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Republic of Montenegro

ELECTORAL LAW

(Official Gazette of the Republic of Montenegro,
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F Clifton White Resource Center
International Foundation for Election Systems

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I BASIC PROVISIONS

Article 1

The present Law regulates elections and end of term of office/mandates of municipal and capital city councilmen and representatives in the Assembly (Parliament) of the Republic of Montenegro (hereinafter: the Republic Assembly), as well as the protection of the voting rights.

Article 2

Citizens elect councilmen and representatives through exercising their free, general, equal and direct voting rights, and by secret ballot.

No one can, on whatever grounds, be called to account for his voting, or be asked to state who he voted or not voted for.

Article 3

In the municipal and the capital's assemblies (hereinafter: Municipal Assembly) 30 councilmen are elected and an additional councilman per every 5,000 voters.

Article 4

Councilmen and representatives are elected in electoral units (constituencies) on the basis of lists of candidates of political parties and lists proposed by groups of citizens (hereinafter: election list, slate).

The councilmen's and representatives' seats are distributed proportional to the number of received votes cast.

Article 5

The term of office for councilmen and representatives is four years. Councilmen and representatives commit themselves and vote by conviction.

A councilman or representative cannot be recalled.

Article 6

Citizens have the right to be, by means of public information media, informed about the election programmes and activities of nominating parties and about candidates whose names appear on election lists.

To provide for the exercise of the above stated right, mass media shall consistently adhere to principles of equality of all nominating parties and all candidates on the election lists.

The election campaign through the media of public information and public meetings shall cease 48 (forty eight) hours before the polling day.

Article 7

The election administration bodies are election commissions and polling committees.

Article 8

The protection of the voting rights is provided by the election commissions, the Constitutional Court of Montenegro, and competent courts.

Article 9

The funds for holding elections are provided by the Republic Budget for the election of representatives and by municipal budgets for the election of councilmen.

No taxes or fees shall be paid for any deeds, petitions and other written documents related to the administration of elections and termination of end of mandates/terms of office of councilmen and representatives.

II VOTING RIGHT

Article 10

The voting right includes the rights of citizens to: vote and be elected; nominate and stand for elections; decide on nominated candidates and election lists; publicly pose questions to candidates; timely, true, full and objective information about programmes and activities of the nominating parties and candidates on election lists; exercise other rights as provided by this Law.

Article 11

Yugoslav citizens aged 18 or over, with civil capacity and residing in the Republic (of Montenegro) for at least six months prior to the polling day (hereinafter: the voters), have the right to vote for and be elected councilmen or representatives.

The right of electing councilmen and representatives as provided for in the above paragraph is enjoyed by the voters whose place of residence is in the given electoral unit.

Article 12

The office of a councilman or representative is incompatible with the offices of: the President of the Republic, the president or a judge of the Constitutional Court of Montenegro, and a holder of a jurisdictional office.

The above offices shall be terminated on the day of verification of the councilman's or representative's mandate/term of office.

III ELECTORAL UNITS (CONSTITUENCIES)

Article 13

ELECTIONS OF COUNCILMEN ARE HELD WITHIN THE MUNICIPALITY, ACCORDING TO ELECTION LISTS, IN ONE OR MORE ELECTORAL UNITS.

THE ELECTORAL UNITS REFERRED TO HEREINABOVE ARE DETERMINED BY THE MUNICIPAL ASSEMBLY'S SPECIAL DECISION.

Article 13a

ELECTIONS OF REPRESENTATIVES ARE HELD IN THE REPUBLIC, ACCORDING TO ELECTION LISTS, IN ONE OR MORE ELECTORAL UNITS.

THE HEREINBEFORE MENTIONED ELECTORAL UNITS ARE DETERMINED BY THE REPUBLIC ASSEMBLY'S SPECIAL DECISION, IF NOT OTHERWISE PROVIDED BY THIS LAW.

Article 13b

THE NUMBER OF COUNCILMEN AND REPRESENTATIVES IN ELECTORAL UNITS IS DETERMINED TO BE PROPORTIONAL TO THE NUMBER OF ELECTORS IN PREVIOUS ELECTIONS IN THE GIVEN ELECTORAL UNIT.

IV CALLING FOR (WRITS OF) ELECTIONS

Article 14

The elections of councilmen and representatives are called for by the President of the Republic who sets the dates for holding election activities provided for by the present Law, and determines the polling day.

The writs of elections are published in the *Sluzbeni list Republike Crne Gore* (Official Gazette of the Republic of Montenegro).

Article 15

The elections of councilmen and representatives are held within not less than 15 (fifteen) days prior to the date on which the previous election period (term of office) of councilmen and representatives ends.

Not less than 60 (sixty) and no more than 100 (hundred) days shall pass between the call-for-elections and the polling days.

The term of office/mandate of councilmen and representatives of previous assemblies shall cease on the day of verification of terms of office/mandates of new assemblies of councilmen and representatives.

The verification referred to hereinabove is to be done within 15 (fifteen) days of the polling day.

Article 16

In the cases of termination of the operations of the Republic Assembly, of dissolution of the Republic Assembly, or cessation of the term of office of representatives by decision of the Republic Assembly, the President of the Republic calls for new elections within seven days of the termination day of the term of office of the Assembly, or on the day of its dissolution, or on the day of coming into effect of the decision on cessation of the term of office/mandate of representatives.

V ELECTION BODIES

Article 17

Bodies in charge of administering election of councilmen and representatives are independent in performing their duties and operate in conformity with the present and other laws and enacted law-based regulations.

The election bodies are responsible for their work to the authorities that appoint them.

All authorities and organisations shall offer their help to the election bodies and provide them with all data needed for their operation.

Article 18

Election bodies perform their duties in their permanent composition (appointed members) and extended composition (authorized representatives).

Any nominating party with the verified and announced (publicized) election list has the right to appoint its authorized representatives to the election bodies.

Two or more nominating parties can appoint a joint authorized representative to an election body.

Article 19

Election commissions are appointed for the period of four years, and polling committees for each election of councilmen and/or representatives.

The bodies for administering elections work in the extended composition as of the day of verification of their composition and in conformity with the provisions of this Law, until the end of elections.

Article 20

The chairman, the secretary, and the appointed and/or authorized members of an election commission, and their deputies, then the chairperson, the appointed and authorized members of a polling committee and their deputies - may be only the persons with voting rights and may not be nominated for elections of councilmen or representatives.

The duties in the election bodies for persons referred to in para 1 hereinabove shall automatically cease with their accepting to be nominated and run for councilmen or representatives.

Article 21

The election bodies make their decisions by the majority of votes of their members.

Article 22

The activities of election bodies are open.

The members of election bodies and other persons monitoring the operations of election bodies shall act according to the rules of conduct laid down by the Republic Election Commission.

Should any person referred to in para 2 hereinabove break the rules of keeping order at polling stations or in some other way obstruct the work of an election body, the latter may remove such person(s) and enter the data on this in its record.

A candidate whose name is on the approved and announced election list cannot attend (to) the work of election bodies.

1. Election commissions

Article 23

Election commissions are Municipal and the Republic Election Commissions.

Article 24

Municipal Election Commissions in their permanent composition are appointed by Municipal Assemblies.

The composition of Municipal Election Commissions are publicized in the "Official Gazette of Montenegro - Municipal Ordinances".

Article 25

A Municipal Election Commission is composed of: the chairman, the secretary, and three members of the permanent composition, as well as one authorized representative of each of the nominating parties.

Deputies are appointed to the chairman and permanent members of Municipal Election Commissions.

The chairman of a commission and his deputy are appointed from the ranks of the judiciary functionaries, and its permanent members and their deputies, as a rule, from the stratum of graduate lawyers (LL.B.s).

EXCEPTIONAL TO THE PROVISIONS OF PARA 3 HEREINABOVE, IN THOSE MUNICIPALITIES WHERE THERE ARE NO JUDICIARY FUNCTIONARIES, THE CHAIRMAN OF THE COMMISSION AND HIS DEPUTY ARE APPOINTED FROM THE RANKS OF GRADUATE LAWYERS (LL.B.s).

Article 26

Within 48 (forty eight) hours of the acknowledgement of an election list, the Municipal Election Commission renders a decision establishing which of the nominating parties has fulfilled the conditions for appointing their representatives in the extended composition of this body.

The Municipal Election Commission delivers to the nominating parties its resolution on fulfillment or non-fulfillment of conditions for appointing representatives of the nominating parties to its extended composition within 24 (twenty four) hours of passing such a resolution.

The nominating parties appoint their authorized representatives in the extended composition of the Municipal Election Commission and notify it accordingly; the latter shall, within 24 (twenty four) hours of the delivery of such notification, define by name the persons who become its members.

If a nominating party fails to appoint its authorized representative to the permanent composition of a Municipal Election Commission not later than five days prior to the polling day, the Municipal Election Commission will work and render valid decisions in the absence of those persons.

Article 27

A Municipal Election Commission:

1. is in charge of a lawful administration of elections;
2. organizes technical preparations for the administration of elections;
3. sets up polling stations for election of councilmen and representatives;

4. forms polling committees and appoints chairmen and members of polling committees for election of councilmen and representatives;

5. determines the number of ballot papers for each polling station, verifies them and together with the verified extracts from the electoral register delivers them with a written record (protocol) to polling committees;

6. judges whether the lists for election of councilmen were made and submitted in conformity with the provisions of the present Law;

7. confirms and announces the councilmen's election lists;

8. establishes the results of elections of councilmen, the number of votes for each election list, as well as the number of mandates (seats) won by each councilmen's election list;

9. issues certificates to elected councilmen;

10. establishes the overall results of election of representatives in its respective constituency by each polling station, and reports accordingly to the Republic Election Commission;

10a. MAKES AND SUBMITS TO THE REPUBLIC ELECTION COMMISSION A SEPARATE REPORT ON ELECTION OF REPRESENTATIVES FROM THE AREA(S) OF THE RESPECTIVE MUNICIPALITY THAT, IN CONFORMITY WITH THE PRESENT LAW, IS (ARE) PART(S) OF ANOTHER ELECTORAL UNIT;

11. publicizes the results of election of councilmen;

12. submits the data on the results of election of councilmen to the Municipal Assembly;

13. submits the data on the results of election of councilmen to relevant bodies for collecting and processing statistical data; and

14. performs other duties provided for by the present Law.

Article 28

The Municipal Election Commission adopts regulations of its activities.

The conditions of operations of Municipal Election Commissions are provided by Municipal Assemblies.

Article 29

The permanent composition of the Republic Election Commission is appointed by the Republic Assembly.

The composition of the Republic Election Commission is publicized in the "Official Gazette of the Republic of Montenegro".

Article 30

The Republic Election Commission is composed of: the chairman, the secretary, and five permanent members, as well as of one of authorized representatives of each of the parties nominating candidates for elections.

Deputies are appointed to the chairman and the permanent members of the Republic Election Commission.

THE CHAIRMAN AND HIS DEPUTY ARE APPOINTED FROM THE RANKS OF DISTINGUISHED HOLDERS OF JUDICIARY TITLES.

The secretary of the Republic Election Commission is appointed from among the experts in electoral system(s) and is a full-time employee of a republic authority in charge of the election system and organisation of government.

The members of the Republic Election Commission and their deputies are appointed from the stratum of judiciary functionaries and other distinguished lawyers.

Article 31

The Republic Election Commission, 48 (forty eight) hours of rendering a resolution on promulgating election list(s), determines and makes a record of which of the nominating parties have satisfied the requirements for appointing their representatives in the extended composition of this body.

The conclusion on the fulfillment or non-fulfillment of conditions for the appointment of the nominating parties' to its extended composition, the Republic Election Commission delivers to the nominating parties within 24 (twenty four) hours of drawing such a conclusion.

The nominating parties appoint their authorized representatives in the extended composition of the Republic Election Commission and inform the Republic Election Commission on this; the latter will, not later than 24 (twenty four) hours following the hour of submitting the said information, in the form of a resolution, define by name the persons that become its members.

If a nominating party fails to appoint its authorized representative to the extended composition of the Republic Election Commission at latest five days prior to the polling day, the latter will work and make valid decisions without those persons.

Article 32

The Republic Election Commission:

1. is in charge of the lawful administration of elections and of the unified observance of the provisions of this Law;
2. monitors the application and offers opinions on the administration of this Law;
3. coordinates the work of Municipal Election Commissions, gives them instructions with regard to the application of this Law, and supervises their activities;
4. determines unified standards for election materials;
5. prescribes the forms for carrying out election activities as provided by this Law;
6. determines the election documents to be submitted to it;
7. prescribes the mode of promulgation of election lists;
8. determines the way of handling and keeping election materials;
9. judges whether the lists for election of representatives were composed and submitted in conformity with this Law;
10. renders a resolution on promulgation of the representatives' election lists;
11. establishes (declares) the results of election of representatives as well as the number of votes won by each election list, and determines the number of seats that belong to each list for election of representatives ;
12. publicly declares the overall results of election of representatives, and that by every polling station in the Republic;
13. reports to the Republic Assembly on the carried out election of representatives;

14. issues certificates to the elected representatives;
15. submits data on election of representatives to competent bodies for collecting and processing statistical data; and
16. performs other duties provided for by this Law.

Article 32a

THE REPUBLIC ELECTION COMMISSION WILL TAKE OVER THE RESPONSIBILITIES OF A MUNICIPAL ELECTION COMMISSION IN CASE THAT THE LATTER FAILS TO CARRY OUT ITS DUTIES WITH REGARD TO ELECTION OF REPRESENTATIVES IN CONFORMITY WITH THIS LAW.

Article 33

The Republic Election Commission adopts regulations of its work.
The conditions for operations of the Republic Election Commission are provided by the Republic Assembly.

2. Polling Committees

Article 34

A Polling Committee is composed of the chairman and two permanent members, and one authorized representative of each of the nominating parties.

The chairman and the permanent members have their deputies.

Polling Committees are appointed for each polling station not later than 10 (ten) days prior to the date set for polling.

Article 35

Municipal Election Commissions, 48 (forty eight) hours of promulgating the election lists, conclude which of the nominating parties

have satisfied the requirements for appointing their representatives to the extended composition of Polling Committees.

The Municipal Election Commission will deliver its conclusion on fulfillment or non-fulfillment of requirements for appointing the nominating parties' representatives to the extended composition of Polling Committees, to the concerned nominating parties within 24 (twenty four) hours of setting up the Polling Station(s).

The nominating parties will nominate their representatives to the extended Polling Committees and accordingly inform the relevant Municipal Election Commission that will, not later than 24 (twenty four) hours of the filing of such information, define by name the persons that compose the extended Polling Committees.

If a nominating party fails to appoint its authorized representative to the extended composition of the Polling Committee(s) by at latest five days prior to the polling day, the Polling Committee will carry out its work and make valid decisions without such persons.

Article 36

The Polling Committee directly attends to the voting at the Polling Station, provides for the regularity of voting and secret ballot, establishes the results of voting at a given polling station, and performs other duties as provided for by this Law.

The Polling Committee is in charge of keeping order at the Polling Station during voting.

The Polling Committee appoints one of its members to be in charge of voting outside the Polling Station.

More detailed rules concerning the work of Polling Committees are laid down by the Republic Election Commission.

VI NOMINATIONS AND ESTABLISHMENT OF ELECTION LISTS

1. *Candidacy*

Article 37

Separately or jointly, the political parties registered in the Republic of Montenegro, as well as groups of citizens, nominate candidates for their election lists on the basis of the prescribed number of electors' signatures.

Political parties propose their election lists under provisions of this Law and through the procedures set by the regulations of those parties.

Article 38

One person can be nominated to stand for election of councilmen on only one election list and in only one electoral unit.

ONE PERSON CAN BE CANDIDATE FOR A REPRESENTATIVE ON ONLY ONE ELECTION LIST AND IN ONLY ONE ELECTORAL UNIT.

IN AN ELECTORAL UNIT IN WHICH ONE TO FOUR COUNCILMEN AND/OR REPRESENTATIVES ARE ELECTED, A NOMINATING PARTY CAN NOMINATE ON ONE LIST UP TO TWICE MORE CANDIDATES THAN THE NUMBER TO BE ELECTED.

IN AN ELECTORAL UNIT IN WHICH FIVE TO TEN COUNCILMEN AND/OR REPRESENTATIVES ARE ELECTED, A NOMINATING PARTY NOMINATE ON ONE LIST UP TO A HALF MORE CANDIDATES THAN THE NUMBER TO BE ELECTED.

IN AN ELECTORAL UNIT IN WHICH MORE THAN TEN COUNCILMEN AND/OR REPRESENTATIVES ARE ELECTED, A NOMINATING PARTY CAN NOMINATE ON ONE LIST UP TO ONE THIRD MORE CANDIDATES THEN THE NUMBER TO BE ELECTED.

THE NUMBER OF NAMES OF CANDIDATES ON ONE ELECTION LIST SHOULD BE AT LEAST ONE THIRD OF THE NUMBER OF COUNCILMEN AND/OR REPRESENTATIVES TO BE ELECTED IN A GIVEN ELECTORAL UNIT.

The nominating parties are free to determine the order of their candidates on the list.

Article 39

A nominating party can withdraw its nomination (list) not later than by the day set for promulgation of the compound election list.

The mandate of the authorized representative of the nominating party in all the election bodies, as well as all the rights and privileges appertaining from this Law to that person on this account ceases with the withdrawal of the election list.

A candidate can withdraw his candidacy by the day of the promulgation of the election list.

Article 40

If after the resolution on promulgation of the election list was passed a candidate be, by a final sentence, deprived of civil capacity, if his Yugoslav citizenship is revoked, if he withdraws his candidacy, or dies, the nominating party will lose the right to nominate another candidate.

The position on the election list of the abovementioned candidate is taken by the candidate next on the election list.

2. Title, Establishment and Promulgation of Election List

Article 41

The title of an election list is determined by the name of the political party submitting the list.

If two or more political parties submit a joint election list, the title and other rights and responsibilities of the nominating party concerned shall be specified in an agreement that should be submitted to the relevant election commission together with the joint election list.

Together with the title of the election list of a group of citizens, the nominating party should provide a more precise designation of the list.

Article 42

THE ELECTION LIST FOR ELECTION OF COUNCILMEN AND/OR REPRESENTATIVES IS DEEMED TO BE ESTABLISHED IF SUPPORTED BY PROPER SIGNATURES OF A MINIMUM OF

- a) 25 electors in an electoral unit with up to 6,000 electors;
- b) 50 electors in an electoral unit with up to 12,000 electors;
- c) 100 electors in an electoral unit with up to 24,000 electors;
- d) 200 electors in an electoral unit with up to 60,000 electors;
- e) 300 electors in an electoral unit with over 60,000 electors.

THE ELECTORS WHO SIGN THE LISTS FOR ELECTION OF COUNCILMEN MUST TO BE RESIDENTS OF RESPECTIVE MUNICIPALITIES.

THE ELECTORS WHO SIGN THE LISTS FOR ELECTION OF REPRESENTATIVES MUST BE RESIDENTS OF A RESPECTIVE ELECTORAL UNIT.

The Republic Election Commission prescribes the contents and the appearance of the form for the electors' signatures referred to in para 1 hereinabove.

Article 43

With his signature, an elector can give support to only one election list for election of councilmen and only one list for election of representatives.

Article 44

The collection of signatures for nominating candidates for election lists within the election campaign is initiated and carried out by political parties and groups of citizens - individually or collectively.

Article 45

The election list for election of councilmen is submitted to the Municipal Election Commission while that for election of representatives to the Republic Election Commission, not later than 15 (fifteen) days prior to the date set for polling.

Together with the election list, the relevant election commission should be supplied with the following documents:

1. a written declaration of the candidate(s) of accepting the candidacy;
2. a proof of the electoral right for each candidate on the election list;
3. a residence certificate for each candidate.

Article 46

The competent election commission establishes, immediately upon the receipt of the election list, if the list was submitted in the set term and whether it was composed in conformity with the provisions of the present Law.

If the respective election commission finds that the election list was not filed in time, it will render a resolution on rejecting such an election list.

If the respective election commission finds that the election list has certain faults, it will decide, within 24 (twenty four) hours of the receipt of such an election list, that the nominating party be dictated to eliminate the defects within 48 (forty eight) hours of the delivery of such decision. The said decision will indicate to the nominating party the actions it should undertake to eliminate the defects.

If the respective election commission finds that the election list does not fulfil the conditions set by this Law, or if it finds that the deficiencies of the election list have not been removed, or were not removed within the prescribed time, it will pass, within the next 48 (forty eight) hours, a resolution on refusing to promulgate such an election list.

Article 47

If the relevant election commission finds that the filed election lists are free of faults or that the found defects have been remedied, it will issue a resolution establishing and promulgating the election list of a political party (party election list), of a coalition of political parties (coalition election list), or of groups of citizens (the election list of a group of citizens).

The abovementioned resolution is, without delay, delivered to the nominating party concerned.

3. Collective Election List

Article 48

Following the verification and promulgation of the filed election lists, the relevant election commission composes the collective election list that comprises all the election lists with the names of all candidates.

THE ORDER OF NAMES/CANDIDATES ON THE COLLECTIVE ELECTION LIST IN AN ELECTORAL UNIT IS DETERMINED BY THE RELEVANT ELECTION COMMISSION ACCORDING TO THE NUMBER OF SIGNATURES SUPPORTING THE ELECTION LIST FOR ELECTION OF COUNCILMEN AND/OR REPRESENTATIVES, SO THAT THE LIST WITH THE HIGHEST NUMBER OF SIGNATURES IS GIVEN THE FIRST POSITION AND THE OTHERS ARE PLACED FOLLOWING THE PRINCIPLE THAT THE HIGHER NUMBER OF SIGNATURES ESTABLISHES THE PRIORITY.

IN CASE THAT TWO OR MORE ELECTION LISTS HAVE THE SAME NUMBER OF ELECTORS' SIGNATURES, THE ORDER OF APPEARANCE IS DETERMINED BY THE CHAIRMAN OF THE RELEVANT ELECTION COMMISSION BY MEANS OF DRAWING LOTS AND IN THE PRESENCE OF THE AUTHORIZED REPRESENTATIVES OF THE NOMINATING PARTIES.

The respective election commission publicizes the collective election list not later than ten days prior to the day set for polling.

VII PRESENTATION OF NOMINATING PARTIES AND CANDIDATES FROM ELECTION LISTS

Article 49

The nominating parties have the right to - in public information media, in the same daytime hours and columns - on an equal basis inform citizens on their programmes and activities.

The funds for presentation of nominating parties or for other pre-election activities shall not be raised from and provided by any foreign juristic or natural persons.

Article 50

Radio-television of Montenegro shall - as of the day of the call for elections to the termination of election campaign, and within its political-information programme(s) that could be watched or heard all over the Republic - provide an equal time and same hours for the presentation of the nominating parties as well as for the presentation and exposition of election programmes.

The abovementioned institution shall not, on any conditions, broadcast presentation and exposition election programmes of the nominating parties in its commercial, entertainment or other programmes but political-informative.

Article 51

The press public enterprise *Pobjeda* shall, as of the day of the call for elections until the termination of the election campaign, provide the same space and columns as well as equal conditions in its daily newspaper for the presentation of the nominating parties and their presentation and exposition of election programmes.

Article 52

Radio-Television of Montenegro shall at least five times during the election campaign, free of charge and in the manner and under conditions that provide for an equal treatment, announce the scheduled promotion rallies of the parties that have nominated candidates for representatives.

Press public enterprise *Pobjeda* shall during the election campaign, free of charge and under conditions as described in para 1 hereinabove, announce all the promotion rallies of the parties that have nominated candidates for representatives.

Article 53

The mass media that on commercial basis publicize the notices of the nominating parties promoting the elections, election programmes and candidates, shall indicate on such notices that they were paid for.

Article 54

The representatives of the media referred to in Articles 50 and 51 of the present Law, the representatives of the Republic Assembly, and the authorized representatives of political parties intending to take part in the elections, will agree on the number and duration of programmes, and modes and other terms of equal presentation of the nominating parties, as well as presentation and exposition of election programmes.

Political parties intending to take part in the elections inform the Republic Election Commission on their intention within three days of the issue of writs of elections.

The agreement referred to hereinabove is reached not later than five days after the issue of writs of elections and is publicized without delay.

If within the period of time term set in para 3 hereinabove the agreement is not concluded, the Republic Election Commission will decide on the number and duration of broadcasts/columns for equal presentation of the nominating parties, as well as for presentation and exposition of election programmes.

Article 55

The editors and commentators/presenters of political-informative and specialised programmes shall, during the election campaign, independently and objectively present all the candidates, and the presenters shall have an impartial attitude towards all the political, social-welfare and/or ethnic-cultural programmes being presented.

The abovementioned editors, in agreement with the nominating parties, determine the programme of the latter's presentations in conformity with the law and the programme-editing criteria.

Conformably to the provisions of para 1 hereinabove, and in conformity with Article 6 para 2 of the present Law, programmes of direct confrontation of election programmes of the nominating parties and candidates from those lists shall be unfailingly organised.

Article 56

Equal conditions for presentation of all nominating parties and candidates from election lists shall be provided, in conformity with this

Law, also by all other media of public information whose founders are the Republic, the capital city and the municipality. The media referred to hereinabove, together with the representatives of both their founders and of the nominating parties, determine precise rules for the presentation of the nominating parties, election programmes, and candidates from election lists.

Article 57

The nominating parties and candidates from their lists have the right to organize, during the election campaign and under equal conditions, conferences and other public gatherings to present and promote their election programmes, election lists and candidates from these lists - all in conformity with the regulations on public order and peace.

Article 58

During the election campaign, the means of public information whose founders are the Republic, the capital city and the municipality, shall, according to their material and technical potentials and under equal conditions, inform on the activities of the nominating parties at all their conferences and other public meetings in which programmes and candidates for representatives of the nominating parties were presented.

The nominating parties and the abovementioned mass media agree on the mode and conditions of reporting from public gatherings as well as the terms in which the nominating parties inform the media on holding such meetings.

Article 59

During the election campaign the nominating parties and candidates from election lists have the right to prepare election posters, public notices, photographs, leaflets, advertising messages and the like and display them publicly, without a special permission, at places designated for that purpose by a competent municipal body.

Article 60

The election propaganda launched through the means of audio publicity, shall be conducted at times and in the ways that do not menace the right of citizens to personal peace as provided by regulations of public order and peace.

Article 61

During the election campaign, the means of public information shall publicize the findings of relevant state bodies claiming that a certain media has violated the principles of equality, parity, and of objective reporting/informing citizens on the programmes and candidates of political parties and other nominating parties.

Article 62

In the course of the seven days prior to the polling day it is forbidden to publicize in the public information media the results of public polls, researches, and analyses related to the feeling of the electorate as regards the estimate of the election results.

On the polling day, before the closing of polling stations, it is forbidden to publicize preliminary results or estimates of the election results.

Article 63

The provisions of this chapter also apply to the means of public information whose founders are juristic and natural persons and which operate in conformity with the Law Of Public Information.

VIII ADMINISTRATION OF ELECTIONS

1. *Polling Stations*

Article 64

The vote cast and election of councilmen and representatives is done at Polling Stations.

Polling Stations are designated by the Municipal Election Commission on the proposal made by the relevant body for keeping electoral register, not later than 15 (fifteen) days prior to the polling day.

The Municipal Election Commission publicizes, not later than 10 (ten) days prior to the election day, which polling stations were determined! and which citizens will vote at particular polling stations.

Article 65

A polling station is set up for the voting of an electorate of up to 2,500. More detailed rules with regard to Polling Stations are laid down by the Republic Election Commission.

Article 66

A citizen casts his vote at the Polling Station in which his name was entered into the extract from the electoral register.

Exceptional to the above provision an elector may cast his vote outside the Polling Station in which he was registered to vote - by means of a letter (by post) under conditions set by the present Law.

The mode of voting outside the Polling Station and the number of citizens who have materialized their electoral rights in this way are entered into the record of the Polling Committee's work.

More detailed rules for voting by post are set by the Republic Election Commission.

Article 67

The information on elections is sent out to the electors not later than five days prior to the polling day.

Every elector is provided with the data on the day and time of polling, together with the number and address of the Polling Station where he is to cast their vote, and with the number against his name in the electoral register.

Article 68

Each elector casts his vote in person.

An elector may cast his vote only once in the course of elections.

Voting is done by secret ballot.

Voting is done on verified ballot papers.

At the Polling Station and within the area 50 (fifty) metres from the Polling Station it is forbidden to display symbols of political parties and other promotional material that can influence the electors' decision.

No one is allowed to enter the Polling Station carrying arms or dangerous implements.

Should any of the above rules be broken in the course of polling, the Polling Committee will be dissolved and the polling at that Polling Station will be repeated.

Closer instructions on measures to provide for secrecy of polling are given by the Republic Election Commission.

Article 69

Polling Stations in electoral units open at 7 a.m. and close at 8 p.m. being constantly open between these two hours.

The electors who are at the Polling Station at the closing time will be allowed to complete their polling.

Article 70

If at a Polling Station public order is disturbed, the Polling Committee may suspend the polling until the order is restored. The reasons for and duration of such suspension of polling are entered into the record of the Polling Committee's work.

The police on duty may enter a Polling Station only with the permission of the chairman of the Polling Committee and only if public peace and order were disturbed at the Polling Station.

If the polling is suspended for more than one hour it will be extended by the same amount of time of the suspension.

Article 71

While the Polling Station is open and polling in progress, present at the Polling Station must be all the members of the Polling Committee or their deputies.

In each Polling Station a separate room shall be assigned to provide for the secrecy of voting.

At one single point of time present at a Polling Station may be only the number of voters that equals the number of cabins for casting votes.

Any persons who have no rights and responsibilities related to the administration of elections as specified by this Law, are forbidden to stay for a long time in the Polling Stations.

Complaints on the violation of the above rules can be filed with the Municipal Election Commission that will decide if the polling in the respective Polling Station will be repeated.

2. Election materials

Article 72

A ballot paper contains:

1. designation of the electoral unit;
2. the ordinal number that is placed against the election list;
3. TITLES OF ELECTION LISTS, IN CONFORMITY WITH ARTICLE 41 OF THIS LAW, IN THE ORDER ESTABLISHED IN THE COMPOUND ELECTION LIST, WITH FULL NAMES OF PARTY CHAIRMEN/LEADERS AND AUTHORIZED REPRESENTATIVE(S) OF GROUPS OF CITIZENS OR THE FIRST CANDIDATE ON THE LIST - ALL UPON THE DECISION OF THE NOMINATING PARTIES, OF WHICH THE ELECTION COMMISSION IS NOTIFIED;

4. a notice that the vote is to be cast only to one list, by circling the ordinal number before the title of that list, or by circling the title of a list or the name of the first candidate on the list.

Article 73

Ballot papers are prepared and verified by the Municipal Election Commission.

The Municipal Election Commission also determines the number of ballot papers that has to be equal to the number of electors in the electoral register.

The Republic Election Commission monitors the preparation and verification of ballot papers and determines the number of reserve ballot papers for election of representatives.

The Republic Election Commission prescribe to more detail the form and appearance of ballot papers, as well as the mode and control of printing and handling ballot papers.

Article 74

The Municipal Election Commission shall prepare in due time the election materials for each Polling Committee, and particularly the needed number of ballot papers, election lists, extracts from the electoral register, certifications of voting rights, special and official envelopes for ballot papers, as well as the form of records of Polling Committees' work.

The transfer of the election materials is done not later than 48 (forty eight) hours prior to the polling day.

The competent municipal authority will be in charge of setting up Polling Stations and prepare for each Polling Committee the needed number of ballot boxes together with the accessories for sealing, and implements for polling.

On the polling day and before the actual beginning of polling, the Polling Committee establishes if the election materials prepared for the given station are complete and in proper state, whether the Polling Station was organised in such a way to provide for the secrecy of polling, and whether the polling can begin, of which the data are entered into the record of the Polling Committee's work.

Article 75

The compound election list, with the titles of election lists and names of all candidates, shall be displayed at a prominent place at the Polling Station throughout the polling time.

The form and contents as well as the mode of displaying the abovementioned compound election list are prescribed by the Republic Election Commission.

Article 76

The representatives of the nominating parties and candidates for councilmen and representatives have the right of insight into the election materials, and particularly into the extracts from the electoral register, the records of Polling Committees, the records of election commissions, and ballot papers. The insight is carried out in the official premises of the election commission, as well as of the authority keeping the election materials.

The insight into the election materials can be carried out within five days following the polling day.

Article 77

The election materials are kept for a period of at least four years.

Exclusive of the above provision the ballot papers are saved for a period of 60 (sixty) days, or until the closure of the procedure initiated for the violation of rights in the course of elections.

The Republic Election Commission prescribes the mode of keeping and use of the election materials.

Article 78

The Republic Election Commission prescribes the contents and appearance of the forms and election materials needed for the administration of elections, within fifteen days of the days of its appointment.

Article 79

The Polling Committee checks the ballot box(es) in the presence of the elector who first comes to the Polling Station. The result of this control is entered into the control slip to be signed by the members of the Polling Committee and the first arriving elector.

The abovementioned control slip is put into the ballot box which is then sealed in the presence of the first arriving elector; this information is entered into the record of the Polling Committee's work.

Immediately upon opening the ballot box, a checking is done whether the control slip is in it. Should there be no control slip, the Polling Committee is dissolved and new committee appointed, and the polling at the respective Polling Station is repeated.

The form of the control slip is prescribed by the Republic Election Commission.

Article 80

The person coming to poll first gives to the Polling Committee his full name and hands them the polling information paper, provide evidence on his identity - the ID card or other personal document.

No one can set to polling without producing a proof of identity.

Upon establishing the elector's identity, the chairman or a member of the Polling Committee circles the ordinal number under which the elector is entered into the extract from the electoral register, explains the polling procedure, and hands to the him the ballot paper.

Article 81

The members of the Polling Committee must not in any way influence the decision of electors.

The members of the Polling Committee shall, if requested so by any elector, re-explain the polling procedure.

The members of the Polling Committee shall take particular care that no one interferes with the electors during their casting votes and that the secrecy of voting be fully provided for.

If in the course of polling any of the above principles is violated, the Polling Committee will be dissolved and polling in the respective Polling Station repeated.

Article 82

An elector may cast his vote to only one election list on the ballot paper.

The polling is done by circling the ordinal number in front of the title of the election list one wishes to give his vote to, or by circling the title of the list or the name of the first candidate on the list.

The voters themselves fold the marked ballot paper to conceal the vote before placing it in the appropriate ballot box, and then leave the Polling Station.

Article 83

No changes whatsoever can be made in the extracts from the electoral register on the polling day.

If anything is done contrary to the above provision the Polling Committee will be dissolved and polling at the respective Polling Station repeated.

Article 84

A voter unable (blind, disabled or illiterate) to vote in person at the Polling Station has the right to bring along another person who will in his name, and as instructed by the voter, mark the voting list, that is cast the vote.

The polling procedure for the persons referred to hereinabove is entered into the record.

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Article 85

A voter unable to vote in person (incapacitated or prevented) at the Polling Station informs the Polling Committee on whether he wishes to cast a vote. The Polling Committee will, through its agent for postal and proxy voting, enable such a person to vote in the way that provides for a direct and secret voting.

Upon having been informed on the inability of a person to vote at the Polling Station, the Polling Committee will, through its agent for postal and proxy voting send to the voter, in an official envelope, a verified ballot paper, the compound election list, a separate envelope for the marked ballot paper, and a certification (declaration) of that person's voting right.

After having marked the ballot paper the voter puts it into the separate envelope which is then sealed and wax-stamped before the voter by the agent for postal and proxy voting. Then the sealed envelope with the ballot paper, together with the certification of the voting right, is put into the official envelope which the agent stamps before the voter.

The agent delivers the official envelope to the Polling Committee that opens it, states the presence of the voting right's certification, circles the number under which the voter is entered in the electoral register, and places the unopened envelope into the ballot box.

The mode of voting of persons referred to in para 1 hereinabove is entered into the record.

More detailed procedure of voting of persons referred to in para 1 hereinabove is established by the Republic Election Commission.

Article 86

Electors doing their national service or are taking part in military exercises, or carrying out their duties in the units of institutions of the Yugoslav Army, cast their votes in such units or institutions.

Based on the data provided by the organ keeping the electoral register on persons referred to in para 1 hereinabove, the election commission shall make and verify separate extracts (electoral lists) from the electoral register for such persons and, together with the adequate number of verified ballot papers, the compound election list, relevant certifications of voting rights, send them, in special and official envelopes, to military units and institutions in which those electors serve.

After the person referred to in para 1 above completes the voting, he puts the ballot paper in the special envelope which is sealed and wax - stamped before his eyes. Then this sealed envelope, together with the certification of voting rights, is put into the official envelope which is sealed/stamped before the voter by the person in charge of administering polling in the respective army unit or institution.

The body in charge of administering polling in the army unit or institution then delivers to the municipal election commission all such sealed official envelopes.

The Republic Election Commission lays down more detailed rules of the modes of voting in the army units and institutions.

Article 87

Electors who on the polling day are for reasons of work or study away from the place in which they were included in the electoral register/list, are entitled to vote by post.

The electors referred to hereinabove contact the Polling Committee in the place where they were registered and ask that particular committee to send them information on polling, ballot papers, the compound election list, a separate envelope for the ballot paper, a certification of the voting right, and the official envelope.

After an elector referred to in para 1 hereinabove has cast his vote he puts the ballot paper in the special envelope. Then he puts this envelope with the ballot list, together with the certification of the voting right, into the official envelope and mails it to the Polling Committee referred to in para 2 hereinabove.

Article 88

Electors who at the time of elections are temporarily abroad, vote at a Polling Station in the place in the Republic of Montenegro where they resided before going abroad.

Article 89

Electors who on the polling day are outside territorial waters of the Federal Republic of Yugoslavia for reasons of being members of crew of ocean-going and river fleet sailing under the flag of FR Yugoslavia, and electors working in the diplomatic and consular service of FR Yugoslavia abroad, and members of their families living abroad, cast their votes on ships or in diplomatic or consular missions.

The conditions for polling of persons referred to in para 1 hereinabove are provided by relevant ministries of water transport and foreign relations respectively.

Based on the data of the electoral registration body about the persons referred to in para 1 hereinabove, the Municipal Election Commission shall make and verify separate extracts from the electoral register for those electors and deliver them, together with the adequate number of verified ballot papers, the compound election list, corresponding certifications of voting rights, special and official envelopes - to ships and institutions in which those electors are.

For the administration of polling on ships and in diplomatic or consular missions, the ship masters or heads of missions set up Polling Committees from among the electors on their ships or in their missions.

After casting their votes, electors referred to in para 1 hereinabove put their ballot papers in special envelopes. Then place these envelopes containing the ballot list, together with the certifications of the voting right, in the official envelopes that are then sealed before their eyes.

The body in charge of the administration of polling on ships or in diplomatic/consular missions abroad sends, without delay, the sealed official envelopes to the relevant municipal election commission.

More detailed rules for the mode of polling of persons referred to in para 1 hereinabove are set by the Republic Election Commission.

Article 90

Persons in detention (pending trial) and persons serving prison sentences are entitled to vote by post.

Based on the data of the electoral registration body on the electors referred to hereinabove, the Municipal Election Commission shall make and verify separate extracts from the electoral register for such persons

and deliver them, together with the necessary number of verified ballot papers, the compound election list, corresponding certifications of the voting right, and special and official envelopes, to the penitentiary institution in which those persons are.

After having cast his vote, the voter puts the ballot paper in a special envelope. Then, the envelope with the ballot list, together with the certification of the voting right, is put in the official envelope that the agent seals before the voter's eyes.

More detailed rules for the mode of polling of persons referred to in para 1 hereinabove are laid down by the Republic Election Commission.

Article 91

In cases when polling is done by postal votes, only those votes will be taken into account that reach the Polling Station or the Municipal Election Commission by 20:00 hours on the polling day.

Exceptional to the above provision, if due to a great distance between the elector and the Polling Station Polling Committees are not in a position to deliver the election materials in time by the shortest route, they will notify the Municipal Election Commission accordingly.

The Polling Committees deliver the abovementioned election materials subsequently, but not later than 20:00 hours on the day following the polling day.

In cases of postal voting, the number of electors that voted in this way and the mode of voting are entered into a separate record the content and form of which is prescribed by the Republic Election Commission.

IX COUNTING VOTES AND PUBLICIZING ELECTION RESULTS

1. *Establishing election results*

Article 92

After the end of polling, the Polling Committee undertakes to establish the results of election in their respective Polling Stations.

The Polling Committee states the number of spoiled (invalid, doubtful) ballot papers and places these into a separate document wallet (folder) which is then sealed.

Based on the extract from the electoral register, the Polling Committee counts the total number of electors who have voted.

After the ballot box has been opened, and after the check of the control slip, the valid ballot papers are separated from the invalid ones.

The Polling Committee states the number of invalid ballot papers and enters the figure into its record. Then it determines the number of valid ballot papers and numbers of votes for each election list, which is also entered into the record.

As invalid shall be deemed the ballot paper that is: not marked, marked in a manner that does not enable clear identification of the election list the vote was cast for, and that which has more than one election list number circled.

If the vote was cast by post, the ballot paper without the certification of the voting right shall be deemed invalid.

If it is found that the number of ballot papers in the ballot box is greater than the number of electors who had polled (ballot paper account), the Polling Committee is dissolved and another appointed, and polling at the respective Polling Station will be repeated. The results of polling at that particular Polling Station are determined upon the repeated polling.

Article 93

When the Polling Committee establishes the polling results it enters into the records the following: the number of received ballot papers; the number of unused ballot papers; the number of used ballot papers; the number of invalid ballot papers; the number of valid ballot papers; the number of votes for each election list; the number of voters against the the electoral register/list; the number of electors who voted by register; and the number of electors who voted by post.

Into the records of the Polling Committee's work entered are also remarks and opinions of the Polling Committee's members, of the representatives of the nominating parties and joint representatives of the nominating parties as referred to in para 1 of Article 34 of the present Law, as well as any other fact relevant to polling.

The record of the Polling Committee's work is to be signed by all of its members.

Every member of the Polling Committee receives a copy of the Committee's record.

Article 94

Upon establishing the results of polling, the Polling Committee shall without delay and not later than 18 (eighteen) hours of the Polling Station's closing hour submit to the Municipal Election Commission the following: the record of its work together with the extracts from the electoral register; evidence on the basis of which the votes were cast by those electors whose names were not included in the register for a specified Polling Station; unused and, separately, used ballot papers; invalid and, separately, valid ballot papers; as well as other election material.

Article 95

The results of election of councilmen are declared by the Municipal Election Commission on the basis of the results of polling at each Polling Station within the respective electoral unit.

Upon having received the election materials from Polling Stations, the Municipal Election Commission establishes: the total number of electors enlisted in the electoral register; the number of electors who voted at Polling Stations; the number of electors who voted by post; the total number of ballot papers received; the total number of invalid ballot papers; the total number of valid ballot papers; and the number of votes for each election list for election of councilmen, separately.

The Municipal Election Commission establishes the results of election of representatives at Polling Stations within its jurisdiction, not later than 12 (twelve) hours following the receipt of reports from Polling Stations, and submits its report together with the record of its work to the Republic Election Commission.

On the basis of the reports of Municipal Election Commissions referred to in para 3 hereinabove, the Republic Election Commission

establishes the results of election of representatives.

The content and appearance of the form of the record of work of Municipal Election Commissions are prescribed by the Republic Election Commission.

Article 96

The Municipal Election Commission for election of councilmen, and the Republic Election Commission for election of representatives, establish the total number of votes given to each particular election list and determine the number of mandates (seats) belonging to each list.

Each election list wins the number of mandates proportional to the number of votes won.

Article 97

Only those election lists that win the minimum of 4 (four) percent of the total electorate who voted in an electoral unit take part in the distribution of mandates.

Article 98

The number of mandates (seats) which particular list will win is determined when the total number of votes won by any individual list in an electoral unit is divided by 1, 2,... conclusive with the number that corresponds to the number of councilmen and representatives that is being elected in the respective electoral unit. Thus obtained quotients are sorted in the descending order, at which taken into account are as many biggest quotients as there are councilmen and representatives elected.

Each election list receives as many mandates as there are such quotients apportioned to it. If two or more election lists have an equal number of quotients on the basis of which they would receive one mandate, which list will win that mandate will be decided by drawing lots.

Article 99

MANDATES WITHIN THE TOTAL NUMBER OF MANDATES (SEATS) THAT AN ELECTION LIST HAS WON ARE DISTRIBUTED SO THAT ONE HALF OF THE MANDATES ARE GIVEN TO THE CANDIDATES ON THE ELECTION LIST(S) ACCORDING TO THE ORDER OF APPEARANCE, AND THE REMAINING MANDATES TO THE CANDIDATES ON THE LIST(S) AS DECIDED BY THE NOMINATING PARTIES.

WHEN AN ELECTION LIST HAS WON AN ODD NUMBER OF MANDATES, THE NUMBER OF MANDATES GIVEN TO THE CANDIDATES FROM A LIST ACCORDING TO THEIR ORDER OF APPEARANCE ON THE LIST IS INCREASED BY ONE.

Article 100

In case that, according to the results of the poll established in the way described in Article 98 of the present Law, a particular election list wins more mandates than there are candidates on that list, those mandates are given to those election lists that have the next largest quotient.

2. Publicizing election results

Article 101

The Municipal Election Commission for election of councilmen, and the Republic Election Commission for election of representatives, declare publicly the overall data on the election results with the information on:

- 1. the number of electors enlisted in the electoral register;
- 2. the number of electors who cast their votes at polling stations;
- 3. the number of electors who cast their votes outside the polling stations;
- 4. the number of electors who voted;
- 5. the number of received ballot papers;
- 6. the number of unused ballot papers;
- 7. the number of used ballot papers;

8. the number of invalid ballot papers;
9. the number of valid ballot papers;
10. the number of votes received by individual election lists;
11. the number of mandates (seats) won by individual election lists.

Article 102

The overall results of election of representatives will be publicized by the Republic Election Commission within 24 (twenty four) hours of the receipt of reports on the results of elections from Municipal Election Commissions.

The Republic Election Commission publicizes in the *Pobjeda* Daily, seven days prior to the constituting of the (new) Republic Assembly, the results of election of representatives at each Polling Station.

The overall results of election of councilmen, are publicized by the Municipal Election Commission within 24 (twenty four) hours of the hour of the receipt of the reports on results of poll at all Polling Stations in the respective election unit.

The results of election of representatives are published in the "Official Gazette of the Republic of Montenegro" (*Sluzbeni list RCG*), and the results of election of councilmen in the "Official Gazette of the Republic of Montenegro - Municipal Ordinances", not later than 15 (fifteen) days of the polling day.

Article 103

The Municipal Election Commission to the elected councilmen, and the Republic Election Commission to the elected representatives, issue, on the day of verification of mandates, a certificate that they were elected councilmen or representatives.

X END OF TERM OF OFFICE, FRESH ELECTIONS, FILLING VACANCIES IN COUNCILS AND ASSEMBLIES, AND EARLY (PRE-TERM) ELECTIONS

1. End of term

Article 104

The term of office of councilmen and representatives ends before time in cases when:

1. they resign;
2. they were by a final court's ruling sentenced to unconditional prison time of at least six months, or to a prison sentence for criminal act(s) that render(s) them unworthy of this office;
3. by a final court's ruling they lose civil capacity;
4. one of the cases develops of incompatibility of the office of a councilman or representative with another office as provided by this Law;
5. their Yugoslav citizenship is revoked;
6. the councilman or representative dies;
7. HIS MEMBERSHIP IN THE POLITICAL PARTY FROM WHOSE LIST HE HAS BEEN ELECTED CEASES.

The term of office of a councilman or representative ends on the day when any of the abovementioned cases arises.

Should the activity of a political party be banned, the term of office of a councilman or representative from the list of such a party will be terminated.

The end of term of office is declared by the assembly whose councilman or representative he is, at the very next session held after the information on reasons for the cessation of the mandate of a councilman or representative has been received.

The term of office of a councilman or representative ends before time by dissolution or termination of operations of the Republic Assembly in conformity with the Constitution.

2. Fresh (repeated) election

Article 105

Fresh elections are held if the competent election commission renders

polling void as well as in other cases provided for by the present Law.

Article 106

If the competent election commission invalidates elections at certain Polling Stations, polling will be repeated at only such Polling Stations.

In the above case(s), the results of elections will be determined upon the repeated polling.

Article 107

Fresh elections are held following the procedure and manner provided by the present Law for holding (regular) elections.

Fresh elections are announced (called) by the competent election commission.

Fresh elections will be held not later than 15 (fifteen) days of the day of invalidation of elections.

In case(s) of repeated elections as stated in Article 106 para 1 above, the repeated elections shall be held not later than three days of the day of decision making by the respective commission.

The already verified election lists cannot be altered for repeated elections.

3. Filling vacant councilmen's and representatives' seats

Article 108

IF THE MANDATE (TERM OF OFFICE) OF A COUNCILMAN OR A REPRESENTATIVE ENDS FOR REASONS STATED IN ARTICLE 104 OF THE PRESENT LAW, THE MANDATE IS GIVEN TO A NEW COUNCILMAN OR REPRESENTATIVE FOLLOWING THE PROCEDURE PROVIDED FOR IN THIS ARTICLE.

IF ON THE ELECTION LIST FROM WHICH THE COUNCILMAN OR REPRESENTATIVE WAS ELECTED THERE REMAINS THE SAME OR A LARGER NUMBER OF CANDIDATES THAN THE NUMBER OF COUNCILMEN OR REPRESENTATIVES WHOSE TERM OF OFFICE

HAS CEASED, ELECTED WILL BE THAT CANDIDATE WHOM THE NOMINATING PARTY DECIDES.

If on the election list from which the councilman or representative was elected there are no (other) candidates, deemed elected as a councilman or representative will be that candidate from the list with the next largest quotient.

The mandate (term of office) of the new councilman or representative will last until the expiry of the mandate of the councilman or representative whose mandate has ended.

An written consent of acceptance of mandates is required from the candidates referred to in paras 2 and 3 hereinabove before their mandates will have been verified.

4. Early (pre-term) elections

Article 109

In the case of dissolution or termination of the mandate of the Republic Assembly, as well as in the case that the Republic Assembly decides to terminate mandates of representatives, early elections will be called.

Early elections are held in the manner and procedure provided for by the present Law for holding elections.

XI PROTECTION OF THE ELECTORAL RIGHT

Article 110

The competent bodies for the administration of elections shall, within the election procedure, inform the electors about their election rights and about the ways of protecting such rights.

Article 111

Every elector, candidate or nominating party has the right to file a

complaint to the competent election commission on account of violation of election rights in the course of elections.

The abovementioned complaint is to be filed within 24 (twenty four) hours of the hour at which the decision has been made or the deed done.

Article 112

The objection to the decision, action, or omission (error) of a Polling Committee is to be filed with the Municipal Election Commission.

The objection to the decision, action, or omission of the Municipal Election Commission is to be filed with the Republic Election Commission.

Article 113

The relevant election commission makes a decision within 48 (forty eight) hours of receiving the objection and delivers it to the party that lodged it.

If the competent commission accepts the objection, it will invalidate the respective decision or action.

If the competent commission fails to make a decision with regard to the objection within the terms set by the present Law, the objection shall be deemed valid.

Article 114

Against the decision of the relevant commission by which the objection has been rejected or renounced, an objection may be filed with the Republic Election Commission.

The objection is to be filed with the election commission that has decided on the previous petition within 48 (forty eight) hours of the delivery of the decision.

The election commission referred to in para 2 above shall, within 24 (twenty four) hours of receiving the complaint, submit to the Republic Election Commission both the complaint and all other relevant deeds.

A complaint against the decision of the Republic Election Commission rejecting or renouncing the (earlier) complaint can be filed with the Constitutional Court.

Article 115

The rules prescribed in the administrative procedure for delivery of decisions, conclusions, and other procedural documents, shall accordingly apply to all actions with regard to the delivery of deeds, documents, instruments, petitions and the like.

XII ELECTIONS ADMINISTRATION AND ELECTION CAMPAIGN EXPENSES

1. *Elections administration expenses*

Article 116

The funds for the work of the body in charge of administering elections, for election materials, and other expenses incurred by the administration of elections, are provided by municipal assemblies for election of councilmen and by the Republic Assembly for election of representatives. The request for funds, together with the specification of total expenses, are filed by the competent election commission.

The Republic Election Commission establishes the standards and criteria and disburses funds to Municipal Election Commissions for the purpose of carrying out relevant activities in the administration of elections of representatives.

The Republic Election Commission determines the way of spending and exercises control of the use of means referred to in para 3 hereinabove.

The means disbursed as a compensation to persons who work(ed) in the bodies for administering elections are tax- and contribution-free.

2. Election campaign (propaganda) expenses

Article 117

The nominating parties themselves provide the expenses for their election campaign and other pre-election activities.

The nominating parties and candidates can, in order to cover the expenses referred to in para 1 hereinabove, collect donations.

Collection of the abovementioned donations/contributions can be done in the official premises of the nominating parties following the permission of the competent authority, in public performances and gatherings organised by the nominating parties , or by means of direct payments to a specified account of the nominating parties.

Contributions to individual candidates or election lists can be made by individual citizens.

Article 118

TO PROVIDE AID TO THE NOMINATING PARTIES IN THE EXPENSES OF THEIR PUBLIC PRESENTATION OF ELECTION PROGRAMMES AND CANDIDATES DURING THE ELECTION CAMPAIGN, THE REPUBLIC BUDGET WILL PROVIDE ADEQUATE FUNDS.

THE PARTY NOMINATING CANDIDATES THE ELECTION OF REPRESENTATIVES WHOSE LIST HAS BEEN APPROVED, IS, AS OF THE DAY OF SUCH AN APPROVAL, GRANTED THE AMOUNT THAT EQUALS FOUR AVERAGE NET OFFICIALLY PUBLICIZED SALARIES PAID FOR THE MONTH PRECEDING THE MONTH OF ELECTIONS, FOR EACH ELECTION UNIT SEPARATELY.

THE NOMINATING PARTIES WHOSE LIST(S) HAVE BEEN VERIFIED FOR ELECTION OF REPRESENTATIVES IN AT LEAST TEN ELECTORAL UNITS INCLUDING THE UNITS Nos FIVE AND EIGHT IN ARTICLE 127a HEREAFTER, ARE ALLOWED, AS OF THE DAY OF VERIFICATION OF SUCH ELECTION LISTS, THE AMOUNT OF 400 (FOUR HUNDRED) OFFICIALLY PUBLICIZED AVERAGE SALARIES PAID FOR THE MONTH PRECEDING THE ELECTION MONTH.

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APPLICATIONS FOR FUNDS REFERRED TO IN PARAS 2 AND 3
HEREINABOVE ARE FILED WITH THE REPUBLIC ELECTION
COMMISSION.

MUNICIPAL ASSEMBLIES WILL MAKE THEIR OWN DECISIONS
ON THE EXPENSES OF ELECTION CAMPAIGN FOR ELECTION OF
COUNCILMEN.

Article 119

The elected representative and councilman nominated by a group of
citizens, and a political party for its elected representatives and
councilmen from their lists, are allocated a single amount of money
which is determined by the Republic Assembly and municipal
assemblies.

Article 120

State bodies and bodies of local self-government make their
premises, equipment, means and other facilities available for conducting
election campaign, and provide for equal conditions in the use of these
to all the nominating parties.

Within 10 (ten) days of the day of announcement of elections, the
bodies referred to hereinabove make agreements with the nominating
parties, defining conditions for and modes of the use of funds referred to
in para 1 hereinabove.

XIII PENAL PROVISIONS

Article 121

Any person who by use of force, serious threat, bribery, or in some
other way compels or influences another person not to cast his or her
vote or vote for a certain election list or against a list, will be tried for a
criminal act and sentenced to up to one year in prison.

If the act referred to in para 1 hereinabove is committed by a member of
the election commission, a member of the polling committee, or other
person carrying out duties with regard to elections, such person will be
sentenced to imprisonment of three months to three years.

Article 122

A fine will be imposed or imprisonment of up to one year for criminal acts on any person who:

1. after the completed elections calls an elector to account for his voting, or demands of him to tell who he voted for or why he has not voted;
2. casts his vote for another person under the latter's name, or casts more than one vote in the same elections;
3. in the elections destroys, damages, takes away or hides the ballot paper used for voting or other documents on elections, or any other object intended for elections or polling.

If the act referred to hereinabove is committed by a member of the election commission, of a polling committee, or any other person involved in performing duties related to elections, he will be sentenced from three months to three years in prison.

Article 123

A person who in the election commits the criminal act of violating the right to secrecy of voting will be punished by a fine of by imprisonment of up to six months.

If the act referred to in para 1 hereinabove is committed by a member of the election commission or a polling committee, or any other person performing duties related to elections, such a person will be punished by imprisonment of up to three years.

Article 124

A member of the election commission, of a polling committee, or other person performing duties related to elections, who alters the number of cast votes by adding or subtracting the ballot papers or votes at counting, or publicizes the results of elections that do not correspond to the actual voting, will be punished for criminal acts to imprisonment of up to three years.

Article 125

A fine of 50,000 (fifty thousand) Dinars or imprisonment of up to 60 (sixty) days will be imposed for infraction of the law on persons who:

1. agitate contrary to the provisions of Article 6 of the present Law;
2. accept the candidacy contrary to the provisions of Article 38 of the present Law;
3. at nominating candidates give their signature(s) contrary to the provisions of Article 43 of the present Law;
4. disturbs the work of the polling committee, the administration of elections or polling, or the operations of the election commission;
5. do not, after having completed their polling and upon having been cautioned by the chairman of the polling committee, leave the polling station as contrary to the provisions of Article 71 of the present Law;
6. contrary to the provisions of Article 68 of the present Law come to the polling station armed or with dangerous implements; and
7. collect means contrary to the provisions of Article 117 of the present Law.

Together with the punishment for infraction of the law referred to in paras 6 and 7 hereinabove, the committer will be additionally punished with the measure of taking away the means thus collected.

Article 126

A fine of 10,000 (ten thousand) to 30,000 (thirty thousand) Dinars will be imposed for infractions on a mass media or other media of public information if it:

1. does not act in conformity with articles 50, 51, 55, 56, 58, and 61 of the present Law;
2. acts contrary to the provisions of Article 62 of the present Law.

Also the fine of 5,000 (five thousand) to 50,000 (fifty thousand) Dinars will be imposed for infractions referred to in para 1 hereinabove on the responsible person in the mass media or other media of public information.

XIV TRANSITIONAL AND FINAL PROVISIONS

Article 127

IN THE SPIRIT OF THIS LAW, DEEMED AS YUGOSLAV CITIZENS ARE THE CITIZENS OF THE CONSITUENT REPUBLICS OF THE FEDERAL REPUBLIC OF YUGOSLAVIA.

Article 128

IN THE ELECTIONS OF 1996 MONTENEGRO IS DIVIDED INTO THE FOLLOWING ELECTORAL UNITS (CONSTITUENCIES):

Electoral unit	Territories of municipalities	Representatives to be elected
ELECTORAL UNIT 1	BAR (NOT INCLUDING LOCAL COMMUNITIES OF OSTROS - POLLING UNITS OF 1992 ELECTIONS; CKLA; ARBNES; OSTROS - VELIKI OSTROS, KOSTANJICA, BOBOVISTE AND TEJANI)	4
ELECTORAL UNIT 2	ANDRIJEVICA, BERANE	5
ELECTORAL UNIT 3	BIJELO POLJE	6
ELECTORAL UNIT 4	DANILOVGRAD	2
ELECTORAL UNIT 5	NIKSIC, PLUZINE	9
ELECTORAL UNIT 6	PLJEVLJA, ZABLJAK	5
ELECTORAL UNIT 7	CETINJE	3
ELECTORAL UNIT 8	PODGORICA I (NOT INCLUDING LOCAL COMMUNITIES OF TUZI, MELES, DINOSE, VUKSANLEKICI-POTHUM, SUKURUC,	

	VRANJ, HOTI, ZATRIJEBAC; ("OFFICIAL GAZETTE OF RM - MUNICIPAL ORDINANCES", No 19/95)	17
ELECTORAL UNIT 9	PODGORICA II (TERRITORIES OF LOCAL COMMUNITIES TUZI, MILES, DIOSE, VUKSANLEKICI-POTHUM, SUKURUC, VRANJ, HOTI, ZATRIJEBAC; "OFFICIAL GAZETTE OF RM - MUNICIPAL ORDINANCES", No 19/95)	1
ELECTORAL UNIT 10	ULCINJ (WITH TERRITORIES OF LOCAL COMMUNITIES OSTROS PART OF MUNICIPALITY OF BAR - POLLING UNITS FOR 1992 ELECTIONS :CKLA, ARBNES, OSTROS VELIKI, KOSTANJICA, BOBOVISTE AND TEJANI)	3
ELECTORAL UNIT 11	KOLASIN, MOJKOVAC, SAVNIK	3
ELECTORAL UNIT 12	BUDVA, KOTOR	4
ELECTORAL UNIT 13	PLAV, ROZAJE	4
ELECTORAL UNIT 14	TIVAT, HERCEG-NOVI	5

Article 128

The chairman, the secretary, the members of of the election commissions, and their deputies in their permanent composition will be, in the spirit of the present Law, appointed not later than within seven days of the present Law coming into effect.

The Republic Election Commission will lay down the regulations for the application of this Law, within 15 (fifteen) days of its appointment.

Article 129

The Municipal Assembly will adapt its ordinances on elections to the provisions of the present Law within 15 (fifteen) days of its coming into effect.

Article 130

On the day of this Law being in effect, there expires the validity of the Law On The Election And Recall Of Copouncilmen And Representatives ("Official Gazette of the Socialist Republic of Montenegro", No 36/90).

Article 131

This Law shall be in effect as of the day of it being published in the "Official Gazette of the Republic of Montenegro".