Court of BiH.

A voter or a political entity whose right mandated under the Election Law of BiH has been violated, may lodge a complaint with the Central Election Commission, within the deadline mandated under the law (48 hours, or 24 hours after the violation has occurred during the election period). In addition, election commissions have the right to initiate the proceedings ex-officio, against the political entity, the employee or the person otherwise engaged with the election administration, on the ground of violation of the provisions of the Election Law of BiH. The complaints are lodged using the form detailed by the Central Election Commission of Bosnia and Herzegovina. In addition, competencies to act in the first instance have clearly been divided between the municipal election commissions and the Central Election Commission of BiH and the rule has been introduced, according to which, complaints against decisions of municipal election commissions are lodged to the Central Election Commission of Bosnia and Herzegovina, while complaints against decisions of the Central Election Commission of Bosnia and Herzegovina are lodged to the Appellate Division of the Court of BiH.

During the course of 2012 local elections, the most common violations of the electoral right included:

- Violations in the process of appointment of members of polling station committees,
 - Violations of electoral right during the course of election campaign of political entities,
 - Violations during the period of electoral silence,
 - Violations occurring on election day at the polling stations, related to the process of voting and counting of ballots, and
 - Violations identified by counting of ballots in the Central Counting Centre.
- As a result of those violations, the Central Election Commission of BiH received:
- 20 complaints against the decisions of municipal/city election commissions on appointment of members of polling station committees,
 - 17 appeals and one complaint against the first instance decision of municipal election commissions during the period of electoral silence, and
 - 283 requests for recounting of ballots.

According to data received from a total of 123 municipal/city election commissions, during the course of the election period **550** complaints were received relating to: appointment of polling station committees (**86**); election campaign violations (**113**); electoral silence violations (**26**) and election day violations at polling stations (**328**). The purpose of the workshop was to examine the situation as presented and look into experiences of members of municipal/city election commissions, in addition to experiences of political entities and non-governmental organisations, in order to propose adoption of new normative solutions or adoption of amendments to the existing ones, to reduce the number of complaints and appeals received for violations of chapters 7 and 16 of the Election Law of Bosnia and Herzegovina and improve the level of protection of the electoral right.



**CONCLUSIONS OF THE CONFERENCE UNDER THE TITLE
“2012 LOCAL ELECTIONS – ANALYSIS OF THE ELECTORAL
PROCESS”**

1. **Election Law of BiH should address:**

- **Conduct of extraordinary elections,**

Chapter 14 of the Election Law of BiH regulates repeated, postponed and early elections, while extraordinary elections are not regulated, and the necessity of introduction of this type of elections has been identified.

- **Polling Station Committee presidents and deputy presidents to be appointed by municipal/city election commissions based on their records**

The provisions of Article 2.13 of the Election Law of BiH mandate that municipal/city election commissions are responsible for appointment and training of members of polling station committees, in addition to being responsible for accurate counting of ballots at polling stations and in municipal/city counting centres. To that end, municipal/city election commissions should appoint the most appropriate member of the polling station committee to serve as its president, giving his role a more professional dimension. The practice indicated that the right of political entities to participate in the process of a draw and appointment of members of polling station committees was frequently abused (by letting other political entity exercise the right).

- **Voters voting with the assistance of mobile teams to use tendered ballots**

Personalisation of data could make it possible to tie ballots to individual voters entitled to vote with the assistance of mobile teams, while the rest of the ballots would be declared spoiled. To date, whenever it was found that a given ballot box contained more ballots than the number of signatures on supplemental voters' register, all of the ballots in the ballot box were declared spoiled, since it was not possible to identify voters who were not entitled to vote with the assistance of mobile teams.

- **IT technologies to be used in the electoral process**

Casting votes electronically, as a modern form of voting, would significantly contribute to prevention of electoral manipulation which frequently occurs during the process of voting, especially once polling stations close (during the process of counting of ballots and entering election results).

- **Protection of electoral right (submission of complaints and appeals) to be regulated in a way to avoid three instances in the proceedings**

The entire Chapter 6 – Protection of the Electoral Right, should be revised.

- **Sanctions to be mandated for political entities which fail to provide post-election financial statements**

The Election Law of BiH mandates maximum amount of campaign spending for elections at all levels, as well as the requirement for the political parties and independent candidates to present to the Central Election Commission their financial statements for the period commencing three months prior to the day of submission of application for certification for the elections and the financial statement for the period commencing on the day of announcement of election results in the Official Gazette of Bosnia and Herzegovina. The Election Law of BiH does not stipulate sanctions for failure to comply with the requirement to submit financial statements.

- **Provisions to be developed to define percentages of representation of less represented gender in the election administration and on candidates' lists**

The provisions on equal gender representation, as mandated under the Law on Amendments to the Election Law of BiH (Official Gazette of BiH, No: 18/13), cannot be implemented in the process of appointment of members of election commissions, polling station committees or the process of composition of candidates' lists.

2. **Separate law to be adopted to deal with conduct of local elections in BiH**

Article 1.1 of the Election Law of Bosnia and Herzegovina mandates election of members and delegates of the Parliamentary Assembly of BiH and members of the Presidency of BiH, in addition to defining the principles which apply to elections at all levels in BiH. The Election Law of Republika Srpska mandates that the election of all local officials (councillors in municipal assemblies) is to be performed in line

with the provisions of the Election Law of BiH, while the election and dismissal of heads of municipalities are precisely defined.

In the Federation of BiH, only election and dismissal of heads of municipalities are defined under the provisions of the Law on Election, Expiration of Mandate, Dismissal and Replacement of Heads of Municipalities in the Federation of Bosnia and Herzegovina.

3. The Law on Political Parties in BiH to be adopted

The Law on Political Parties would fully address the process of registration of political parties under the same conditions and with the single register of political parties, which would significantly simplify implementation of the Election Law of Bosnia and Herzegovina and eliminate many of the ambiguities in terms of certification of political parties for participation in the elections.

4. The Law on Political Party Financing should address the following issues:

- Political entities to conduct their business using a single account (account for political party financing – to be used within the treasury system)

Using a single account for these purposes is the only way to ensure full transparency of income and expenditures of political parties and make the work of oversight bodies more efficient.

- Funding of political entities from the budget at all levels to be organised in a consistent manner

Unified rules of financing at all levels shall guarantee proper insight into the amount of budget funds distributed to political entities at each level.

5. Media to serve to inform the voters of the work of election administration and conduct of their activities

Given the importance of the role of municipal/city election commissions (appointment of polling station committees, operation of centres for voters' register, issuance of accreditations to observers, election day activities, etc.), the public should be informed in detail of the work of election commissions, especially during the election period.

6. Report on implementation of conclusions of the previous conference to be included on the agenda of each of the subsequent conferences of the election administration

That way, analysis of implementation of conclusions of the previous conference would be made and conditions would be created to more objectively assess new commitments and suggestions given to bodies responsible to act on adopted conclusions.



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