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Elections in Bosnia and Herzegovina

2018 General Elections

Frequently Asked Questions

Europe and Eurasia

International Foundation for Electoral Systems

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Frequently Asked Questions

- When is Election Day?..... 1
- What are citizens voting for on Election Day? 1
- What is the legal basis of the elections?..... 2
- Were there any changes in the boundaries of the electoral districts? 2
- What are the election management bodies? 2
- Who is eligible to vote in the elections? 2
- How many registered voters are there? When did the registration take place? 3
- Is out-of-country voting allowed?..... 3
- Where and how will voters cast their ballot? 3
- How will voters be ensured access to information about the elections?..... 3
- What provisions are in place to promote the equal participation of women? 4
- What provisions are in place to promote the equal participation of ethnic minorities? 4
- What provisions are in place to promote the equal participation of internally displaced people? 4
- How will voters with disabilities cast their ballots? Do the electoral authorities guarantee equal access to voting places? 5
- Who may observe during the elections? How can the observers get the accreditation?..... 5
- How are the votes counted and tabulated? Who performs the counting and tabulation? 5
- When will official results be announced? 5
- How will election disputes be adjudicated? 6
- Resources 7

Disclosure:
These FAQs reflect decisions made by the BiH elections authorities as of October 4, 2018, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.

When is Election Day?

According to the Election Law, the elections at all levels of authority in Bosnia and Herzegovina (BiH) shall be held on the first Sunday in October unless the date conflicts with observance of a religious holiday of one of the constituent peoples of BiH.¹ Therefore, the Central Election Commission called for the general elections to be held on Sunday, October 7, 2018.²

What are citizens voting for on Election Day?

Bosnia and Herzegovina (BiH) is a federal parliamentary republic composed of two entities: the Federation of Bosnia and Herzegovina (FBiH), predominantly Bosniak-Croat, and Republika Srpska (RS), predominantly Serb. In addition, Brčko District, which is ethnically mixed, holds a special status as a unit of local self-government within BiH.³

The citizens will vote for the presidency and the House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina (BiH HoR) (state level), for the House of Representatives (FBiH HoR) and ten Cantonal Assemblies of the FBiH, as well as for the president, vice presidents and for the National Assembly of the RS (RS NA) (entity levels).⁴ All mandates are allocated for a four-year term. In addition, indirect elections will be held for the upper houses of parliaments of state and of both entities, as well as for the FBiH president and two vice presidents.

The presidency of BiH shall consist of three members elected by simple majority on two separate candidate lists: one Bosniak and one Croat, each directly elected from the territory of the FBiH (a FBiH voter may vote for either the Bosniak or Croat, but not for both), and one Serb directly elected from the territory of the RS.⁵ Voters in Brčko District vote either for elections in FBiH or in RS, depending on their entity citizenship. The presidency rotates every eight months.⁶

BiH HoR shall consist of 42 members, 28 directly elected by voters from the FBiH and 14 from the RS.⁷ The FBiH HoR has 98 directly elected members; the RS NA has 83 directly elected members. The RS president and two vice presidents are elected by a simple majority system. The distribution of the votes at all levels is very complex and includes various provisions.

¹ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Article 1.14, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

² Decision on Calling and Administering the 2018 General Elections in Bosnia and Herzegovina, CEC, available on http://www.izbori.ba/Documents/Opci_izbori_2018/O/Decision_on_calling_and_administering_elections.pdf

³ Constitution of Bosnia and Herzegovina, Article I.3, available on http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf

⁴ Decision on Calling and Administering the 2018 General Elections in Bosnia and Herzegovina, CEC, available on http://www.izbori.ba/Documents/Opci_izbori_2018/O/Decision_on_calling_and_administering_elections.pdf

⁵ Constitution of Bosnia and Herzegovina, Article V, available on http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf

⁶ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Article 8.3, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

⁷ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Article 9.1, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

What is the legal basis of the elections?

General elections are primarily regulated by the 1995 Constitution and the 2011 Election Law, which was last amended in 2016, supplemented by the 2012 Law on Financing Political Parties and the 1997 Law on Citizenship, as well as by regulations issued by the Central Election Commission.⁸

Were there any changes in the boundaries of the electoral districts?

Authorities have a legal obligation to review electoral boundaries every four years to ensure a balanced distribution of seats among constituencies and equal voting power. However, apart from some adjustments in the Republika Srpska, this has not taken place for several electoral cycles. In June 2017, the Central Election Commission sent letters to the state as well as federal parliaments reiterating the need to review constituency boundaries, which were ignored.⁹

What are the election management bodies?

The upcoming elections are organized by the Central Election Commission (CEC), 143 Municipal Election Commissions (MECs)¹⁰, and 5,649 Polling Station Commissions (PSCs). The CEC shall consist of seven members elected for seven years: two Croats, two Bosniaks, two Serbs, and one other member.¹¹ MECs are permanent bodies consisting of three, five or seven members depending on the size of the municipality and should reflect the ethnic proportion of the relevant municipality according to the last census. The PSCs shall consist of three or five members depending on the size of the polling station. PSC members are appointed by the respective MECs. All parties and independent candidates have the right to nominate PSC members, randomly assigned through a lottery organized by the CEC.¹²

Who is eligible to vote in the elections?

Each citizen who is 18 years or older shall have the right to vote and to be elected. The citizens must be recorded in the Central Voters' Register (CVR) and shall have the right to vote in person in the municipality of their permanent residence. The CVR shall not contain names of citizens whose full legal

⁸ Organization for Security and Co-operation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) Needs Assessment Mission Report, June 25-27, 2018, page 6, available on <https://www.osce.org/odihr/elections/389348?download=true>

⁹ OSCE/ODIHR Needs Assessment Mission Report, June 25-27, 2018, page 8, available on <https://www.osce.org/odihr/elections/389348?download=true>

¹⁰ Decision on Number of Members of the Electoral Commission of the Basic Constituency in Bosnia and Herzegovina, CEC BiH, available on http://www.izbori.ba/Documents/2018/Izbori/Odluka_o_broju_clanova_IK-bos.PDF

¹¹ All election commission must have multi-ethnic composition reflecting representation of the constituent peoples (three main nationalities) including the "others." "Others" are self-declared as members different from one of the three constituent peoples, i.e. they are deprived of certain passive voting rights. "Others" are seventeen groups of officially recognized national minorities, listed in footnote 20.

¹² Election Law of Bosnia and Herzegovina (unofficial consolidated text), Articles 2.5, 2.12, 2.14 and 2.19, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

capacity has been withdrawn by the final and binding decision of a competent authority. Citizens charged with serious violations of law, including war crimes, are deprived of voting as well.¹³

How many registered voters are there? When did the registration take place?

Voter registration is passive. The Central Election Commission (CEC) maintains the Central Voters' Register (CVR) based on the population register of the Ministry of Civil Affairs. On August 23, the CEC finalized the CVR and, on August 30, announced the total number of registered voters as 3,352,933.¹⁴

Is out-of-country voting allowed?

A citizen, who is temporarily residing abroad and has the right to vote, shall be entitled to vote in person, by appearing at an appropriate polling station in Bosnia and Herzegovina (BiH) or at a diplomatic and consular representation office of BiH abroad, or by mail. However, voters voting abroad need to register for all elections with Central Election Commission,¹⁵ and 77,814 voters have registered to vote abroad by mail or in ten polling stations established at diplomatic or consular offices.

Where and how will voters cast their ballot?

The polling stations will be open from 7:00 a.m. to 7:00 p.m. Each voter shall present a valid personal document upon arrival at the polling station. After the voter's name is found on the excerpt from the Central Voters' Register, the voter shall sign the excerpt and a commission member shall issue ballot papers to the voter and shall direct him or her to a voting booth, so the voter can mark the ballot papers. After voting, the voter shall fold ballot papers to protect the secrecy of the vote and shall put them into the ballot box.¹⁶

How will voters be ensured access to information about the elections?

The Central Election Commission shall develop a voter education campaign on how to mark the different types of ballots with the aim to address the problem of an extraordinary high number of invalid ballots observed during previous elections.¹⁷

¹³ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Articles 1.4, 1.5, 1.6, 1.7 and 3.2, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

¹⁴ A Decision on Concluding and Confirming the Statements from the Central Voter List for the General Elections 2018 and Publishing the Number of Voters for Each Election Unit, CEC BiH, available on http://www.izbori.ba/Documents/Opci_izbori_2018/O/DOC018-bos.PDF

¹⁵ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Article 1.5 and 3.15, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

¹⁶ Rulebook on Conduct of Elections in Bosnia and Herzegovina, Article 19 (1) and (2), available on http://www.izbori.ba/Documents/Opci_izbori_2018/P/Rulebook_on_conduct_of_elections_in_BiH.pdf

¹⁷ OSCE/ODIHR Needs Assessment Mission Report, June 25-27, 2018, page 8, available on <https://www.osce.org/odihr/elections/389348?download=true>

What provisions are in place to promote the equal participation of women?

Every candidate list shall include male and female candidates, who are equally represented. Equal representation shall exist when one of the genders is represented with a minimum of 40 percent of the total number of candidates on the candidate list.¹⁸ The Central Election Commission (CEC) registered 3,515 candidates, of whom 42 percent are women and 58 percent are men.

According to the 2016 legal amendments, all election commissions should include at least 40 percent of less represented gender as well, with the exception of three-member commissions, in which both genders should be represented. One out of seven CEC members and 46 percent of all Municipal Election Commissions (MEC) members are women, but women chair only one-third of the MECs.¹⁹

What provisions are in place to promote the equal participation of ethnic minorities?

The legal framework enshrines ethnicity-based restrictions on the right to stand for office, with citizens who do not identify themselves as Bosniak, Croat or Serb (the three constituent peoples) barred from standing for the presidency at the state and federal levels. Seventeen groups are officially recognized in Bosnia and Herzegovina as national minorities.²⁰ Most of these are very small in numbers. The largest minority is Roma, with some 12,583 members according to the 2013 census, but their actual number is considered to be significantly higher.²¹ However, there are no special provisions to address these groups ahead of the general elections.

What provisions are in place to promote the equal participation of internally displaced people?

Voters who have the status of internally displaced persons can opt where they want to vote based on residence of 1991 census. They can either vote at the relevant polling station where they are permanently registered or in an “absentee polling station.” Absentee polling stations are for voters voting in the municipality where they temporarily live but for the electoral unit in which they are registered.²²

¹⁸ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Article 4.19, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

¹⁹ OSCE/ODIHR Interim Report, September 21, 2018, pages 5 and 6, available on <https://www.osce.org/odihr/elections/bih/397043?download=true>

²⁰ Albanians, Czechs, Germans, Hungarians, Italians, Jews, Macedonians, Montenegrins, Poles, Roma, Romanians, Russians, Ruthenians, Slovaks, Slovenians, Turks and Ukrainians. The Austrian minority was recently recognized and is represented, alongside the other ones, in the state level National Minority Council.

²¹ OSCE/ODIHR Interim Report, September 21, 2018, page 9, available on <https://www.osce.org/odihr/elections/bih/397043?download=true>

²² Election Law of Bosnia and Herzegovina (unofficial consolidated text), Article 20.8, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

How will voters with disabilities cast their ballots? Do the electoral authorities guarantee equal access to voting places?

Assisted voting is allowed by law and voters with disabilities can choose another person to help cast the ballots. Moreover, the voting process for citizens who are homebound, confined to medical institutions or voters who will vote in prisons or detention units will be organized by election commissions' mobile teams that shall visit voters at their homes or institutions.²³

Who may observe during the elections? How can the observers get the accreditation?

Representatives of international observation missions, associations of citizens, political parties, coalitions, lists of independent candidates and independent candidates may observe all electoral activities in Bosnia and Herzegovina if they are accredited in accordance with the law. The Central Election Commission shall accredit international and citizen observers. Municipal Election Commissions (MECs) shall accredit observers who will observe the work of the MEC, Central Voters' Register, Polling Station Commissions and any other relevant location in its jurisdiction.²⁴

How are the votes counted and tabulated? Who performs the counting and tabulation?

The ballot papers shall be counted immediately after closing of the regular polling stations by the members of the respective commission. The votes will be counted in this sequence: presidential, parliamentary, entity and cantonal elections.²⁵

When will official results be announced?

The Central Election Commission (CEC) shall, no later than five hours after closing of the polling stations, publish first incomplete preliminary results from the regular polling stations. The CEC shall determine and publish the election results after consolidation of the results of the vote from the regular polling stations and the results obtained by counting the votes at the Main Center for Counting no later than 20 days following Election Day.²⁶ Election results will be published on the CEC website broken down by municipality and polling station.

²³ Rulebook on Conduct of Elections in Bosnia and Herzegovina, Article 21 and 24, available on http://www.izbori.ba/Documents/Opci_izbori_2018/P/Rulebook_on_conduct_of_elections_in_BiH.pdf

²⁴ Election Law of Bosnia and Herzegovina (unofficial consolidated text), Articles 17.1, 17.3 – 17.5, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

²⁵ Rulebook on Conduct of Elections in Bosnia and Herzegovina, Article 37, available on http://www.izbori.ba/Documents/Opci_izbori_2018/P/Rulebook_on_conduct_of_elections_in_BiH.pdf

²⁶ Rulebook on Conduct of Elections in Bosnia and Herzegovina, Article 60 (4) and 65, available on http://www.izbori.ba/Documents/Opci_izbori_2018/P/Rulebook_on_conduct_of_elections_in_BiH.pdf

How will election disputes be adjudicated?

Any voter and political entity may file a complaint with the election commission no later than 48 hours, or within 24 hours in the election period after an electoral violation occurred. The Central Election Commission (CEC) shall have first-instance competence to decide complaints submitted for violation of the rules of election process or electoral rights. Decisions of election commissions may be appealed to the CEC within 48 hours following the receipt of the first-instance decision. The appeals to the CEC decisions should be adjudicated by the Appellate Division of the Court of Bosnia and Herzegovina whose decisions are final. The election commissions or the courts shall adjudicate the complaint and make a decision within 72 hours.²⁷

²⁷ Election Law of Bosnia and Herzegovina (Unofficial consolidated text), Articles 6.2-6.9, available on http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf

Resources

- Election Law of Bosnia and Herzegovina (unofficial consolidated text)
http://www.izbori.ba/Documents/documents/ZAKONI/BiH_Election_Law_last_consolidated_version_2018.pdf
- Decision on Calling and Administering the 2018 General Elections in Bosnia and Herzegovina
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- Constitution of Bosnia and Herzegovina
http://www.ccbh.ba/public/down/USTAV_BOSNE_I_HERCEGOVINE_engl.pdf
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