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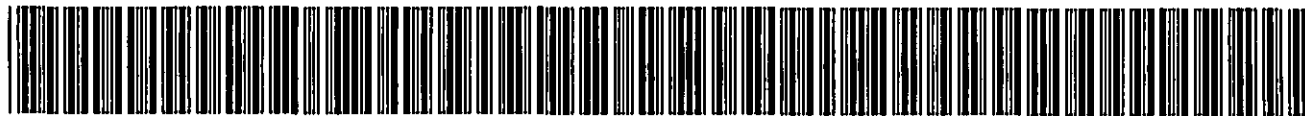
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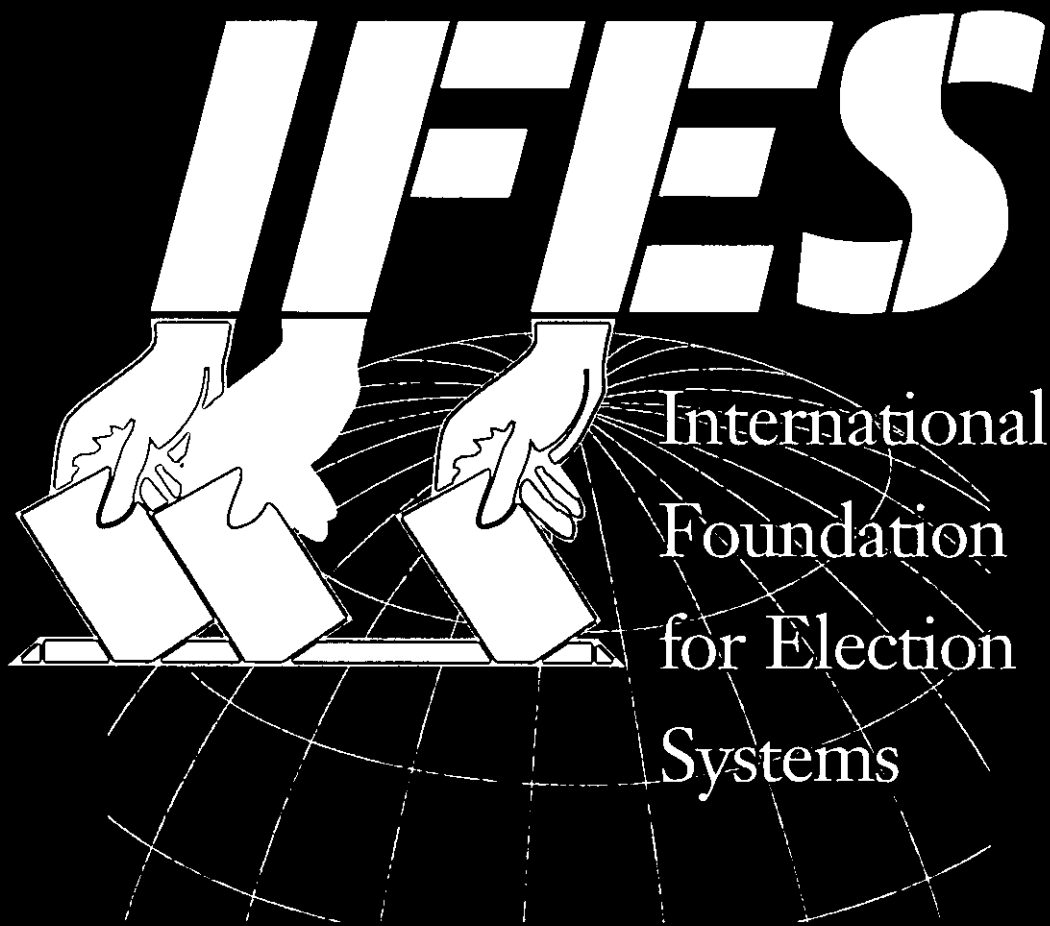
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International
Foundation
for Election
Systems

MONTENEGRO

TECHNICAL ASSISTANCE FOR THE 31 MAY ELECTIONS AND LEGAL REFORM

APRIL 1998 - MARCH 1999

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EXECUTIVE SUMMARY

Following the conduct of a voter awareness assessment in the Republic of Montenegro in the Fall of 1997, the International Foundation for Election Systems (IFES) set about designing a technical assistance project in anticipation of parliamentary and municipal elections. In doing so, it sought to focus on the significant changes taking place with respect to legislation governing the election process, organization of election commission structures, and the application of modern technologies to certain facets of election administration including voter registration. The desire to stabilize the political situation in Montenegro following the split of the ruling Democratic Party of Socialists, the electoral upset of incumbent President Momir Bulatovic, and a turbulent transition of presidential power created considerable pressure to pursue immediate electoral reforms and conduct early elections. As a result, the timeframe to deliberate on, and to air public debate on various reform options, to educate voters and candidates about their rights and responsibilities, and to train administrators and technicians about changes in traditional election practice was severely limited. At the same time, the polarized environment in which elections were to take place increased the probability that any mistake during the course of the campaign or on election day could be promoted as "evidence" of malfeasance. Such an attempt could conceivably have been aimed at undermining public confidence in the process, nullifying the results, and/or creating the conditions for federal intervention.

In response to this situation, an IFES technical team was sent to the Republic of Montenegro in April 1998 under contract with the United States Agency for International Development (USAID), Delivery Order No. 805, to provide support in voter education and mobilization, non-partisan candidate information and outreach, poll worker training, legal and regulatory development and voter registration.¹ The successful conduct of elections in Montenegro encouraged the pursuit of furthering electoral reforms that would build on those begun prior to the elections. Toward the goal of strengthening legislative framework for campaigning and elections, IFES formed an Advisory Panel on Election Law Reform in a second phase of the delivery order to draft new model election legislation for consideration by the Montenegrin government. The proposed legislation included the Law on Election of Councilors and Representatives, the Law on the Register of Electors and the Law on the Financing of Political Parties. The panel's goals were publicly supported by President Milo Djukanovic.

As during the initial assessment, the IFES team found Montenegro to be an open, constructive, and responsive programming environment. Throughout the course of its project, the utmost access and support was provided to IFES by the executive, legislative, and judicial branches of government; election commissions; municipal authorities; political parties; NGOs, and media outlets. While such co-operation was nearly universal, special recognition is due to a number of people whose involvement contributed significantly to the ultimate success of the IFES project, among them: former Deputy Prime Minister and current Legal Advisor to the President Miodrag Vukovic; Minister of Justice Dragan Soc, Foreign Minister Branco Perovic, Republican Election Commission Chairman Stevan Damjanovic; the core training group; local voter education and training assistants; Nikola Camaj, representing both of the

¹ As an outgrowth of its previous work in Yugoslavia, under Deliver Order No. 803, IFES advisors had already provided legal and administrative reviews of a package of election legislation under consideration by the Republican Assembly of Montenegro.

Ministry of Information and the Albanian community; and Vuk Rajkovic of Radio/Television Montenegro. Appreciation is also extended to USAID for making this project possible.

Among the project's achievements² were the :

- Instruction of 13,030 core and secondary trainers and poll workers, representing both the core and expanded membership, through the IFES training program and/or IFES developed materials;
- Distribution of 10,000 poll worker manuals to all 21 municipalities;
- Provision of 1,326 candidate handbooks to all 17 political parties participating in elections to the Republican Assembly;
- Airing of 4 voter information and mobilization spots, free of charge, on Television Montenegro;
- Broadcast of 6 voter information and mobilization spots, free of charge on: Radio Montenegro and Antenna M which broadcast the 4 Montenegrin-language spots throughout Montenegro; and local radio stations in Podgorica, Bar, and Ulcinj which broadcast an additional two Albanian-language spots to their respective Albanian communities;
- Distribution of some 18,500 voter education and mobilization items, in the form of posters and leaflets, to all 21 municipalities;
- Leveraging of international assistance to Montenegro by securing commitments from the governments of Norway, through the Norwegian Helsinki Committee, and Denmark to fund the purchase of indelible ink and optical scanners, valued at \$105,000, as mandated by Montenegrin election law;
- Incorporation of IFES recommendations into legislation governing the election of councilors and representatives, financing of political parties, and voter registration (DO No. 803);
- The development of model election legislation by the Advisory Panel on Election Law Reform - the model Law on the Election of Councilors and Representatives, the model Law on the Registry of Electors, and the model Law on the Financing of Political Organizations - and its presentation to the Montenegrin government.

Svetozar Marovic, President of the Republican Assembly of Montenegro, may have most appropriately captured the impact of US and Montenegrin co-operation during the election period by noting that IFES support helped provide the "conditions for a regular, dignified, and peaceful election."

The very success of the elections and the stability that has followed, combined with the escalation of fighting in Kosovo, however, may have diverted the West's attention from Montenegro's continuing needs in developing and consolidating democratic institutions and its potential to reform Yugoslavia from

² All training, candidate information, and voter education print materials were provided in Albanian as well as Serbo-Croatian language.

within. The ease with which some dismiss Montenegro as a an insignificant player might be explained by its size: only 670,000 people. Yet, this fails to take into account the relative impact it has had on the political status quo in Yugoslavia during the past year. The 200,000 or so Montenegrin voters who have cast their ballots in support of reform have placed more pressure on the Milosevic regime than Serbia's own Zajedno, student, or boycott movements. The degree to which Milosevic continues to either co-opt or marginalize the fractious opposition in Serbia suggests that Montenegro remains the best bet for reform at the federal level. This is true not only because of the constitutional framework which provides for equal status among the republics, but also because of the continued importance of Montenegro as both a democratic haven and model within Yugoslavia. Recent moves by many Serbian independent newspapers and magazines to Montenegro in an attempt to circumvent the strict restrictions of the infamous media law demonstrates this role.

The active participation by the Montenegrin electorate in the recent election process and the transparency, tolerance, flexibility and commitment to reform evident in some sectors of the Montenegrin government suggest that foreign aid may be more feasible there than other sectors of Yugoslavia. If the democratic movement in Montenegro is to succeed, however, further investment is required by international donors, including USAID, in: election official training, civic education; democratic governance and public administration, including efforts to ensure representation of Montenegro's minority groups in decision-making, law enforcement, and judicial bodies; rule of law; civil society; and support for Montenegro's Bosnian and Croatian refugees and displaced persons from Kosovo.

PHASE I

I. Project Background

A. Assessment of Montenegro's Electoral Environment

In November 1997, IFES sent a two-member technical team to the Republic of Montenegro to undertake an assessment of the political environment following the upset of incumbent President Momir Bulatovic by his rival Milo Djukanovic. The IFES team was to further evaluate strengths and weaknesses of the electoral system leading into anticipated parliamentary and municipal elections in the Spring of 1998. The assessment plan sought to capture information from original sources through interviews and English language translations of pertinent documents and legislation. During the three-week mission, IFES team members held a series of consultations with more than 50 government officials, election administrators, political party leaders, student organizations, NGO activists, and media representatives in Podgorica, Budva, and Ulcinj. The team was provided with considerable access to opinion leaders and decision-makers, typically conducting meetings at the ministerial level; with chairmen and executive boards of political parties, among them members of Parliament; editors-in-chief; faculty deans and justices of the Constitutional Court. The team was also provided with copies of original and revised draft legislation on elections, voter registries, political party financing, and public information.

The reception of the IFES mission to Montenegro proved to be the antithesis of its experience in the Republic of Serbia. Contrary to the environment of suspicion and antagonism under which IFES advisors worked in Serbia, their counterparts in Montenegro were able to engage in a constructive dialogue both at official and informal levels and in an atmosphere of relative transparency. Beyond the levels of access previously noted, information ranging from election results, demographic statistics, and polling data to political party platforms, government reports, draft legislation, and court rulings were provided upon request. In some cases, information was specifically compiled in response to inquiries by IFES representatives. Although unsolicited, media outlets provided steady coverage of the team's activities, which were presented in a positive light. This contributed to high awareness levels of IFES' mandates and facilitated both the establishment of cooperative relationships and the exchange of information. Upon completion of the mission, IFES prepared an assessment report, a legal and administrative analysis of draft legislation and a commentary on a plan to computerize the voter registration process.³

B. Project Development

In developing its technical assistance project, IFES sought to focus on the considerable changes taking place with respect to legislation governing various aspects of the election process, organization of the election commission and polling board structures, and the application of modern technologies to certain facets of election administration. Extreme political pressures existed within Montenegro to adopt

³ To order a copy of the team's report, "Republic of Montenegro: Voter Awareness Assessment and Legal Review," by Catherine Barnes, Alexandra Levaditis, and Dan Finn, November 1997 – February 1998, contact the International Foundation for Election Systems' Resource Center, 1101 15th Street, NW, Third Floor, Washington, DC 20005 or www.ifes.org/infores/htm.

new legislation not only on parliamentary and municipal elections, but also on voter registration, campaign financing, and public information, to call for early parliamentary and municipal elections, and convene new election commission structures. As a result, the timeframe to deliberate on and to air public debate about various reform options, to educate voters and candidates about their rights and responsibilities, and train administrators and technicians about changes in traditional practice was severely limited. At the same time, the extremely polarized and unstable environment in which elections were to take place increased the probability that even the slightest mistake by a polling board member could be promoted as "evidence" of malfeasance to undermine public confidence in the process, nullify the results, and/or create the conditions for federal intervention. As such, project development proceeded with the intent of maximizing voter awareness to protect against disenfranchisement or other violations of their rights, promote candidate familiarity with the law to ensure their access to the ballot and improve compliance with the law, while ensuring the accuracy, uniformity, and transparency of the election process.

C. Project Objectives

The aims of the IFES technical assistance and voter education program in Montenegro, as defined in Delivery Order No. 805, included:

1. To modernize, update, and systematize maintenance of an electronic register of all eligible voters in Montenegro;
2. To support the development of appropriate regulations and a training program for all levels of election commissions in order to administer the election according to newly adopted legislation;
3. To ensure that political parties, media and voters are well informed about the changes to the electoral system as relevant to them, especially the proper procedures for candidate and voter registration;
4. Offer post-election analysis of the legal, regulatory, and operational flaws of the electoral system and develop recommendations to address them.

II. PROJECT IMPLEMENTATION

A. Changes in the Pre-Electoral Environment

The fundamental change in the pre-electoral environment was the increasingly unstable and extremely polarized political situation in Montenegro following the assessment team's initial visit in November 1997 and the technical team's arrival in March 1998. The transition of presidential power had not gone well. Outgoing President Momir Bulatovic refused to accept the outcome of the October election, calling into question the integrity of the poll. While the results were recognized as legitimate by international observers and the Constitutional Court of Montenegro, only 5,488 votes separated winner from loser in a process not entirely devoid of problems. The involvement of the Federal Constitutional Court under presumed political pretenses caused the crisis to escalate from a republican to a federal one. Refusing to hand over the reigns of power to his successor, Bulatovic claimed he would return power "to

the people" and called upon his supporters to "arm themselves against the in-coming criminal regime." Three days before the inauguration, thousands of Bulatovic supporters heeded his plea and turned out into the streets of the capital, many equipped with guns and home-made bombs. The Government building was surrounded. Ministers loyal to President-elect Milo Djukanovic barricaded themselves inside and prepared for the worst, as did many of the capital's residents. As the Chairman of the Republican Assembly appealed for calm, the President of the Constitutional Court voiced concerns that Bulatovic was attempting to use mass protests to declare a state of emergency and prolong his own rule. Ultimately, public unrest dissipated, the crisis contained, and the new president sworn in on 15 January 1998. It was on this stage, however, that electoral reform and early parliamentary and municipal elections were to take place.

B. Challenges to Project Implementation

The primary challenge to project implementation as originally conceptualized was the relatively late arrival of the project team in country. While the concept paper first submitted to USAID envisioned as much as a four-month programming window leading into the election, requirements for congressional notification and state department waiver slowed the review and approval processes. Once USAID was in a position to request a proposal, the entire program timetable had shrunk to 14 weeks, only 9 of which were prior to election day based on a 30 March start date. Expectations with respect to output, however, remained largely unchanged. Upon submission of the proposal and workplan to USAID, IFES formally requested a pre-award letter to allow for the immediate initiation of programming activities, i.e. prior to 30 March. This request was denied. Ultimately, the delivery order went into effect on 6 April. Following briefings at the USAID Mission and US Embassy in Belgrade, the IFES team arrived in Montenegro on 12 April. Seven weeks remained until the election. Important election administrative deadlines, relative to IFES' deliverables, had already passed or were immediately at hand. As such, the IFES team and subsequently its indigenous cooperating partners worked under extreme pressure to fulfill those parts of the scope of work that were still "do-able." In some cases, remaining opportunities for impact were limited. With respect to candidate information, voter education, and poll worker training, team members assessed that they should have been in country by 1 March, while the voter registration and legal advisors should have been on-site by mid-February. For more information on the program components most severely impacted by time constraints and the pursuant ramifications, see section "IV. Issues for Consideration."

Furthermore, as a result of the politically charged atmosphere, the leadership of the newly seated Republican Election Commission, chaired by Judge Stevan Damjanovic, committed itself to a relatively narrow and unwavering interpretation of the "Law on Election of Councilors and Representatives." Well-aware that the opposition sought to de-legitimize the election process and that legal provisions existed for the annulment of election results based on the slightest technicality, the leadership refused to assume any responsibilities or undertake any actions not specifically provided for in the law. IFES discussions with the Constitutional Court tended to reinforce this interpretation. According to the President of the Court, with respect to state bodies, any function or activity not expressly permitted is denied. This is quite opposite to the Court's reading with respect to citizens, who are allowed to do anything that is not expressly denied. At any rate, the REC was clearly concerned about exceeding its legal authority, either in actuality or with respect to public perceptions, and took every precaution not to do so. This limited

role did introduced some obstacles with respect to IFES/REC collaboration on candidate information and outreach services and voter education.

And, while providing the utmost access to and support of international organization on-site, the REC sought not to enter into joint projects, even within its perceived sphere of responsibility, with such organizations for fear of alleged Western interference in the election process. As such, the REC was not prepared to co-publish IFES' developed candidate information or poll worker manuals or co-sponsor its voter education spots, print materials, or training sessions. The arrangement agreed upon, to the satisfaction of the REC leadership, IFES, and USAID, was that all IFES products were to be informally reviewed by the REC for legal and technical content prior to public release and distribution. Through this process and an independent legal review by two prominent election scholars, local recommendations were incorporated into all final products. IFES was then encouraged by the REC to work directly with municipal election commissions, political parties, NGOs, and media outlets on distribution, broadcasting, and/or training. It should also be noted that the REC interceded on behalf of IFES to ensure the timely printing of all candidate information, poll worker, and voter education materials.

Despite these impediments, IFES was able to: accomplish all its deliverables in addition to the creation of a candidate handbook; have a significant impact on the administration of elections in several key areas; and maintain its impartiality in the eyes of all parties in a very challenging and political environment. This is due, in large part, to the dedication and tireless efforts of the IFES team, local staff and core trainers, and the unprecedented cooperation of the Montenegrin government.

C. Leveraged Assistance

Upon its arrival, the IFES team was immediately confronted with shifting priorities within the electoral environment. Transitional provisions to the newly adopted "Law on Election of Councilors and Representatives" mandated the use of invisible ink and optical scanners to preclude multiple voting. As these commodities are not produced within Yugoslavia and had never previously been used in Montenegro, the Chairman of the REC had no idea how to obtain them. The Socialist People's Party was already threatening to pull out of the elections if these commodities were not secured in time for the election and the Chairman conceded that, due to legal obligations, he would have to postpone the elections if the commodities could not be found. Although the language of the delivery order did not allow for commodities assistance, IFES has able to use its advisory role to the REC to identify a vendor who could supply the commodities within the existing timeframe and with the assistance of international donors, including the governments of Norway, through the Norwegian Helsinki Commission, and Denmark. IFES also developed special training guidelines on the use of the ink, arranged for training packs for each of the 21 municipalities, and advised the REC on challenges associated with introducing such procedures.

D. Project Activities

1. *Candidate Information*

To assist with candidate information and outreach, IFES developed a Candidate Handbook based on its model "What Every Candidate Needs To Know." The aim of this handbook was to inform candidates

of their rights, while ensuring that they were also well aware of their obligations under the law, thus contributing to improved compliance by political parties. Due to changes in legislation governing elections and the subsequent adoption of new regulations, the handbook was billed as being equally useful to seasoned candidates as well as new entrants to the political arena. The methodological approach of the handbook was to pull together all legal and regulatory provisions directed at political parties, their candidates, and their activities into one "user-friendly" source document organized by theme, in chronological order, and in laymen's terms. The handbook referenced articles of law from: the "Law on Election of Councilors and Representatives," the "Law on the Financing of Political Parties," the "Law on the Register of Electors," and the "Law on Public Information" as well as the Constitution of the Republic of Montenegro. It also reviewed provisions of REC-adopted resolutions and agreements of the parliamentary parties on control of the election process. In addition to the terms of reference, the text, and a specially developed election calendar, the handbook also included all sample forms to be used by political parties throughout the course of the election campaign. The handbook was organized into fifteen chapters addressing:

- Basic facts about the election;
- An administrative calendar for election contestants;
- A contact list for pertinent government agencies, international organizations, and domestic NGOs;
- An overview of the laws, regulations, and local ordinances governing the election process;
- Candidate eligibility requirements;
- The nomination process;
- Sample nomination and pre-election campaign forms;
- Certification of candidate lists;
- Rights and responsibilities of candidates;
- The role of authorized representatives;
- Information and resources available to candidates;
- The election campaign (information on election propaganda, public events, and mass media);
- Campaign financing;
- Complaints and violations;
- The determination and announcement of election results.

In the introduction, readers were cautioned that the handbook was not a legal document and should, therefore, be used as a guide and companion to the laws and regulations, not in place of them. Legal and regulatory references were provided for each section. Readers were also reminded that familiarity and compliance with all laws and regulations governing elections "is the responsibility of the nominating entity and each of the candidates on its candidate list." Once all of this information was brought together and basic facts checked with the REC and responsible administrators, the document was submitted for a technical and legal review both to the REC and independent election scholars. The reviewers noted that no such document had ever been prepared in Montenegro and that such an effort represented an important first step in raising the legal awareness of candidates and improving political party compliance with the law.

One example aptly illustrates existing need. In developing a election calendar for candidates, based on all the deadlines stipulated in the above-mentioned laws and regulations, IFES encountered a great deal of confusion among election administrators and political parties about applicable dates. This stemmed from the fact that the laws do not set specific deadlines, but tie them to dates determinable only after laws have gone into effect, elections called, and commissions formed. With respect to deadlines tied to the date of the election, ex. five days prior to election day, it was not clear whether the date of the poll, itself, was included in the equation. That is to say, the applicable equation could either be 31 May - 20 = 11 May or 31 May (-1) - 20 = 10 May. So misunderstood was this provision that on a given day, the Republican Election Commission and a municipal election commission printed announcements in the Pobjeda daily, which appeared on the same page, identifying different deadlines for the submission of signature petitions in support of nominating entities. In fact, IFES' handbook was the only public document providing a calendar of deadlines applicable to political parties.

Once research, drafting, and review were completed, the document was provided to legally certified Montenegrin and Albanian translators. The document was then converted into print-ready format and provided to OBOD printing house on 14 May. The involvement of the REC with respect to the IFES print order proved crucial to rapid turn-around of materials. Distribution of the handbooks to all qualifying political parties began on 18 May with copies made available to each in accordance with the number of candidates on the party's slate. For the complete text of the handbook, please refer to Attachment II to this report.

2. Poll Worker Training

IFES developed a poll worker manual and a set of training guidelines to build an internal capacity for the development of training programs within the election commission structure and political parties, to inform poll workers of changes to laws governing elections and traditional polling place procedures and to increase the efficiency and uniformity of administration on election day. These can be found in Attachments III and IV of this report. The manual was based on Montenegrin election laws and regulations, as well as election procedures common to democracies throughout the world. In addition to terms of reference, it included a discussion of the conceptual foundations of election administration and practical instructions on pre-election, voting, counting, and reporting procedures. Training guidelines included brief presentations, role-playing exercises, procedural demonstrations, and break-out discussion groups on possible election day scenarios for use by core and secondary trainers. The first chapter, which addresses the civic responsibility of polling boards, set the tone for the entire training program:

"As a polling board member, you have been charged with a very important responsibility in the election. Of all officials involved in the conduct of elections, you will have the most personal, direct contact with voters. They will look to you as they exercise their right to vote on Election Day. The manner in which you carry out your duties will have a great deal to do with the degree to which voters will have confidence in the process. From the time you are appointed and on Election Day, your primary duty is to faithfully serve all electors equally. Your personal views and political opinions must be put aside except as you secretly mark your own ballot and cast your vote. It is a sacred trust. Every action you take must be

characterized by these important standards: *Integrity, neutrality, transparency, and accuracy.*"

Once research, drafting, and review were completed, the document was provided to legally-certified Montenegrin and Albanian translators. Simultaneous to the development of the training program, potential applicants for the core-training group were interviewed. Interviewees were gathered from previous convocations of the REC, the Faculty of Law, and local NGOs. IFES strove to have a diverse group comprised of experienced administrators, election scholars, and representatives of the private sector to benefit from different viewpoints and approaches. A deliberate effort was also made to include women and young people in the core training group. Once the core group was selected, IFES undertook training for them on 29 and 30 May using the copies of the draft that emerged from the independent legal review. The IFES training team and the core trainers then set about contacting all of the political parties to arrange individual training sessions for persons they identified to be responsible for the instruction of their appointees to the expanded membership of polling boards. Training for interested political parties began on 11 May and continued through 25 May using the training guidelines and photocopies of the draft manual. Across the board, participants in the training were both engaged and enthusiastic. Participants volunteered to participate in practical demonstrations, were forthcoming with questions, and discussed election day scenarios with vigor.

Upon completion of the REC review, the document was then converted into print-ready format and provided to OBOD printing house on 15 May. As with the Candidate Handbook, the involvement of the REC with respect to the IFES print order proved crucial to a rapid turn-around of materials. Print versions of the manuals were provided to all political parties participating in training, as well as several which opted to receive only the manuals, beginning on 18 May. The number of manuals made available to each party was based on their own estimates of the number of people they would have working in the polls on election day. Albanian language versions of the manual were also provided to the two ethnic Albanian parties headquartered in Ulcinj. At this point, discussions concerning the training of municipal election commissions were initiated. Due to REC concerns about officially endorsing or participating in the training program as elaborated upon in section "B. Challenges to Project," the REC favored direct contact of MECs by IFES. A special training session targeted at MECs was scheduled for 22 May and notices sent to each of the 21 municipalities. Representatives from 17 of the 21 municipalities were able to participate in the Podgorica-based training session. Printed manuals were provided to every municipality in relation to the number of polling sites under its jurisdiction. Feedback from MEC representatives suggested that official training of the core membership of polling boards was slated to begin on/about 23 May. Guidelines pertaining to the use of the indelible ink and optical scanners, which had been secured in time for elections with the assistance of IFES, were included in the manual and provided to the REC.

3. *Voter Education*

The immediate tasks of IFES' voter education project were to: (1) develop a strategy document to establish the parameters of the media campaign; (2) identify a production company capable of meeting the needs of a multi-media campaign within the existing timeframe; and, (3) secure free airtime on Montenegrin media outlets. On the basis of a competitive bidding process, an indigenous firm, based in

Belgrade, was selected. In addition to financial and creative considerations, the inclusion of Montenegrins on the production team and previous work within the Montenegrin market place made *Bas Celik* an obvious choice. Once the production company had been identified, work on the strategy document began in earnest drawing upon information and observations provided by political parties, NGOs, educators, journalists, election practitioners, students, and ethnic groups; market research obtained by *Bas Celik* and through the Student Union of the Faculty of Economics; and the experience of the presidential election campaign. Simultaneously, discussions were conducted both by IFES and *Bas Celik* with representatives of the Montenegrin Ministry of Information, the Government of Montenegro, Radio/Television Montenegro, and a number of private stations about obtaining free airtime. All necessary support was provided by the Ministry of Information and the Government with commitments of free airtime given by Television Montenegro, Radio Montenegro, Antenna M Radio, and a number of local radio stations in Podgorica, Ulcinj, and Bar.

The theme developed for the media campaign was "Pravo Na Izbor," or the "Right to Choose." In the Montenegrin language and cultural context, the phrase connoted a number of meanings extending beyond the constitutional right of citizens to vote. The methodology of the campaign sought to reflect:

Regional Distinctions: There are a number of distinct characteristics displayed by Montenegrins living in various regions of the country. These include the center of the country that is home to the administrative and cultural capitals, the coastal areas, the mountain villages, and communities of Muslims. These differences pertain largely to dialect, costume, and customs. In order to accommodate this regional diversity, the media campaign sought to utilize a broad range of characters, images, and color schemes to deliver voter education messages.

Family Ties: The media campaign also reflected the strong sense of family that exists in Montenegrin society highlighting the combined values of an individual's right to choose and respect for one's elders. Many of the messages targeted at the general electorate featured several generations of one family.

Progressive Messages: A creative approach, featuring the use of storylines, humor, satire, popular/cultural icons, and music was used to distinguish the campaign in a market saturated with mundane political advertising and election coverage and to reach and engage both young/first time voters and apathetic segments of the population.

Albanian Minority: In response to the special linguistic and informational needs of Montenegro's Albanian community, a portion of the media campaign was dedicated to this target group. Twenty-five percent of print components and 33% of audio portions of the campaign were produced in Albanian language, and distributed/aired through local media and cultural outlets.

Women: Men continue to dominate the social, political, and economic spheres in Montenegro, despite the individual achievements of some women. A portion of the media campaign targeted this group in an attempt to enhance awareness among women of their legal rights and political options as well as to provide for their more meaningful participation in the electoral process.

Special Needs: Educators indicate that as many as 42,000 people, or 6% of the population, have attended only primary school. As such, this segment of the population requires informational materials that use common language or are highly visual and self-explanatory in nature. An additional 200,000, or 30%, have only a secondary education and may have relatively greater needs with respect to technical and legal information than citizens with university degrees.

For a complete copy of the Voter Awareness Strategy Document with Overview of Media Projects, please refer to Attachment I of this report.

Production work on television and radio spots and print materials commenced on 23 April. Overviews of each media message were provided to the REC and to independent attorneys for legal and technical review. Video and audio components were completed by 8 May. A representative of *Bas Celik* traveled to Podgorica on 8 May to present the entire media campaign to the REC leadership and select co-operating partners. A total of six television spots were produced, two motivational and four informational. Two of the informational spots were dedicated to voter registration, while the remainder addressed the processing of voters at the polling site and special provisions for the elderly, ill, or otherwise immobile to vote outside the polling site premises. Several of the spots were multi-generational, while two were directed specifically at young and first time voters. Two of the six spots prominently featured women. Six radio spots were also produced, half of them motivational and the remainder informational. Of these, two were produced in Albanian language. The informational spots dealt with the importance of voting, the processing of voters at the polling site, and how to mark one's ballot correctly, i.e. so that it would not be invalidated. Television spots began airing incrementally on Television Montenegro beginning 11 May and running through the beginning of the campaign "black-out" period on 28 May. Radio spots started to air the following week on a variety of public and private stations and also ran through 28 May.

The print campaign was completed on 14 May with materials delivered to the OBOD printing house the next day. This component of the campaign was comprised of posters and leaflets, one each directed at the general electorate, women, young/first time voters, and Albanians. Posters were tied visually both to the television campaign and the leaflets, and depicted traditional caps and costumes of Montenegro and the Albanian community as well as a scene from one of the youth-oriented television spots. Leaflets followed a question and answer format which featured the most frequently asked questions about the election and highlighted changes to election legislation, registration, and polling place procedures that directly affected voters. Specific questions included:

- Q: When is election day?
- Q: How will my councilors and representatives be elected?
- Q: Am I eligible to vote?
- Q: How can I find out whether (or not) my name is included in the Register of Electors?
- Q: What are my voting rights?
- Q: I've heard that the number of polling sites has been increased. How will I know where to go on election day?

- Q: What are the hours of polling?
- Q: What if I, or a family member, can't get to the polling station on election day?
- Q: What if I need assistance?
- Q: What if my voting rights have been violated?
- Q: What if the court finds in my favor?
- Q: Are there any special measures being undertaken to safeguard against election fraud?
- Q: When will election results be known?

This menu of questions was modified slightly in the leaflets directed at target groups to address their unique needs or explain special legal innovations. For example, five mandates in the Republican Assembly were to be awarded on the basis of voting in specially designated polling stations located in Albanian communities.

Distribution of print materials to all 21 municipalities, university campuses, and Albanian communities began on a rolling basis on 18 May, and was undertaken by student groups, Albanians organized through the Ministry of Information and a professional distribution company. Each of these groups was provided instruction on legal allowances and restrictions with respect to the posting and distribution of public information materials: they were advised not to hang or hand out materials in or within 50 meters of a polling site or at political party offices or locations where political activities took place; they were given guidelines on placing specially targeted materials; and they were cautioned not to persist with such distribution once the campaign "black-out" period had gone into effect. Each individual distributor was asked to sign a control sheet, confirming that he/she had fully read and understood these directions. Co-ordination was also undertaken with republican police officials to ensure that local authorities would be aware of IFES activities and to preclude any difficulties by individual distributors with local law enforcement officials. An emergency contact number was also provided in the event that distributors encountered any problems either with local officials or political activists.

4. *Voter Registration*

As noted previously, IFES activities in the area of voter registration assumed a "trouble-shooting" role throughout the remainder of the election campaign. A constant dialogue was maintained with the various entities responsible for voter eligibility, voter registration, adjudication of related disputes, or the creation of a central, computerized register of electors: the Secretariat of Development; the Supreme Court; the Ministry of Justice; the Ministry of Internal Affairs; municipal authorities; election commissions, and police authorities. Discussions were also routinely held with all the political parties and NGOs monitoring voter eligibility and registration, particularly Momir Bulatovic's Socialist People's Party, the Liberal Alliance, Albanian and Muslim-based parties, and the Helsinki Committee, all of whom were vocal in criticizing the process. Documentation in support of alleged violations was accepted by IFES. On the basis of a random cross-section of this data, spot checks were conducted in a number of municipalities including Plav, Niksic, Cetinje, Podgorica, Kotor, Ulcinj, and Herceg Novi. In some cases, IFES teams found that improper entries did exist, while in others they had been corrected. Questions about the permissibility of evidence submitted by complainants and about relative institutional responsibilities were also routine. In each instance, IFES reported back to the political party or

government entity in question about its finding and pertinent constitutional, legal/regulatory, and political issues. For a more thorough discussion of these, please refer to Attachment IX: Briefing Paper on the Montenegrin Election, No. 1. Proposals for improving this process can be found in Attachment VIII.

5. Legal Advising

Consultations were also conducted routinely throughout the election campaign with representatives of election commissions, municipal authorities, courts, government ministries, political parties, and NGOs about the implementation of newly adopted election laws, including compliance and enforcement issues and the adjudication of grievances process. These discussions tended to revolve around "hot" issues threatening to undermine public confidence in the election process or further destabilize the political environment. Such issues include voter eligibility and registration, minority representation, and ballot security. A comprehensive discussion of all of these issues can be found in attachments IX, X, and XI of this report. Based on an assessment of election system performance and feedback solicited from political parties, NGOs, and election practitioners, a set of recommendations for further legal and regulatory reform was prepared by IFES for presentation to local cooperating partners.

III. PROJECT EVALUATION

A. Training of Trainers/Poll Worker Training

Secondary training for representatives of political parties and representatives of municipal election commissions was completed as of Monday, 25 May 1998. The primary factor affecting the level of participation by each political party was its enthusiasm to participate in training and the party's ability to mobilize trainees.

According to the anonymous evaluations completed by each training group, the participants rated their knowledge/confidence levels in each area of training on the basis of oral presentations, training demonstrations, and written materials prepared by IFES. The numbers below represent cumulative average scores on a scale of 1 to 5 with 5 being the highest rating:

Election Materials and Arrangement of Polling Sites	4.54
Pre-Voting Procedures	4.47
Rights of Observers and Appeals of Polling Board Actions	4.38
Processing of Voters	4.50
Counting of Votes	4.68
Reporting of Results	4.55
Trainer's Knowledge of Montenegrin Electoral System	4.70
Effectiveness of Training Session	4.77
Clarity and Comprehensiveness of Written Materials	4.60

The breakdown of secondary trainers, by party, was as follows:

Liberal Alliance	21
Social Democratic Party	12
Democratic Action Party	12
Democratic Union of Albanians	20
Coalition "For the Serbs"	6
People's Party	19
Serbian People's Party	19
Socialist People's Party	43
Democratic League	37
Municipal Election Commissions	43

The breakdown of secondary trainers, including party and municipal election commission representatives, by municipality, was as follows:

Municipality	Secondary Trainers
Andrijevisa	4
Bar	9
Berane	14
Bijelo Polje	5
Budva	8
Danilovgrad	6
Zabljak	5
Kolasin	10
Kotor	8
Mojkovac	11
Niksic	10
Plav	18
Pluzine	5
Pljevlja	7
Podgorica	19
Rozaje	12
Tivat	6
Ulcinj	53
Herceg Novi	12
Cetinje	5
Savnik	4
TOTAL	231

According to reports collected by the core training group, the following number of poll workers received instruction from secondary trainers:

Liberal Alliance	900
People's Party	200
Social Democratic Party	200
Democratic Party of Socialists	4,500
Serbian People's Party	137
Democratic Action Party	56
Socialist People's Party	3,940
Democratic Union of Albanians	50
Democratic League in Montenegro (Albanian)	110
Municipal Election Commissions (21 municipalities)	2,700
TOTAL	12,793

*The DPS did not participate in the secondary training phase of the program, having already completed an internal training program, but did use the IFES manuals/and training plans to instruct their appointees to polling boards (third tier training).

A total of 10,000 IFES training manuals were provided to 21 municipalities (4 per polling station) and 17 political parties and coalitions (as per size). Based on observations by IFES team members on election day, poll worker manuals were spotted in the possession of political party representatives and core members of election commissions in 28 of 33 polling sites visited. In addition, copies of the poll worker manual were provided to the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights (CEDEM).

B. Non-Partisan Voter Education Campaign

Four IFES voter education spots, developed in cooperation with the marketing agency *Bas Celik* were broadcast by Radio/Television Montenegro, which provided free airtime. The two motivational spots began airing on the 11th of May, while informational spots addressing voter registration (by means of a court order) and provisions for voting outside the polling site premises, began airing the following week. Former Deputy Prime Minister Miodrag Vukovic, who was responsible for election issues, commented that he was quite surprised that a foreign organization could develop a television campaign that was so culturally appropriate, noting that it spoke directly to the "hearts of all Montenegrins." This sentiment was repeated by Foreign Minister Branko Perovic a week later.

Six radio spots, four in Montenegrin and two in Albanian, were also broadcast, free of charge, by Radio Television Montenegro. Three of the spots were motivational, while the remainder addressed the proper way to mark one's ballot (so that it would not be invalidated), the processing of voters at the polling site, and the type of elections being conducted and terms of elected representatives. In addition to Radio/Television Montenegro, Antenna M also broadcast the spots free of charge and republic-wide. Albanian language spots were also broadcast, under the same terms, by local radio stations in Podgorica, Bar, and Ulcinj which have relatively large Albanian communities.

Some 18,500 voter education pieces, including posters and leaflets, were distributed throughout Montenegro between the 18th and 28th of May. The posters were tied to the leaflet campaign, which informed voters, through a question and answer format, about changes in the election process that directly affected them, about their voting rights, and about polling site procedures on election day. These also highlighted the efforts taken to enhance transparency and safeguard the integrity of the elections in Montenegro. These were designed both for the general electorate and modified for specific target groups, including young and first time voters, women, and Albanians. Distribution was carried out through a professional distribution company (to the 21 municipalities), student groups (to Montenegro's university campuses), and representatives of the Albanian community organized through representatives of the Ministry of Information. Posters were hung in officially sanctioned areas, while leaflets were distributed to libraries, post offices, sporting and recreation facilities, dormitories, cultural centers and business districts. Posters and leaflets were also provided to the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights (CEDEM).

C. Candidate Information Materials

Some 1,326 candidate handbooks were distributed to all political parties/coalitions participating in elections to the Republican Assembly. Copies were provided to each party based on the size of its candidate list. The candidate handbooks brought together information on provisions of all the laws and regulations pertaining to the rights and obligations of candidates as well as the resources available to them. The handbook was organized by theme and in chronological order. It contained the only calendar of administrative and campaign deadlines to appear in any public document during the course of the elections.

D. Legal Reform

In February 1998, the Republican Assembly of Montenegro passed the new Law on the Election of Councilors and Representatives (Legislative Election Law). The law was signed by President Milo Djukanovic February 18 and became effective after being published in the Official Gazette the following day.

The law passed by the Assembly was derived from the results of a working group on election law reform established by the Assembly to help implement the program. It was then adopted on a multi-party basis in Fall 1997 to expedite democratic political reform. The working group submitted draft bills on elections to the Republican and municipal assemblies (legislative elections), voter registration, and other subjects in November 1997.

In January 1998, under Delivery Order No. 803, the International Foundation for Election Systems (IFES) undertook an analysis of several of the bills that were then under consideration by the Assembly, and made recommendations for further refinements. The results of this analysis were communicated to the government prior to final passage of the legislation. The new Legislative Election Law, as finally passed and enacted, contains numerous refinements, many of which reflect the comments submitted by IFES. For a complete overview of incorporated changes, please see Attachment XXI to this report.

E. Leveraging of International Assistance

At the request of the Republican Election Commission, IFES was able to identify a vendor able to deliver on time invisible ink and optical scanners, as mandated by the election law, for use at each polling site and by mobile voting units. Demonstration and training packets, as well as reserve supplies, were also secured. IFES was also able to identify donors for the \$105,000 commodities purchase and is grateful to the Government of Norway, through the Norwegian Helsinki Committee, and the Government of Denmark for their assistance. The invisible ink and optical scanners provided an important and necessary form of polling site/ballot security on election day, thereby increasing public confidence in the integrity of the election results. According to the Chairman of the Republican Election Commission (REC), Stevan Damjanovic, had a way not been found to procure and delivery these crucial commodities in the existing timeframe, current political conditions and threats by the opposition to withdraw from the contest would have necessitated the postponement of the elections.

F. General Comments

IFES received a number of letters of appreciation with respect to the project. Extracts of some of these comments are listed below. Actual correspondence can be found in Attachment XV to this report):

"The Government of Montenegro expresses its sincere appreciation to the United States of America for the technical assistance provided during recent parliamentary and municipal elections by the International Foundation for Election Systems."

-Miodrag Vukovic, Deputy Prime Minister

"Thank you for your support in helping to provide the conditions for a regular, dignified, and peaceful election."

-Svetozar Marovic, President of Parliament

"The motivational/informational spots prepared for Radio by IFES have been made with great understanding of Montenegro and clearly influenced voter turn-out."

-Radio Montenegro

"IFES engagement in Montenegro contributed greatly to voter mobilization and information and the conduct of democratic elections."

-Television Montenegro

"The International Foundation for Election Systems made a significant contribution to the organization and regulation of elections in Montenegro . . . throughout the entire process, we could feel its positive influence."

-Podgorica Municipal Election Commission

"The experience of the IFES team and their efforts really helped the People's Party with respect to the organization and control of the election process."

-People's Party

"The manual for polling board members was the first of its kind in Montenegro and greatly helped every member because they finally had access to instructions in common and understandable language."

-Social Democratic Party

"Training provided in Ulcinj was both professional and systematic and used modern teaching methods that are a novelty here . . . many thanks for providing all necessary materials in Albanian language."

-The Democratic Union of Montenegro

"International and domestic observers agreed that polling boards did a great job on election day. I think this is the result of IFES training. As a former election commission member in 1990, 1992, and 1996, I know how difficult uniform polling place procedures are to achieve."

-Aleksa Ivanovic, Dayton Commission Representative in Montenegro

"Based on the findings of its observers, the Center for Democracy and Human Rights (CEDEM) considers the recent parliamentary and municipal elections to be the most regular since 1990. One of the organizations which contributed most to this was IFES."

-Center for Democracy and Human Rights

Reports of the Domestic Core Trainers

According to the evaluation reports submitted by the core training group:

"We were responsible to educate the representatives of political parties. All parties sent us participants that were interested and actively involved in training. It is our opinion that they understood all the chapters of the polling board manual. During information conversations with OSCE, CEDEM and CESID observers, we heard unanimous opinions that members of polling boards did an excellent job on election day. We can say that the IFES training program has had a great impact. Through this training, our election procedures were greatly improved and the very small number of election day appears it proof of this."

-Aleksa Ivanovic and Dr. Nebojsa Vucinic

"Our election officials finally reached the level of dignity guaranteed under the law and with respect to their work and responsibilities and they provided a complete and legitimate realization of all voting rights guaranteed under the Constitution. The work of the polling boards on election day and the smooth unfolding of the entire voting process with only a few exceptions is a reflection of the successful activities of this Foundation. The conclusion, plain for all to see, is that while all previous elections were labeled

“stolen,” this one was not . . . The very rich activity of the Foundation as evidenced by the preparation of the Candidate Handbook and Poll Worker Manual, and the distribution of these to all political parties free of charge and supplemented by training sessions, was the best way to prevent all the problems experienced in previous elections.”

-Rajko Barovic and Radojka Stamatovic

“Thanks, above all, to the precise technology and methodology of the training plan developed by the expert IFES team. Members of polling boards which participated in our training had the opportunity to learn the first letters of democracy and all the relevant elements of control and uniform application of voting regulations, which were their primary responsibility. In spite of different personal, intellectual, and psychological predisposition of the training participants, our general impression is that an invaluable job was done in the process of building and consolidating the democratic institution of elections. Since the emergence of a multi-party system in Montenegro, the IFES program was the first of its kind applied here and the first time that so many persons were involved in one of the most fundamental and sensitive aspects of election administration. This assertion can be verified by that fact that of 1,087 polling sites in Montenegro, the records of the work of the polling board were signed by all political parties, including those without electoral success.”

-Dr. Veselin Pavicevic and Nebojsa Mitric

The full text of the core trainers reports can be found in Attachment VI to this report.

IV. Issues For Consideration

The technical team and its co-operating partners in country concurred that the reach and impact of the IFES program in Montenegro was significant. The single-most frequently mentioned comment, through formal evaluation, reporting mechanisms and informal conversations, regarding “room for improvement” dealt with the extremely taut timetable for implementation. As noted under Section II.B. on challenges to project implementation, the primary obstacle faced by the technical team proved not to be politics so much as time. While many aspects of the scope of work were carried out, in some condensed fashion, in the seven weeks leading into the election, others were entirely compromised by a delayed arrival on-site. Ramifications stemming from the truncated implementation schedule, as well as the tense political environment, are discussed below.

A. Regulatory Development

According to the delivery order, IFES was responsible for analyzing existing and proposed regulations and offering support throughout the regulatory drafting process. The deadline for the adoption of regulations and standardized forms in support of the implementation of the new “Law on Election of Councilors and Representatives,” however, was 8 April. This was in accordance with Article 122, which stipulates that all laws must be passed within 20 days of the formation of the new REC. As IFES was not authorized to spend program funds until 6 April and had no advisors on-site prior to 12 April, the window of opportunity to impact the regulatory drafting process prior to elections had closed. As such, IFES

activities in this area focused on improving the regulatory drafting process in the future and advocating the incorporation of appropriate regulatory language from this election cycle into the "Law on the Election of Councilors and Representatives" through the amendment process (see IFES' Evaluation of Election System Performance).

B. Voter Registration

The same was true with respect to the voter registration process. The deadline for completing the computerized General Register of Electors and its publication for public review and modification was 31 March. According to the Law on the Register of Electors, regulations governing the registration of voters were to be completed by 8 April. As a result, the strategy for updating the registry prior to the election, the development of policies and technical safeguards, and the training of technicians and programmers had already occurred well in advance of the team's arrival on 12 April. IFES activities were limited to a "trouble-shooting" capacity, with the voter registration and legal advisors following up on political party complaints at the republican and municipal levels and maintaining a dialogue with the responsible authorities on pertinent constitutional, legal and political considerations. Time constraints also impacted voter education efforts aimed at the registration process. While the production schedule could not accommodate the 10 May deadline for the closure of the General Register of Electors to modification through the public review process, the television campaign was able to inform voters of their right to register or modify their registration data through a court order until 25 May. The development of IFES proposals for more efficiently and successfully maintaining and updating the voter registration process in the future proceeded as originally envisioned, unaffected by the team's late arrival.

C. Advising on Mass Media and the Election Campaign

With respect to access to the mass media during the election campaign, the timeframe of the passage of regulations on public media, relative to the team's arrival, precluded any IFES role in this process. Advising on the use of the mass media as a mechanism for voter information and education also ran into legal and political obstacles. Although IFES advised the Republican Election Commission to put a representative on television to talk about polling place and ballot security measures being undertaken, including the first-time use of invisible ink and optical scanners, the REC contended that it had no authority under the law to engage in voter education activities. This legal interpretation, as elaborated upon in section "B. Challenges to Project Implementation," also prevented both the joint REC/IFES sponsorship of television and radio spots and print materials, and the advising the commission on the use of media for voter education purposes. At the same time, the REC understood the need for non-partisan voter education messages and did agree to review all IFES voter education materials as well as facilitate the printing process. Recommendations regarding confidence-building measures were also made by IFES to the Deputy Prime Minister responsible for elections in light of the highly publicized effort of the Socialist People's Party to undermine public confidence in the elections. Due to extreme political pressures and fear of federal intervention, President Milo Djukanovic's Government opted not to address these allegations through a direct media appeal to the electorate.

D. Candidate Information

As for its candidate information efforts, the schedule for distribution of the Candidate Handbook stuck very closely to the workplan, running only a few days behind schedule due to the time required by the REC to thoroughly review the document. As such, distribution occurred at the beginning of the 6th week of programming, rather than the end of the 5th. Had the team arrived as anticipated, distribution would have occurred on a rolling basis beginning from 27 April through the deadline for certification of candidate slates on 10 May. As a direct result of a delayed entry into the country, however, a five week timetable ultimately coincided with mid-May. Due to the relatively short campaign period, particularly with respect to those political parties submitting their signature petitions late in the nomination and certification process, most of the handbook still proved pertinent. Sections relating to candidate eligibility, nomination, certification and relevant forms, however, were of little utility by the time of release. Political parties were appreciative, however, for the information that remained relevant, particularly given the newly enacted legislation.

E. Poll Worker Training

Instruction of the core training group occurred in accordance with the original workplan, (three weeks into programming), with invitations going out to all political parties during week four. Secondary training for political parties was also conducted according to schedule beginning in week five and continuing through week six, while instruction of municipal election commission representatives was implemented near the end of the envisioned timeframe, during week six. Due to the team's late arrival, however, the timeframe in question shifted from 6 April through 4 May to 29 April through 25 May. This created a bottle-neck with respect to third tier training. Political parties able to mobilize their secondary trainers by the second full week of May had two weeks to implement poll worker training, while parties scheduling sessions later in May – as well as municipal election commissions – were left with only one week to prepare their polling board members. The time crunch also reduced the ability of secondary trainers to prepare and retrieve necessary supporting documents for their third tier training sessions, including sign-in sheets and evaluation forms, thereby reducing their own and IFES' ability to systematically track quantitative and qualitative results at lower levels. Nonetheless, the IFES training program was able to provide secondary training to all parties and MECs that expressed an interest as well as direct training by the IFES Trainer for poll workers representing the Albanian parties in Ulcinj. Likewise, the poll worker manual reached a large number of poll workers and was visibly in use at polling sites on election day.

F. Voter Education

Time allotted for each phase of the voter education campaign: research, creation, production, and distribution was reduced considerably to accommodate the taut schedule and ensure that messages reached the electorate in advance of the campaign "black-out" period. A realistic assessment of the production and distribution schedules, in particular, resulted in abandonment of messages dealing with immediately impending deadlines, such as candidate registration and closure of the voter registry to public modification

(as opposed to modification through a court order). To ease the printing and distribution burden, the total number of pieces was also significantly reduced. Beyond real time issues, a shorter implementation schedule also meant that the REC was at the height of election preparations at the point that voter education materials and candidate information and poll worker materials, were ready for legal and technical review. It also meant that by the time all of these went to print, IFES' order was only one of many "top priority" jobs placed by participating political parties, the REC, and municipal election commissions. In this respect, the intervention of the REC proved crucial. Ultimately, the voter awareness strategy document, pre-production work, script-writing, and production occurred fairly consistently with the schedule established in the workplan, i.e. in weeks one through four of programming. Broadcasting of television and radio spots, preparation of print-ready materials, printing and distribution of posters and leaflets each fell behind by a week. All components of the media campaign, video, audio, and print began reaching the electorate in the 5th and 6th weeks of programming and continued through the 7th week, spanning the period 18 – 28 May rather than 20 April through 28 May. Television and radio spots aired for approximately 2 weeks leading into the election, while print materials were available only a week prior to elections.

Also, with respect to the television campaign, two of the six spots did not go to air. The first was an appeal to first time voters to check the register of electors to ensure that their names had been included.⁴ It included information on how to register or modify one's entry through a court order. The spot featured 10 year old file footage of famous Yugoslav sports stars of Montenegrin origin. In order to avoid any possible political symbolism, great care was taken to use old footage and select one athlete each who publicly supported Momir Bulatovic and Milo Djukanovic. Nonetheless, the Editor-in-Chief of State Television opted not to use the spot because one of the stars had actually appeared in a publicity photo with Milo Djukanovic during the previous election campaign. Under the circumstances, IFES concurred with this decision. The second spot was directed at rural and partially illiterate voters in Montenegro's mountain villages. It featured a group of "grannies" who explained – in colloquial terms -- what one needed to bring to the polling site on election day and reviewed each step in the voting process. The Editor-in-Chief of State Television refused to air this spot on the grounds that he considered it to be "patronizing." Arguments presented by IFES that this response was singularly opposed to those who had previewed the spot failed to sway his decision. IFES also alluded to the possible perception that the spot was withheld for political reasons. In particular, IFES noted its "concern that crucial information on polling place procedures will not reach voters, particularly those in greatest need of such details, [adding that] by pulling out certain segments of the media campaign, what was previously representative has become skewed toward urban professionals."

⁴ This was one of two spots dedicated to the topic of voter registration and in particular, appeals to first time voters.

PHASE II

I. Project Background

A. IFES Technical Assessment of Election System Performance

Following parliamentary and municipal elections held on 31 May 1998, IFES conducted an in-depth technical assessment of Montenegrin election systems. That analysis reflected the cumulative findings of IFES' assessment and technical teams and was based on observation of the system in practice, a review of original source documents, and consultations with the full range of participants in campaigns and elections. The analysis also reflected IFES' mandate as a technical assistance provider, which must be understood as a separate mandate from that of observer missions also active in Montenegro for parliamentary and municipal elections. The study focused primarily on areas where the IFES project directly intersected with the electoral process, for example: election official and poll worker training, voter education, candidate information and outreach, voter registration, legal reform and the provision of a list of recommendation for improving the administration of elections in Montenegro. At the core of many of these recommendations was the need to enhance the legal framework for holding elections in order to delegate institutional responsibility in a more consistent and permanent fashion, as well as to clear up many of the ambiguities and inconsistencies that exist within and between various pieces of election legislation.

B. Project Development

Following the completion of the assessment, IFES recommended that the most important area in which technical assistance was needed was in the development of a sound legal framework for elections. In consultation with USAID, the proposal was developed for the formation of a panel of experts to write model laws for consideration by the government and parliament of Montenegro. The timing of such an undertaking was considered optimal, in that the difficulties encountered in the previous elections were still fresh in the minds of the principal participants and elections were not anticipated in the near future. As the assessment stated, previous election reforms were affected by a number of negative factors, including:

- The politically unstable and highly polarized environment in which recent electoral reforms took place;
- Extreme pressure to pass new legislation and conduct new elections as soon as possible;
- Failure to engage practitioners, among them election administrators, in the legislative review, debate and drafting process; and,
- The absence of public notification on proposed changes which precluded a period of public airing and debate.

Key government officials and election practitioners expressed immediate support for the concept and willingness to support the process. In August 1998, IFES enlisted the assistance of IFES core trainer

Veselin Pavicevic in the formation of the panel. Pavicevic is considered one of the foremost experts on elections in Montenegro and has written extensively on the topic. He is a graduate lawyer, PHD, and associate university professor in the Faculty of Law, teaching classes in electoral systems. Pavicevic compiled a list of prospective panel members knowledgeable in Montenegrin electoral law and practices who have practical experience in drafting legislation. He simultaneously opened discussions with Miodrag Vukovic, special counselor to President Milo Djukanovic regarding prospective panel members.

On 20 September, a new Chief of Party (CoP) arrived in Belgrade, accompanied by an IFES staff member, to replace the previous CoP which had departed Podgorica in mid-August. Upon the team's arrival, they set about trying to form the panel and begin work on the development of the model laws. In the original project proposal, IFES had intended to secure presidential appointment for the Advisory Panel on Election Law Reform in order to increase the status of the panel and ensure that the panel's work would be accepted by the Montenegrin government. In pursuing this objective, it became increasingly apparent that, for political reasons, President Djukanovic could not officially appoint the panel. The office of the President argued that this would politicize the process of legislative drafting and make it an issue for potential political manipulation. IFES consented to form the panel but did receive the President's public endorsement in a meeting with USAID and IFES on 21 October.

In September, IFES met with Minister of Justice Dragan Soc, who has been the leading advocate of legislative reform in several areas, including elections. The Minister, who had prepared an ambitious schedule for reform in many sectors, had intended to amend existing election legislation within the year. Upon hearing of IFES' proposal, however, he turned the electoral reform program to IFES and its panel of Montenegrin election experts. From this point, the Minister became IFES' chief partner in the government throughout the development of the model laws and agreed to submit the laws to the Republican Assembly upon completion and an independent review.

Within days of the meeting with Minister Soc, IFES met with Miodrag Vukovic, who approved the recommended panel (attached). With this approval and President Djukanovic's public endorsement of the panel, IFES was prepared to begin working on the drafting of the model laws by late October 1998.

C. Project Objectives

1. Formation of Panel of Experts for Election Law Reform
2. Development of Terms of Reference for Panel on Election Law Reform
3. Preparation of Model Law on the Election of Councilors and Representatives
4. Preparation of Model Law on Voter Registry
5. Preparation of Model Law on Financing Political Organizations
6. Presentation of the Model Election Law Package to the President, Minister of Justice and Republican Assembly

II. Project Implementation

A. Political Environment

Political divisions in Montenegro are both deep and well documented by IFES, other international organizations and the media. The breakup of the Democratic Party of Socialists into factions supporting former President Momir Bulatovic and former Prime Minister Milo Djukanovic in 1997 set the stage for a very close and highly contentious presidential election that resulted in Djukanovic's presidency in early 1998. The change in power was plagued by mass protest and at times violent incidents. While the parliamentary elections in May 1998 were deemed regular and the results were accepted by Bulatovic's defeated Socialist People's Party (SNP), the campaign period was rife with threats and rumors of military intervention from Belgrade.

As the IFES team arrived in Montenegro in September 1998, fighting in Kosovo intensified. The Kosovo issue deepened divisions within Montenegro, stemming from the SNP's close alignment with the federal Yugoslav and Serbian leadership in Belgrade. The ruling coalition, while not publicly committed to severing ties with Belgrade, was at least trying to put clear distance between Podgorica and Belgrade with respect to Kosovo and a host of other issues. The ruling coalition supported western pressure to force a peace agreement between ethnic Albanians and Serbia, while the SNP in Montenegro supported Serbian efforts to maintain tight political and military control of Kosovo. The political atmosphere in Montenegro did not normalize until the agreement between Richard Holbrooke and Yugoslav President Slobodan Milosevic was reached in mid-October.

B. Challenges to Project Implementation

1. Delays in Commencement of Programming

Delays in the commencement of the second phase of programming resulted in the reduction of the overall length of the program and time allotted for the formation of the panel and development of the model laws.

While all contacts with key figures in the government's ruling coalition indicated the desire for reform, top government officials were clearly distracted by events in Kosovo. Setting meetings and obtaining active support for the IFES program within the top levels of government proved difficult. IFES made repeated unsuccessful attempts upon arrival in Podgorica to schedule a meeting with President Djukanovic to receive his public endorsement of the panel. Understandably, during the crisis in Kosovo, election law reform was not at the top of the President's priorities and panel formation was delayed to the first week in October when special counsel to the president Miodrag Vukovic approved the panel list.

As preparations were underway for the first panel meeting, the crisis in Kosovo flared again, striking another blow to project implementation. Americans were "strongly encouraged" to evacuate Yugoslavia due to threatened NATO air strikes against that country in early October. The evacuation added an additional eleven day delay, bringing lost programming time to four weeks from the date of the

IFES team arrival. Consequently, the next few months were spent trying to catch up on lost time by putting in significant amounts of additional hours in order to ensure the completion of the laws by the late January deadline.

2. Political and Legal Culture Factors

The political environment had implications beyond delaying implementation. Pursuing reform against a backdrop of political repression from Belgrade had a stifling effect. Every step has been measured in anticipation of how the Milosevic regime might respond. The question of what would prompt Milosevic to move against Montenegro permeated every action. As demonstrated by the contention that surrounded the two most recent elections in Montenegro, Belgrade has been perceived as ready to interfere for the most insignificant of reasons whenever an opportunity presented itself. Reform requires risk, and taking risks is not appealing in such an environment. Such concerns were expressed in several early meetings of the panel. As a result, the panel, throughout the task of drafting model laws, seemed less inclined to bold and ambitious reform than the government that requested and encouraged IFES' active presence in Montenegro.

The panel, as well as all staff level government employees except the chairman, did not have a strong reformist perspective going into the process. The panel was more inclined to make marginal changes to current provisions. At times it seemed that there was an interest in protecting the institutional status quo. For instance, there was resistance to granting a significant degree of independence to the Republican Election Commission (REC) as the REC was within the hierarchy of the Ministry of Justice. Granting the REC regulatory control of the central voter registry received similar resistance, as the voter registry is currently under the strict purview of the Secretariat of Development which is responsible for technical matters. The panel flatly refused to grant the REC any authority to investigate allegations of violations of election legislation, arguing that these were the responsibility of the Ministry of Interior. In some cases, these issues were resolved or compromise was reached, but in most cases long and difficult negotiations were required to build consensus.

The panel consistently defended gaps and ambiguities in its legal writing style, attributing the style to the "normative approach" of writing laws. Repeated attempts by IFES consultants to provide further definition to this normative approach were met with resistance. Apparently, a wide legal cultural gap exists here. The panel resisted the use of general provisions to clarify intent and meaning of legal terms. According to the panel, these types of legal tools are simply not a part of the legal culture or methodology in Montenegro.

C. Support from the Minister of Justice

As referenced above, Minister of Justice Dragan Soc turned over the electoral program and the Advisory Panel on Election Law Reform to IFES in September, shortly after the IFES team arrived. Though the Minister of Justice was not regularly available to lend direct support to the project, he did on at least one occasion break a deadlock with the panel regarding the voter registry and the independence of the REC. When asked, based on panel members' reservations, if he had objections to proposals in the model laws which reduce his control over the electoral process, he said he did not and further encouraged

the IFES team to be bold in its approach to reform. Support from the Minister was vital to the success of the IFES project not only throughout the model law drafting process, but in agreeing to "adopt" the model laws for eventual submission to the Republican Assembly. In addition, the Minister cosponsored the formal presentation of the model laws on February 8, delivering opening remarks to participants, and providing his Secretary as moderator which further indicated his support of the laws.

D. The Model Laws

Following the blueprint of the "IFES Technical Assessment of Election System Performance", the IFES team and panel systematically analyzed the possible impact of issues for consideration on the electoral and political system of Montenegro. The following summarizes this process, identifying major issues that were adopted and important issues either rejected or held for future consideration.

1. Issues for Consideration

a. Election Administration Structures

The IFES assessment and the OSCE election observation report cited an "inefficient diffusion of election administrative responsibilities" in the electoral system in Montenegro. The current law provides for no REC authority over several areas relating to the administration of elections in Montenegro, including the authority to regulate the voter registry. Additionally, the only function allowed to the REC in the current law on political party financing is the transfer of public financing allocations. In order to address this and consolidate authority over the entire election process of the REC, IFES and the panel included in the model laws provisions which broaden the REC's regulatory authority in these two areas considerably. Specifically, the laws grant the REC the right to draft regulations and give instructions with respect to the voter registry. Authority is also granted to the REC to regulate proposed prohibitions and reporting requirements included in the model Law on Financing Political Organizations.

The model laws define the full time functions of the REC, aimed at continuous improvement of the electoral system. On-going review of the voter list and consultation with municipal election commissions (MECs) and the Secretariat of Development is envisioned for the REC. Annual reports to the parliament on election system performance is also required. It is expected these reports will include recommendations for improvements as a result of analysis that takes place in preparing the reports. The REC will also be responsible for preparing training programs for municipal election officials and polling station boards as well as ongoing voter registration programs.

Under the model Law on Election of Councilors and Representatives, the Secretary of the REC would become a full time position and provided with staff to carry out the additional functions.

Possibly the most important provision in the model legislative election law requires the makeup of the REC, MECs and polling board makeup to be multiparty and functionally nonpartisan. This is accomplished by mandating that membership correspond to parties in parliament and local councils. Moreover, each election official must take an oath upon appointment which requires him or her to act to uphold the law and be neutral.

The issue of institutional memory is addressed by staggering terms of REC and MEC membership. Roughly half the membership of each commission is appointed every two years to a term of four years. Implementation is accomplished by a transitional provision which provides for a combination of two and four year appointments at the expiration of the terms of current members.

A quorum is defined as a majority of the membership of the commission and decisions are made by a majority of those present.

Extended memberships of commissions are eliminated in the model laws. With partisan diversity required, there is little rationale to maintain extended memberships because of the resulting unwieldy number of members.

b. Voter Eligibility and Registration

The model Law on the Registry of Elections clarifies the roles of the respective agencies in registry updating and maintenance. Most importantly, IFES and the panel sought to bring the voter registry into the realm of election administration and under the authority of the chief electoral body. Under the model law, the REC is introduced as the overall regulatory authority. The Secretariat of Development is designated as the agency responsible for maintenance of the central voter list and municipalities are charged with day to day maintenance.

The model voter registry law, while still providing for *ex officio* compilation also introduces a much greater degree of citizen involvement in maintaining and correcting the voter list. Citizens have open and continual access to the list, may file for corrections and are publicly notified of such rights at least once each year. Similarly, local authorities are required to respond to these filings and the right to appeal is set forth. Access to source records used to compile the voter list is also assured.

Polling boards are required to detail the circumstances under which citizens are denied a ballot on election day.

c. System of Representation

The system of positive discrimination used in the last parliamentary election was deleted in the model law. According to panel chair Veselin Pavicevic, the system could have allowed non-minority parties to transfer votes into the special districts, resulting in an even lower representation for Albanian minorities.

The threshold for a parliamentary mandate was reduced from 3% to 2%. Applying the reduced mandate to the last election would have provided for the same two seats for Albanian minorities as the last election, without the risks inherent in the system used for the last election.

d. Nomination Process/Qualification of Candidate Lists

It is envisioned that the regulatory authority of the REC, under the model laws, will allow for the development of a nomination petition verification regimen. It is expected the REC will rely heavily on the Secretariat of Development for technical assistance in the signature verification process.

Several important changes established in the model Law on Election of Councilors and Representatives include:

1. The deadline for submitting an electoral list was extended from 20 to 30 days prior to the election.
2. The model law prohibits collection of signatures at places of employment and the use of financial incentives or coercion.
3. An attestation was added for the collector of signatures. This provides an audit trail to be used in the event of suspected fraudulent signatures, with penalties for collecting signatures fraudulently.
4. Assignment of mandates is done strictly according to list order, as opposed to current law which allows the parties to assign seats for half the mandates won.
5. Responsible election commissions are required to submit suspected cases of fraud to the proper law enforcement agency.

e. Campaign Finance

The current Law on Campaign Financing provides for minimal restrictions and reporting requirements for parties, adding to the perceived secrecy surrounding the party machinery. In order to introduce transparency into the system, the model Law on Financing Political Organizations provides the REC with regulatory authority to enforce prohibitions and public disclosure of campaign contributions and expenditures required under the model law. Prohibitions include accepting contributions from foreign states, organizations or individuals, the use of coercion in the solicitation of funds, and collection or solicitation in state offices. Contribution limits of 100,000 Yugoslavian Dinars are established.

Annual reports are mandated in non-election years and two additional reports are required in election years both five days prior to the election and 25 days after. The right of the public to access these reports is guaranteed under the model law. In addition, accountability is introduced in the model law by requiring nominating entities to designate a treasurer who is responsible for filing reports and answering subsequent inquiries.

f. Adjudication of Grievances

The appeal process for resolution of voter registration appeals is improved under the model legislation by providing definite obligations on administrative agencies to respond within given deadlines and providing background information for rulings. According to panel members and the IFES legal

review, an adequate appeal process is in place to resolve conflict. In spite of this, there are still issues of judicial jurisdiction outstanding. The fact that the model law provides for continual updating of voter registries and the right to appeal may allow these questions to be resolved in a less politically charged environment after the campaign period has concluded.

g. Ballot Security and Accountability

Under the model legislative election law, ballot security is placed broadly under the regulatory authority of the REC. A stamp is required at point of issuance to the voter, but security measures from the printer to the polling station will be addressed by the REC. In prior elections, each ballot was required to be stamped by the REC and MECs. This required unpacking and repackaging ballots which was not only inefficient but also presented an entirely new set of security risks. It is envisioned that REC regulations will provide for maximum transparency by requiring audit trails which do not currently exist.

h. Polling Station Procedures

Many of the problems experienced in previous elections can be addressed through the expanded regulatory authority of the REC provided in the model laws. Several issues, including the use of ink as a security measure are REC priorities. Training polling boards is a requirement under the model laws which would greatly reduce the possibilities of mistakes or confusion at the polling station on election day. The procedures for obtaining credentials as foreign or domestic observers is clarified under these laws.

2. Issues for Future Consideration

a. Voter Eligibility and Registration

Panel members adamantly resisted the establishment of a tendered or challenged ballot provision in the model law, suggesting it presented too much opportunity for obstruction or disruption of elections. The parliament should revisit the recommendation due to the importance of such a system in protecting suffrage.

The model laws give the right to "submitters of electoral lists" to obtain copies of the voter registry. It does not, however, give political organizations this same right. The use of the term "submitter of an electoral list" implies that such lists may only be obtained by political parties during campaign periods. The panel resisted the recommendation that this terminology be changed to include political organizations as well as the right to obtain lists at any time, citing that current practice is to provide such lists to parties during the campaign.

b. System of Representation

Following the last election, IFES and the OSCE recommended a mixed legislative model, including single mandate districts to create direct linkage between elected officials and their constituents and to provide greater assurance of minority representation without elaborate systems of positive discrimination. The panel concluded and IFES and USAID concurred that while this is advisable in the

future, conditions do not yet exist to ensure that the mixed model can be implemented. First, creation of additional fault lines for conflict in a political environment where a host of such fault lines already exist might be extremely risky. Second, the creation of single mandate districts would require a census and apportionment system for which adequate data and infrastructure is lacking.

c. Adjudication of Grievances

The automatic nullification of election results under certain conditions, sometimes even in the case of inconsequential errors at the polling station remains an important issue. IFES considers this a serious deficiency in the law and recommends further parliamentary consideration. The panel, however, insisted the inclusion of such a provision was essential to any law the Republican Assembly would consider.

V. FUTURE PROGRAMMING IN MONTENEGRO

NATO airstrikes against Yugoslavia began on 24 March as a result of Yugoslav refusal to sign the Rambouillet peace accords re-defining the status of the province of Kosovo. As of the writing of this report, there was little evidence as to when the conflict would end or when donor organizations would be able to return to Yugoslavia. The recommendations for future programming in Montenegro listed below reflect options assuming the return of donor organizations to Yugoslavia, and Montenegro specifically, and conditions that existed prior to the commencement of airstrikes. Any attempt to venture precise guesses as to future conditions would be futile since the end result is unknown.

Several potential consequences of the airstrikes, however, may prove to make programming in Montenegro either impossible in the worst case or extremely difficult in the best case in both the short and long term. Rumors currently abound that the federal Yugoslav government is planning both the overthrow of the Djukanovic regime and a replacement regime loyal to Milosevic, likely from Momir Bulatovic's Socialist People's Party. If there is a dramatic change of regime, the environment for international organizations will change dramatically and any cooperation from the government will be minimal. Electoral reforms will likely be pushed aside as a new regime would seek simply to consolidate its power. Even if current fears are not realized and the current government remains in power, animosity about the airstrikes will clearly be directed to citizens of NATO member states.

A. Programming Opportunities

1. *Training of Election Commissions*

With the modification of the legislative framework by the IFES Advisory Panel on Election Law Reform, the foundation has been laid for institutional reform of the election process. The introduction of a truly permanent Republican Election Commission, with a permanent and professional secretary and staff, and its expanded regulatory authority over the process, including the voter registry, poses a new challenge. Because the REC has only convened during election periods and has served a very specific function, the new responsibilities will require extensive legislative and administrative training. With the delineation of institutional responsibilities in the model legislation, attention must remain focused on the successful implementation of that legislation.

Training should focus primarily on the republican level, through the Republican Election Commission, and develop the framework for the entire commission structure, including Municipal Election Commissions. During the May 1998 elections, some procedural matters were still unclear and there was confusion at times over the division of responsibilities between the municipal and republic levels. Responsibilities should be clearly defined in an employee handbook for election commissioners at both levels, to avoid the institutional ambiguities that have plagued past elections.

2. *Creation of Professional Association of Election Officials/Public Administrators*

Interest has been expressed by public and election administrators at the republican and municipal levels to create a professional association that would provide a mechanism for on-going training and

professional development, experience sharing, and advocacy and advising functions with respect to electoral reform. Although Montenegrin election law envisions a permanent election commission structure with four-year terms, it fails to enumerate the responsibilities of such structures between elections. The recently completed model laws have addressed this through the institutional delineation of duties while election commission training can assist in the implementation of legislation. Efforts should be made to develop an indigenous capacity for electoral reform once international assistance projects have been completed. For this reason, the most feasible strategy may be to draw the most committed and active members of commissions into association development with the intent not only of professionalizing election administration but also creating a broad-based, well-coordinated and expert effort to lobby for electoral reform.

Past experience has shown that the failure of politicians in parliament to either involve or consult practitioners during previous debates on electoral reform led directly to a host of procedural shortcomings of the election campaign: gaps and inconsistencies in and between laws, unrealistic timetables, unclear and disjointed division of responsibilities, relatively poor enforcement mechanisms and a confusing and inefficient system for administrative and legal remedies. It is likely that lobbying efforts will be required to focus parliamentarians on the need for continued electoral reforms in the immediate future and provide concrete and detailed proposals for modifications. Such efforts can also be aimed at the Government, which has already been presented with model legislation to create a real permanent and professional election commission structure, complete with the necessary financial and human resources.

Beyond providing modifications to the framework for electoral reform, election official training, and professionalization of election commission structures, association development could draw in municipal authorities responsible for voter registration and address minority issues as they pertain to the election process. In the case of the former, the association could provide on-going training to technicians tasked with maintaining and updating the Register of Electors. As for the latter, the association could recruit and train Albanians -- in their own language -- in election management and voter registration. Efforts could also be undertaken to sensitize other administrators to the special needs of ethnic minority groups during the campaign period and on election day. The process of creating a professional association, the inclusion of all 21 municipalities, and the experience gained through training and advocacy functions would produce a sustainable institution influential not only in electoral reform the democratization of local governance and public administration.

3. Introduction of Degree Program in Election Law and Administration

An important and mutually reinforcing initiative has also taken root within the Faculty of Law, which has introduced courses on election law and administration in the coming semester. Plans currently exist within the Dean's Office to expand the course into a degree program. Such movements within the academic community could have extremely significant long-term ramifications. Specifically, Montenegro does not have its own political science faculty. All students with such interests have been sent to Belgrade for political education, or indoctrination as the case might be, and enticed with jobs in the federal bureaucracy. The impact on political science, public administration, governance and diplomacy are becoming more keenly felt as Montenegro begins to develop its own political identity and public policies distinct from the agenda of Slobodan Milosevic. As such, discussions about the creation of political

science and public administration programs is becoming more frequent. At this stage, IFES has been invited by the Faculty of Law to provide lecturers and reading materials for the course and participate in curriculum development for the degree program on election law and administration. It is also positioned to facilitate the creation of an Election Resource Center consistent with the model used by IFES in the Americas, Central Europe, the former Soviet Union, Africa and the Middle East within the Faculty of Law for use by students participating in the program. The establishment of an Election Resource Center, complete with significant holdings in a variety of languages and equipped with computers and internet access, could become the breeding ground not only for successive generations of election officials, but also opinion leaders, policy makers, and public administrators.

4. *Democracy Education*

The development of a civil society, crucial to the sustainability of democracy, requires an informed and active citizenry. Significant work remains to educate Montenegro's citizens about the nature of democracy, the challenges associated with such transitions and the means of overcoming them, and their rights and obligations under the law. IFES has been invited by the Government of Montenegro to design a longer term program of civic education aimed at young people, rural dwellers, war refugees, and minority groups through such mechanisms as the mass media, the school system, cultural societies and local support networks. Interest exists within the Ministry of Education, in particular, to develop a curriculum for first time voters for use in secondary schools. Such a curriculum would include lesson plans, reading lists, role-playing exercises within the context of a mock election campaign, discussion groups, and extra-curricular activities. These would be specially tailored to the Montenegrin constitutional and legal framework and its governing structures, political context, and media environment while addressing both minority issues and the specific needs of first time voters. Direct involvement of Montenegrin election officials, teachers, and students in the brain-storming process and during pilot testing will be used to create an indigenous sense of "ownership," while significantly increasing probable impact.

In addition to efforts through the secondary school system, IFES has received a number of proposals from the Student Union of the Faculty of Economics concerning democracy awareness and education programs ranging from public forums, reader's clubs, and student publications to special events and materials development, such as leaflets, posters, calendars, T-shirts, etc. Among the themes to be addressed through public forums, publications, and other materials are: fundamentals of democracy; the relationship between political and economic development; the roles of youth, women, and minority groups in democratic societies; lessons learned in transitional democracies of CEE and FSU; the rights of citizens in western democracies; leadership training, conflict resolution; and classical liberal thought. Due to the absence of a political science faculty, the Faculty of Economics is an important source of support for market and democratic reforms. Based on the Student Union's experience in project design and implementation to date, sub-granting should be considered as a plausible option.

5. *Public Opinion Polling*

There is also considerable need for baseline polling on public awareness of and attitudes toward political and economic reform. Much of the survey work which has been done to date has focused on the

popularity of various political figures/entities rather than collecting baseline data on the citizenry for purposes of assessing public informational and educational needs or measuring tangible support for various reform options. Both from the perspective of meaningful program development and to inform elected officials about public perceptions and preferences, a public opinion poll would be extremely important. More specifically, data could be used by the international donor community to: measure impact across time; develop voter and civic education materials which effectively address and overcome ignorance, fear, or confusion; empower public advocacy groups; foster more representative positions and responsive programs by political parties; and demonstrate to elected leaders public support for certain reform options and/or existing needs for greater public information efforts.

6. *Advising on Voter Registration/Election Technologies*

Despite the great strides undertaken in the current election cycle, it is clear that considerably more work needs to be undertaken in the area of voter registration. Significant changes have been introduced in the model Law on the Voter Registry which provide for an institutional reorganization by resting supervisory and regulatory authority of the registry with the Republican Election Commission, while the Secretariat of Development still is still responsible for maintenance. A select group has been formed within the Secretariat of Development to carry on its duties in maintaining the computerized Register of Electors as well as to explore the application of modern technology to the election process. IFES has been invited to serve in an advisory capacity to this group and assist with the implementation of pertinent reforms. At the same time, care should be taken to avoid efforts aimed solely at "perfecting" rather than reforming the existing system. This should be accomplished through training of not only the election commissions but those charged with maintaining the voter registry.

7. *NGO Support for Constitutional/Political/Electoral Reforms*

As noted in IFES' Voter Awareness Assessment, November 1997, the NGO sector in Montenegro exists primarily in a nominal sense. This can be attributed to a lack of understanding about the nature and role of such organizations by the Government, prospective NGOs, and the population. In most cases, the representative nature and grass-roots orientation of NGOs has yet to be appreciated, much less developed. Few, if any, public organizations currently operating in Montenegro are in a position to act as intermediaries between the Government and society by effectively consolidating and representing public interests, promoting cooperation and coordination between similar groups, or building institutional sustainability through support services. As such, programming aimed at NGO building will be necessary but needs to be preceded by civic education efforts aimed at creating an environment conducive to the evolution of a meaningful NGO sector. At the moment, student and minority groups appear most interested in basic civic education efforts. More academic and policy oriented NGOs, such as the Center for Democracy and Reform (CEDEM) and the Helsinki Committee of Montenegro are currently more pre-occupied with constitutional, political, legal and electoral reform as well as regional security concerns. Opportunities currently exist for IFES to cooperate with CEDEM and Helsinki through such mechanisms as public information campaigns, publications, special events, or public advocacy. Proposed activities would focus on electoral reforms, voting rights, political pluralism, rule of law, division and devolution of power, independent media, federalism, minority rights, refugee status, citizenship issues, and

constitutional reform. As for NGO development and support, an appropriate partner has yet to be identified.

B. Making a Case for Continued Public Investment in Montenegro

Despite the considerable hype surrounding the May 1998 elections in Montenegro and a flurry of headlines proclaiming the electoral victory of reform-minded President Milo Djukanovic a watershed event in the Federal Republic of Yugoslavia, Montenegro has clearly – and quite rapidly -- fallen off the radar screen of the diplomatic community and donor organizations. This can be attributed to the diversion of the West's collective attention from Montenegro to the crisis in Kosovo and a false sense of security stemming from a successful election and presumptions that President Milosevic is preoccupied with Kosovo. That the West would prematurely disengage from Montenegro and, at the same time, fail to effectively deal Djukanovic into the regional security equation is perplexing.

The ease with which some policy-makers dismiss Montenegro as an insignificant player consisting of merely 670,000 people fails to take into account the relative impact which it has had on the political status quo in Yugoslavia during the past year. The 200,000 or so Montenegrin voters who have cast their ballots in support of reform have placed more pressure on the Milosevic regime than Serbia's own Zajedno, student, or boycott movements. The degree to which Milosevic continues to either co-opt or marginalize the fractious and often self-defeating opposition in Serbia suggests that Montenegro remains the best bet for reform at the federal level. The active participation by the Montenegrin electorate in the recent election process and the transparency, tolerance, flexibility and commitment to reform evident in some sectors of Montenegrin officialdom suggest that foreign aid may be more feasible there than other theaters of Yugoslavia. If the democratic movement in Montenegro is to succeed, however, investment must be made in such areas as democratic governance and public administration, including efforts to ensure representation of Montenegro's minority groups in decision-making, law enforcement, and judicial bodies; rule of law; civil society; and support for Montenegro's Bosnian and Croatian refugees and displaced persons from Kosovo. The current crisis in Kosovo demonstrates the strategic importance of Montenegro and its independent political position vis-a-vis Serbia.

With respect to the federal constitutional crisis, the law governing the constitution of Montenegro's delegation to the upper house of the Federal Parliament was modified by the new Republican Assembly last summer to allow for majoritarian representation rather than proportional representation. This move denied Momir Bulatovic's Socialist People's Party a single place within the delegation. Yet, the federal constitutional crisis remains unresolved. In order for the Montenegrin delegation to block anticipated changes to the Federal Constitution, aimed at expanding and consolidating Milosevic's power over the whole of Yugoslavia, it must first be seated. The delegation has yet to be recognized by Belgrade despite the fact that the Federal Constitution appears to allow for such changes and a precedent for majoritarian representation exists in Serbia.

It is clear that the preferred course of the Government of Montenegro is to remain within the Federal Republic of Yugoslavia under the governance of a considerably more progressive, tolerant, and accountable administration than currently exists. Failing this, and anticipating continued interference in and manipulation of its internal affairs by Belgrade, as well as federal political, economic, and foreign policies counter to its own interests, Montenegro could well move toward secession. Observers should not, however, expect the aggressive independence stance

advocated by Slavko Perovic's Liberal Alliance Party, which won only 5% of the vote in recent parliamentary elections to go mainstream. Great care will be taken to pursue reform from within, while allowing Milosevic to decide the fate of Yugoslavia. While the answer to the question "Will Montenegro secede?" remains "no," there are conditions to this. Foreign policy makers should proceed with this nuanced understanding. With the combined pressures of Kosovo and Montenegro, Milosevic may be at his most vulnerable, although NATO airstrikes have rallied the Serbian people around Milosevic. Any diplomatic solutions to the Kosovo situation which ultimately empower Milosevic at the expense of Montenegro are unlikely to be in the long term interests of anyone but Milosevic himself. In short, the disintegration of what remains of the Federal Republic of Yugoslavia is a possibility, but not an inevitability, if the West takes a proactive and engaged stance toward Montenegro.

ANNEXES

ANNEX I: VOTER AWARENESS STRATEGY

Voter Awareness Assessment: A Strategy Document For The Mass Media Campaign

Introduction

In order to maximize informed and effective participation in the Montenegrin electoral process, the International Foundation for Election Systems (IFES) has been charged with conducting a mass media campaign informing eligible Montenegrins about their rights and responsibilities. This non-partisan effort is being undertaken in cooperation and co-ordination with indigenous entities including the Republican Election Commission, the Ministry of Information, Radio/Television Montenegro, independent media outlets, NGOs, universities, and marketing agencies. This document forms the strategic framework for the mass media campaign and is the product of consultations with political parties, NGOs, educators, journalists, election practitioners, students, and ethnic groups and research undertaken by the selected production company. It takes into account existing polling data on media consumption and public attitudes as well as the practical experience of the presidential elections.¹

Production Company

Through a competitive bidding process, IFES has selected the marketing agency Bas Celik to produce its media campaign. The agency was formally constituted in January 1998. Its staff members and associates have worked together on a number of projects throughout the late 1990s. This creative and technical team is comprised of dynamic, highly educated, and professionally trained young people. While the agency specializes in video and audio production, it is also well positioned to provide market research, and media planning services. The agency's creative and business directors are both Montenegrins and are well attuned to the political situation and cultural context of Montenegro. They also have a pre-established working relationship with the new editor-in-chief of Radio/Television Montenegro, the most widely watched network in Montenegro and the one, which has made an in-kind contribution of free airtime to IFES.

The agency's reference list includes the telecommunications company Pro-Monte; Montenegrin rock performers Knez, Moby Dick, Lee-Man, and Zorana; the Government of Montenegro; the Yugoslav Triathlon Association; Alba Greka, and Cypress. It has recently signed on to do a marketing campaign for Mobile in Montenegro.

The credentials of the creative and technical team are summarized below:

Creative Director Srdan Golubovic has a degree in film and television direction from the Academy of Film and Television at the University for the Arts in Belgrade, Serbia. His films have been nominated for honors at festivals in Tel Aviv, Chicago, Birmingham, and Leipzig. In 1994, his film "Troika" was honored with a golden medal for the best debut film in Tiraspol, Moldova. His professional experience includes marketing campaigns for JAT, Yugopetrol, popular rock bands, and parliamentary and presidential campaigns in Montenegro, among others.

CopyWriter Miroslav Momcilovic received a degree in script writing from the Academy of Film and Television at the University for the Arts in Belgrade, Serbia. He has served as a copywriter both for BK Television in Belgrade and the Partner Marketing Agency. Also a playwright, his "Beograd Na Kolenima" has received rave reviews by critics and theatergoers in Belgrade.

¹ The taught timeframe under which the IFES team is operating, dating from its arrival in Podgorica on the 10th of April to the first pertinent deadline on 10 May (closure of the Register of Electors to changes), and minimal production demands have precluded the conduct of polling or focus groups directly by IFES.

CopyWriter Srdan Andelic also has a degree in script writing from the Academy of Film and Television at the University for the Arts in Belgrade, Serbia. His script for the motion picture "Do Koske" has been critically acclaimed throughout Yugoslavia. His work on radio jingles was also recognized at the Prix Europe Festival in Berlin, where he received the Grand Prix award in the "marketplace of ideas" category.

CopyWriter Dorde Milosavljevic holds a degree in script writing from the Academy of Film and Television at the University for the Arts in Belgrade, Serbia. The motion picture "Tri Palme Za Dve Bitage I Ribicu," for which he wrote the script, is currently showing throughout Yugoslavia to packed audiences as was his previous work "Paket Aranzman." He also works as a film critic and comic book writer.

Director of Photography Balsa Radenovic is currently studying in the camera department of the Academy for Film and Television at the University for the Arts in Belgrade, Serbia. He has apprentices with the foremost director of photography in the Republic of Yugoslavia, Milorad Glusica. He also works as an ENG camera operator at BK Television.

Provision of Airtime

As per the conditions set forth by USAID, IFES has secured a commitment of free airtime from Radio/Television Montenegro from its Editor in Chief, the Ministry of Information, and the Government of Montenegro. Radio/Television Montenegro has the greatest broadcasting area, covering the whole of Montenegro, and the highest percentage of viewing and listening audiences of all media entities in the country. Since the break-up of the Democratic Party of Socialists and the election victory of Milo Djukanovic, people's trust in the information they receive from state media sources, ie. Montenegrin Government controlled, has been increasing steadily as has their consumption of messages broadcast by this network.

Distribution of Print Materials

Print materials will be distributed through a variety of entities include election administrative structures, municipal authorities, NGOs, student associations, and cultural groups. As 55% of young people polled in Montenegro identified their peers as the most important source of information, distribution through student associations, student government bodies, university-based student centers, professional associations, and extra-curricular clubs will be essential. With respect to the Albanian community, distribution through cultural associations and local organs of representation will also be critical, if information is to be well received and trusted.

The May 1998 Parliamentary Elections

Parliamentary elections have been scheduled in the Republic of Montenegro for Sunday 31 May 1998. These are early elections called, in accordance with legal provisions, by the President as a result of the dissolution of the Republican Assembly. Early elections were deemed necessary to quell growing political instability in the aftermath of the split of the Democratic Party of Socialists and the presidential election victory of Milo Djukanovic.

Theme

The theme, which will be used to identify all messages of the media campaign, is "*Pravo Na Izbor*" or "*The Right to Choose*." In the Serbo-Croat language and Montenegrin cultural context, the phrase connotes a number of meanings that extend beyond the constitutional right of citizens to vote. These include a particular path or way to reach one's choice and a legal means of expressing one's choice.

Methodology

Regional Distinctions:	There are some distinct characteristics displayed by Montenegrins living in various regions of the country. These include the center of the country that is
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home to the administrative and cultural capitals, the coastal areas, the mountain villages, and communities of Muslims. These differences pertain largely to accent, dialect, and costume. In order to accommodate this regional diversity, the media campaign will utilize a broad range of characters, images, and color schemes to deliver voter education messages.

- Family Ties: The media campaign will reflect the strong sense of family that exists in Montenegrin society and will highlight the combined values of an individual's right to choose and respect for one's elders. Many of the messages targeted at the general electorate will feature several generations of one family.
- Progressive Messages: A creative media campaign, featuring the use of storylines, humor, satire, popular/cultural icons, and music will be used to reach and engage both young/first time voters and apathetic segments of the population.
- Traditional Messages:² Due to the extreme political polarization of Montenegrin society, it will be necessary to address the expectations of older voters so that they will not feel alienated from the non-partisan voter education effort. Toward this end, the audio and video components of the media campaign will include a few traditional messages featuring the Chairman of the Republican Election Commission.
- Albanian Minority: In response to the special linguistic and informational needs of Montenegro's Albanian community, a portion of the media campaign will be dedicated to this target group.³ IFES will attempt to produce at least 10% of the audio and print components of the campaign in Albanian language, and distribute/air through local media and cultural outlets.
- IFES has opted against airing Albanian language messages through national television outlets for a number of reasons. First, most Albanians watch television broadcast from neighboring Albania rather than Montenegro. Secondly, it is important to understand the possible political ramifications of using national television to broadcast Albanian language messages, even if the content is not, in and of itself, partisan.
- IFES has been repeatedly advised that Montenegro's sizable conservative constituency, ie. nearly 50%, might respond negatively to a nationally televised voter education campaign in Albanian language. It was among this constituency that former President Momir Bulatovic sought to incite ethnic hatred during his efforts to call into question the integrity of the presidential elections.
- The involvement of an American organization in sponsoring a nationally televised voter education campaign in Albanian language was also deemed to be problematic from a political perspective. For this reason, IFES has sought to pursue a cautious and low-key approach that will not compromise the quality or utility of information provided to the Albanian community.
- Women: Men continue to dominate the social, political, and economic spheres in Montenegro, despite the individual achievements of some women. A portion of the media campaign will target this group in an attempt to enhance awareness among women of their legal rights and political options and to provide for their

² The delivery of traditional messages will be contingent upon the provision of free *production services* from the state media.

³ Albanians in Montenegro comprise approximately 4% of the population.

more meaningful participation in the electoral process.

Special Needs: Educators indicate that as many as 42,000 people, or 6% of the population, have attended only primary school. As such, this segment of the population will require informational materials that are highly visual and self-explanatory in nature. An additional 200,000, or 30%, have only a secondary education and may have relatively greater needs with respect to technical and legal information than citizens with university degrees.

Eligibility and Registration

Objective: To safeguard against the disenfranchisement of eligible voters as a result of omissions or inaccuracies in the Register of Electors.

Need: Vast problems with the Register of Electors resulted in the disenfranchisement of thousands of voters in the first round of presidential elections and severely undermined the integrity of the election process. Political parties indicated that voters had failed, either due to apathy or lack of information, to check the registry to ensure that their names were included. In response to this situation, and as a result of innovations in the voter registration process, the media campaign should address this issue. IFES efforts in this area will compliment those already undertaken by OTI in cooperation with the Secretariat of Development.

Target Audience: General with an emphasis on first time voters, new citizens, and those whose place of residence has changed since the last election.

Media Solutions: Television and print materials.

Message: If you are a citizen of the Republic of Montenegro, are at least 18 years of age as of election day (31 May 1998), have a business capacity (ie. have not been declared incompetent by a court of law), and have lived in Montenegro for at least a year prior to election day, you are eligible to vote. If you meet these criteria, but your name does not appear on the Register of Electors, you will not be permitted to cast a ballot on election day. To ensure that your name is included, it is your responsibility to check the Register of Electors. This can be done at the offices of your municipal authority from 1 April through 11 May 1998.

Media Schedule: 7 May – 11 May /26 May (modification)

Signature Petitions

Objective: To enhance the representativeness of the nomination process and the accuracy of signature petitions by informing voters about their rights during the signature petition process.

Need: Inaccuracies in signature petitions can cause nominating entities to be denied ballot access by the Republican Election Commission, while improprieties during the collection of signatures undermines the intent of a qualification requirement, mainly to represent a sufficient base of support in society. Not only political parties but also voters must be informed about their rights and responsibilities with respect to the signature petition process. Specifically, voters should understand that they are not permitted to sign more than one signature petition. Also, they need to understand their right not to sign a petition

and that forms of coercion or bribery in exchange for their signature is against the law.

Target Audience: General

Media Solutions: Television

Message: In order to qualify for the ballot, political parties, coalitions, and citizen's groups must collect signatures in support of their electoral list (slate of candidates). You may be approached by a representative of one of these groups and asked to sign your name to a petition. It is your choice whether or not you want to so. You are not permitted to sign more than one signature petition. ELABORATE.

Media Schedule: 4 May – 10 May 1998

Special Voting Services

Objective: To ensure that eligible voters are not disenfranchised as a result of health reasons or other allowable restrictions that would hinder them from coming to the polling site to which they are assigned on election day.

Need: The election law provides for special voting services to accommodate ill, handicapped, or restricted voters in order to protect their voting rights. Certain procedures, namely a written application, and deadlines do apply to this process. As with voter registration, if these procedures and deadlines are not observed by the voter, he/she will not be allowed to cast a ballot on election day.

Target Audience: General with targeted materials aimed at families.

Media Solutions: Television and print materials

Message: If you are unable to come to the polling site on election day as a result of a handicap or some other physical restriction, you can request to vote outside the polling site premises. To do so, contact the polling board at the polling site to which you are assigned. A member of the polling board will deliver a ballot to you. If you will be outside of Montenegro on election day, you will be permitted to vote prior to leaving the country.

Media Schedule: 16 May – 30 May 1998

The Voting Process

Objective: To heighten voter awareness of the voting process, particularly changes in traditional election practice.

Need: As a result of newly adopted legislation, a number of adjustments have been made to the voting process. Examples of these include the addition of a special extract of the registry of electors ("book") which must be signed by the voter when receiving his/her ballot and the use of special ink to identify voters who have already cast a ballot. These adjustments will affect number and order of steps to be completed upon arrival at the polling site. The media campaign will

need to address these departures from traditional practices and explain their rationale.

Target Audience: General with targeted materials to young and first time voters, women, and ethnic minorities.

Media Solutions: Television, radio, print and promotional materials

Message: Election day is 31 May 1998. The polling sites will be open from 7:00 a.m. until 8:00 p.m. You must vote in person. Upon entering the polling site, you will be asked to state your name and provide proof of identity. Once your identity has been confirmed, a member of the polling board will circle the ordinal number next to your name in the extract of the Register of Electors. A member of the polling board will then check that you have not already voted. If it is determined that you have not already voted, a member of the polling board will explain the voting process but cannot attempt to influence your vote. Upon receipt of the ballot, you will be asked to sign next to your name in the extract of the Register of Electors. You must mark your ballot in the polling booth or secrecy area provided. To make your choice, circle the ordinal number, title, or candidate name of your selected electoral list. If your ballot is not marked in this way, your ballot will be invalidated during the counting process. Once you have voted, fold the marked ballot paper and place it in the ballot box. You will then be required to exit the polling site premises.

Media Schedule: 16 May – 30 May 1998

Motivational

Objective: To maximize voter participation in the elections and the representativeness of the new Republic Assembly.

Need: While 78% of the electorate participated in the last election, there remains a degree of apathy, particularly among certain target groups and with respect to the election campaign. This can have ramifications beyond uninformed decision-making. By their own inattention or inaction, some voters actually disenfranchise themselves. And, while current polling data indicates that a similarly high number of voters intend to participate in the elections, younger generations of voters are still less likely to participate than their elders.

Target Audience: General electorate with targeted messages aimed at young and first time voters, women, and ethnic minorities.

Media Solutions: Television, radio, print and promotional materials

Message: Your vote does make a difference. You are voting for yourself, your future, and the future of Montenegro. Don't miss this opportunity to have your say. Election day is 31 May 1998. The polling sites will be open from 7:00 a.m. until 8:00 p.m.

Media Schedule: 18 May – 30 May 1998

Integrity of the Voting Process

Objective: To enhance voter confidence in the integrity of the election process of Montenegro by highlighting ballot security and control mechanisms, particularly those introduced since the last elections, aimed at deterring or identifying fraud.

Need: The previous elections in Montenegro were fraught with allegations of impropriety and fraud. Many complaints were found to have no legal basis or were lacking in documentation and evidence. At the same time, inconsistent and exceptional practices contributed to public suspicions. In order to educate the electorate about concrete efforts undertaken to protect against fraud, re-build confidence in the integrity of the process, and thus the utility of one's vote, and to safeguard against political manipulation of public perceptions once election results are announced, the media campaign must highlight and explain ballot security and control mechanisms.

Target Audience: General electorate

Media Solutions: Television

Message: This message would include information about the multi-party representation on election commissions and polling boards, requirements to sign the extract of the registry of electors, the use of special ink to identify voters who have already cast their ballots, and the presence of international observers.

Media Schedule: 23 May – 30 May 1998

ANNEX II: CANDIDATE INFORMATION HANDBOOK

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Definition of Terms

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8. Certification of Electoral Lists
9. Rights and Responsibilities of Candidates
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INTRODUCTION

This candidacy handbook has been developed by the International Foundation for Election Systems (IFES) in cooperation with the Republican Election Commission of the Republic of Montenegro for contestants participating in the 31 May 1998 elections to the Republic Assembly.

The purpose of the handbook is to provide all nominating entities and their candidates with equal access to the kinds of information and resources they will need to fully understand the election process and their rights and duties as contestants. It is also intended to help them fully comply with the laws and regulations governing parliamentary elections. The handbook highlights provisions of the law and of regulations which specifically pertain to nominating entities and their candidates. It is not a legal document. As such, it should be used as a guide and companion piece to the laws and regulations, not in place of them. Familiarity and compliance with all laws and regulations governing elections is the responsibility of the nominating entity and the candidates on its electoral list.

Since the last parliamentary elections, new legislation has been adopted on the financing of political parties, the electoral process, voter registration, and public information. Regulations

specific to the parliamentary elections and in support of the new laws have also been passed. The legal and regulatory reforms have necessitated some adjustments to traditional election practices and procedures.

A multi-party dialogue and cooperation between the Government of Montenegro and the Republican Assembly has brought about these changes aimed at improving the efficiency, transparency, and integrity of the electoral process. As a result of their efforts, seasoned candidates will find this handbook as useful as new entrants to the political arena.

For their part, the members of the Republican Election Commission (REC) are charged with the responsibility of ensuring equal conditions for all contestants and are working to find ways to promote confidence and trust in the electoral system of the Republic of Montenegro. This handbook represents an important step in the provision of candidate information and outreach services by the REC.

Before you begin reading the Handbook, please refer to the "Definition of Terms" to familiarize yourself with words and phrases used throughout the text.

DEFINITION OF TERMS

Please find below a list of terms used throughout this Handbook and other materials developed with the assistance of the International Foundation for Election Systems. Most of the terms are consistent with those used in the text of Montenegrin legislation governing elections. However, it was necessary to add some terminology to concisely address issues, phenomenon, and activities not specifically named in the laws.

Authorized Representative - A person designated by a political party, political coalition, or citizen's group with a verified electoral list to serve on the expanded membership of an election commission or polling board. The term is also used to refer to as many as 3 persons designated by a nominating entity to sign statements on its behalf and to interact with the public information media. It is also applied to persons representing the campaign of a nominating entity and eligible to request information or documentation on its behalf, such as copies of the Register of Electors on disk or records of the work of the polling boards.

Ballot - A paper, verified with the official stamp and requisite signatures, which contains the list of political parties, coalitions, and citizen's groups forwarding candidates for election to the Republican Assembly.

Ballot Box - The secure container used to hold voted ballots from the time of the opening of the polling site until the counting of ballots.

Campaigning - Activities undertaken by political parties, political coalitions, citizen's groups, and their candidates in the mass media, through public events, and promotional materials and aimed at presenting themselves, expounding upon their programs, and mobilizing public support.

Candidate - A person who stands for election to the Republican Assembly by means of inclusion in the verified and proclaimed electoral list of a political party, political coalition, or citizen's group.

Citizen's Group - An association of persons, having the right to vote, and formed for the specific purpose of proposing a slate of candidates to stand for election to the Republican Assembly.

Certificate of Suffrage - A document used to verify the eligibility of a person to vote and/or be elected. This certificate is used to document the eligibility of candidates appearing on electoral lists and must be submitted as part of the nomination application.

Companion for Voter in Need of Assistance: A person designated by a voter who without assistance would otherwise be unable or have great difficulty voting.

Constituency - The electoral unit in which a candidate or candidates stand for election. Elections to the Republican Assembly are conducted on the basis of a single national constituency.

Control Check: A document that is placed in the ballot box to verify that the box was empty at the opening of the polls. The control check must be signed by the first voter and all members of the polling board. The control sheet is verified at the end of voting, upon opening the box, and before counting.

Contestant - Any political party, political coalition, citizen's group, or candidate participating in elections to the Republican Assembly.

Core Membership - The permanent composition of election commissions and polling boards appointed by municipal assemblies and the Republican Assembly.

Domestic Monitor - Persons representing public organizations in the Republic of Montenegro who have been issued credential by the Republican Election Commission to monitor all steps in the campaign, voting, and counting processes. (see "observer")

Early Election - A premature poll called by the President as a result of the dissolution of the Republican Assembly or a shortening of its mandate.

Election Campaign Period - The time between the calling of an election and the 48 hours leading in to voting day, when political parties, political coalitions, citizen's groups and their candidates conduct activities in the mass media, through public events, and promotional materials for the purpose of presenting themselves, promoting their programs, and mobilizing public support. No fewer than 60 days and no more than 100 days can elapse between the calling of elections and the conduct of the poll.

Election Commission: A general term applied to administrative bodies charged with the administration of elections.

Electors: A citizen of the Republic of Montenegro or the Federal Republic of Yugoslavia who has reached the age of 18 as of the date of the election, has the business capacity to vote, who has been a resident of Montenegro for at least 12 months prior to Election Day and whose name appears on the Register of Electors. (see also "voter")

Electoral List - The slate of candidates forwarded by a political party, political coalition, or citizen's group to stand for election to the Republican Assembly.

political parties, political coalitions, and citizen's groups with verified and proclaimed electoral lists.

Exclusion Zone - An area comprised of the polling site premises and 50 meters adjacent to it in which no political party symbols or campaign propaganda may be present.

Expanded Membership - The temporary composition of election commissions and polling boards nominated by

Extract of the Register of Electors - A segment of the general electoral roll which contains the names of voters assigned to a particular polling site.

General Electoral List - The roster of all political parties, political coalitions, citizen's groups and their candidates proclaimed by the Republican Election Commission as contestants in elections to the Republican Assembly

Identification Card - Documentation used by election officials to verify a person's identity and eligibility to vote in a particular polling site.

International Observer - A person representing an international organization or foreign state who has been accredited by the Republican Election Commission to monitor the conduct of the election during the campaign period, on polling day, and during the counting, aggregation, and determination of results. (see "observer")

Municipal Election Commission - Administrative bodies appointed by municipal assemblies and charged with the preparation of elections within each municipality.

Nominating Entity - Any political party, political coalition, or citizen's group which forwards a slate of candidates to stand for election to the Republican Assembly.

Nomination Application - The package of documents and forms which must be submitted by a political party, political coalition, or citizen's group in order for its electoral list to be verified and proclaimed by the Republican Election Commission. In addition to the electoral list, this package must include: written acceptances of nomination, certificates of suffrage, and certificates of permanent residence for all candidates on the list; a signature petition containing the requisite number of valid signatures; and written consent from the person whose name appears first on the list if his/her name is to be used in the title of the electoral list.

Observer: A person representing a foreign state, international organization, or domestic organization, who has been accredited by the Republican Election Commission to monitor the conduct of the elections during the campaign period, on election day, and during the counting, aggregation, and determination of results.

Official Envelope: A container where the ballot, secrecy or special envelope, and electoral list are placed and used by electors voting outside the polling station.

Ordinal Number - A figure that identifies a particular electoral list on the ballot. Also a figure that identifies a particular voter on the Extract of the Register of Electors.

Political Coalition - The association of two or more political parties, properly registered in the Republic of Montenegro and jointly forwarding a slate of candidates for election to the Republican Assembly.

Political Party - An organization, properly registered in the Republic of Montenegro and formed specifically for the purpose of contesting elections and participating in political activity.

Polling Board - The panel of persons charged with conduct of elections at the polling site.

Polling Site - The premises in which balloting takes places.

Proportional Representation - A system of representation in which mandates in the Republican Assembly are distributed based on the relative performance of each political party, political coalition, and citizen's group participating in the election.

Qualifying Nominating Entity - A political party, political coalition, or citizen's group which has met the nomination requirements prescribed by the law, including the collection of a requisite number of voters' signatures.

Record of the Work of the Polling Board: The formal report of the actions of the polling board. It includes the names of polling board members, observers, manner of voting of electors in need of assistance, comments and objections of polling board members, any irregularities or disruptions, and an accounting of the results.

Repeated Voting - Voting conducted in the event an election conducted at a particular polling site has been annulled by the competent election commission.

Republican Election Commission - The national level administrative body appointed by the Republican Assembly and charged with the conduct of elections in the Republic of Montenegro.

Register of Electors - The roll of all voters eligible to cast ballots in elections in the Republic of Montenegro.

Secrecy Envelope: A container where the voter's marked ballot is placed and sealed to ensure the confidentiality of his/her vote, when voting outside the polling station.

Special Voting Services - Voters who are too ill or weak to go to the polls on election day or who are otherwise restricted due to treatment at home or in a medical facility are entitled to vote by post. A written application to vote by post must be received by the Polling Board by 12:00 noon on election day.

Threshold - A pre-established benchmark (3%) that must be passed by participating political parties, political coalitions, and citizen's groups in order to win mandates in the Republican Assembly.

Valid Ballot: A ballot of standard issue marked sufficiently for counting. A ballot is counted if it has been verified by the competent election authority and the ordinal number, title of the nominating entity, or candidate name leading the candidate list is circled or if the intent of the voter can be determined.

Void Ballot: A ballot marked in such a way that it is not possible to determine the voter's intent or deficient in a way that causes the polling board not to count it.

Voter - A citizen of the Republic of Montenegro or the Federal Republic of Yugoslavia, who has reached the age of 18 as of the date of elections, has a business capacity, has been a resident of Montenegro for at least 12 months prior to election day and whose name appears in the Register of Electors. (see "elector")

Voting Booth - A screened area or private room where voters can mark their ballots in secrecy.

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ABOUT THE ELECTION

Because there are some details about the electoral system that have changed since the last election was held, this chapter provides a brief profile of the parameters that apply to the Parliamentary Election.

□ Date of the Poll

The Parliamentary Election will be conducted on Sunday, 31 May 1998.

□ Hours of Operation of the Polling Sites

Polling sites will be open for voting from 7:00 a.m. till 8:00 p.m. (Article 70 of the Law on Election of Councilors and Representatives).

□ The Purpose of the Election

Elections are being held for representatives to the Republican Assembly of the Republic of Montenegro. The previous convocation of the Republican Assembly was disbanded by the President as a of the decision by the representatives to shorten their mandate on 20 March 1998.

□ Constituencies Involved in the Election

Representatives to the Republican Assembly will be elected through a system of proportional representation on the basis of a single nation-wide constituency. (Articles 4 & 12 of the

Law on Election of Councilors and Representatives).

□ Mandates

The total number of mandates to be distributed is 78. To protect the voting rights of minorities in Montenegro, five of these mandates have been set aside for the Albanian community. These five seats will be allocated on the basis of voting in specially designated polling sites. (Article 118 of the Law on Election of Councilors and Representatives).

□ Threshold Requirements

Political parties and other nominating entities must surpass a 3% threshold to achieve representation in the Republican Assembly. (Article 118 of the Law on Election of Councilors and Representatives).

□ Who May Vote in the Election

A citizen of the Republic of Montenegro, or a citizen of the Federal Republic of Yugoslavia who has reached the age of 18 as of the date of elections, has a business capacity, and has been a resident of the Republic of Montenegro at least 12 months prior to election day shall have the right to elect representatives to the Republican Assembly. Voters shall elect representatives on the basis of free, universal, equal, and direct suffrage by secret ballot. (Articles 2 & 11 of the Law on Election of Councilors and Representatives).

□ Term of Office

The term of office for representatives to the Republican Assembly is four (4) years. (Article 5 of the Law on Election of Councilors and Representatives).

ELECTION CALENDAR FOR CANDIDATES

Elections to the Republican Assembly
31 May 1998

Deadline	Event/Activity	Responsible Entity	Authority	Comments
19 February	Law on the Election of Councilors and Representatives, Law on the Register of Electors, and Law on Public Information come into force.			Laws published in the Official Gazette.
19 March	Representatives vote to shorten their mandate.	Republican Assembly		
19 March	New Republican Election Commission Formed	Republican Assembly		
24 March	Decision on the shortening of the mandate of the Republican Assembly goes into effect.			Decision published in the Office Gazette.
24 March	New Elections Called for 31 May 1998.	President of Montenegro		
CE + 7 31 March	Deadline for publicizing the Register of Electors and notifying voters that they may inspect it and request modifications		[Article 8]	According to [Article 12], political parties are also permitted to inspect the Registry and receive copies of it on disk
CE + 10 3 April	Deadline for agreement on the use of resources of state and local administrative bodies for the purposes of the election campaign	State and local administrative bodies and nominating entities	Article 114	
ELF + 20 8 April	Deadline for passage of regulations governing registration of voters.	Ministry in charge of Administration	[Article 17]	
REC + 20 8 April	Deadline for passage of regulations and adoption of prescribed forms in support of	Republican Election Commission	Article 122	

	implementation of the law			
CE + 15 8 April	Deadline for reaching agreement on the manner of control of funds spent for election campaigning	Political parties represented in the Republican Assembly	{Article 10}	
CE + 20 13 April	REC begins accepting electoral lists and supporting documents (nomination applications)	Political parties, coalitions, or citizens' groups	Article 46	According to Article 47, if the REC finds faults in the list or supporting documents, it must notify the nominating entity within 48 hours of receipt and suggest measures for correcting these faults. Within 48 hours of the delivery of this decision, the nominating entity must eliminate the faults and resubmit the list or supporting documents to the REC.
ED (-1) - 20 10 May	Deadline for submitting electoral lists and supporting documents to the REC.	Political parties, coalitions, or citizens' groups	Article 46	
ED (-1) - 20 10 May	Closure of the Registry of Electors to modifications		Article 43	[Article 10] stipulates that subsequent modifications can be undertaken only as a result of a court order and, in this instance, only up to 5 days prior to the election.
ED (-1) - 15 15 May	Authorized representatives begin to participate in the work of the REC and the MECs	Political parties, coalitions, or citizens' groups	Articles 26 & 31	
ED (-1) - 15 15 May	Deadline for the establishment of polling sites	By the MECs	Article 65	On the basis of information provided by the body in charge of maintaining the Register of Electors
ED (-1) - 10 20 May	Deadline for appointing polling boards		Article 35	
ED (-1) - 10 20 May	Deadline for announcement of the formation of polling sites and assignment of voters to particular sites	Municipal Election Commissions	Article 65	
ED (-1) - 10 20 May	Deadline for publication of the General Electoral List	Republic Election Commission	Article 49	
ED (-1) - 7 23 May	From this point forward, the publication of results of public opinion polls and other surveys of the electorate are forbidden through election day		Article 63	

ED (-1) - 5 25 May	Authorized representatives begin to participate in the work of polling boards	Political parties, coalitions, citizens' groups	Article 36	
ED (-1) - 5 25 May	Deadline for delivery of notices of the election (invitation to vote) to voters	Local authority in charge of keeping the Register of Electors	Article 68	
ED (-1) - 5 25 May	Cessation of modifications to the Register of Electors on the basis of court orders		[Article 11]	
ED (-1) - 3 27 May	Announcement of the total number of voters in the country and by municipality and polling site	Republican Election Commission	[Article 10]	
ED (-1) - 2 28 May	Deadline for the delivery to the MECs of verified extracts from the Register of Electors for each polling station.	Authority in charge of keeping the Register of Electors	[Article 12]	
ED (-1) - 2 28 May	Cessation of campaign activities and coverage thereof	Political parties, coalitions, citizens' groups, and the mass media	Article 6	
ED (-1) - 2 28 May	Deadline for delivery of Election Materials	Municipal Election Commissions	Article 75	
31 May	Election Day			Voting Hours: 7:00 till 20:00
ED + 2 2 July	Deadline for establishment of preliminary results.	Republican Election Commission	Article 92	Specifically, 36 hours from the closing of the polls. Results of elections to municipal assemblies will be determined by Municipal Election Commissions.
ED + 3 3 July	Deadline for filing election day complaints.	Aggrieved voter, political party,	Article 107	Specifically, 72 hours from the closing of the polls. Decisions must be rendered within 24 hours of the complaint being lodged.
ED + 5 5 July	Deadline for the establishment of final results.	Republican Election Commission	Article 98	Specifically, 108 hours from the closing of the polls. The REC has 12 hours following the deadline for filing of election day complaints and their final resolution to determine the final election results. Results of elections to municipal assemblies will be determined by Municipal Election Commissions.

ED + 15 15 July	Deadline for publication of final election results.	Republican Election Commission	Article 99	
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DATE KEY:
ED - Election Day
CE - Calling of Elections
ELF - Election Laws come into Force
REC - Formation of the Republican Election Commission

LEGAL REFERENCE KEY:
Election Law
{ } Law on Financing of Political Parties
[] Law on the Register of Electors

3

CONTACT LIST

Republican Election Commission	42523, 245-846
Secretariat of Development <i>For Information on Register of Electors</i>	241-412 9891, 9892, or www.cbs.yu
Supreme Court	243-468
Constitutional Court	241-246
Radio/Television Montenegro	225-999
Pobjeda	44473
Helsinki Commission of Montenegro	086 52 191
Center for Democracy and Human Rights	633-720, 613-119
International Foundation for Election Systems	212 398, 212 415, 069 029 243, ifes@cg.yu
Organization for Security and Cooperation in Europe	246 671, 246 754, 246 502



4

LAW, REGULATIONS, AND LOCAL ORDINANCES APPLICABLE TO ELECTIONS

For the nominating entities, and their candidates, it is very important that they have access to all the laws and regulations governing the election process. Familiarity and compliance with all of these laws and regulations is the responsibility of the nominating entity and the candidates on its electoral list. While this Handbook highlights provisions of the laws that pertain to nominating entities and their candidates, contestants should refer to the laws as a matter of routine. Article references have been included throughout the text of the Handbook to help guide candidates through the actual text of the laws.

First and foremost, all participants in the election campaign should obtain a copy of the :

- ✓ Constitution of the Republic of Montenegro
- ✓ Legislation which specifically applies to elections includes:
- ✓ Law On The Election of Councilors and Representatives
- ✓ Law On the Financing of Political Parties
- ✓ Law On the Register of Electors

It is equally important to recognize that there are a number of other federal laws which ultimately come into play as the election campaign unfolds, even if their relevance may not be immediately obvious. These laws include:



- ✓ Law On Public Information
- ✓ The Criminal Code

In addition to the laws, regulations are drafted to fill in gaps in legislation, offer clarification where the law is vague or unclear, and to provide procedural details. For example, you will need to refer to:

- ✓ Agreement on the Acceptance of Candidacy (inclusion in an electoral list);
- ✓ Resolution on the Right of Nominating Entities to Appoint a Representative to the Expanded Membership of Election Commissions and Polling Boards;
- ✓ Resolution on the Correction of Mistakes in the Nomination Application;
- ✓ Resolution on the Rules of the Campaign Presentations of Political Parties in Public Media Founded by the State;

To make sure that you have copies of all the regulations and decisions affecting candidates and nominating entities, contact the Republican Election Commission or your municipal election commission. Attention should also be paid to local ordinances as they may affect campaign activities at the grass-roots level, ex. Local ordinances on peace and order or posting of campaign materials.

5

CANDIDATE ELIGIBILITY

□ Who May Be a Candidate

Any citizen of the Republic of Montenegro or a citizen of the Federal Republic of Yugoslavia who has reached the age of 18, has a business capacity, and has been a resident of the Republic of Montenegro for at least 12 months prior to election day shall have the right to be elected a representative of the Republican Assembly. (Article 11 of the Law on Election of Councilors and Representatives).

□ Who May Nominate a Candidate

Political parties registered, either separately or jointly, in the Republic of Montenegro as well as groups of citizens may nominate candidates for their electoral lists. (Article 38 of the Law on Election of Councilors and Representatives).

□ Withdrawing from an Electoral List

A candidate is permitted to withdraw his/her name from the electoral list, but must do so by the date set by the Republican Election Commission for rendering a decision to proclaim the list. (Article 40 of the Law on Election of Councilors and Representatives).

□ Withdrawal of the Electoral List

A nominating entity does have the right to withdraw its electoral list, provided this is done by the date set by the Republican Election Commission for the proclamation of the general electoral list. Upon the withdrawal of an electoral list, the rights of authorized representatives of the nominating entity and their membership on election commissions will cease. (Article 40 of the Law on Election of Councilors and Representatives).

□ Revocation of Candidacy

If, after an electoral list has been proclaimed (certified), a candidate is stripped of his business capacity by a final and binding court decision, loses his Yugoslav or Montenegrin citizenship, withdraws his/her candidacy, or dies, the nominating entity does not enjoy the right to replace this candidate with another nominee. The position of the candidate who withdrew from the electoral list will be taken by the next candidate on the list. (Article 41 of the Law on Election of Councilors and Representatives).



6

THE NOMINATION PROCESS

□ Rules Governing Nomination

Political parties are expected to propose their electoral list on the basis of the Law on Election of Councilors and Representatives and the procedures defined by the regulations of each political party. (Article 38 of the Law on Election of Councilors and Representatives).

□ Restrictions on Nomination

One person may be nominated as a candidate for the election of representatives on only one electoral list and in only one constituency. (Article 39 of the Law on Election of Councilors and Representatives).

□ About the Electoral List

An electoral list may contact no less than one-third (26) and no more than the total number (78) of candidates to be elected. The title of the electoral list will be the same as the political party that forwarded the slate of candidates. The title of an electoral list submitted by a coalition of political parties or a citizens' group must be specified by way of agreement. The title of the electoral list can include the name of the first candidate on the electoral list, provided he/she gives written consent to do so. (Articles 39 and 42 of the Law on Election of Councilors and Representatives).

□ Rank Order of Candidates

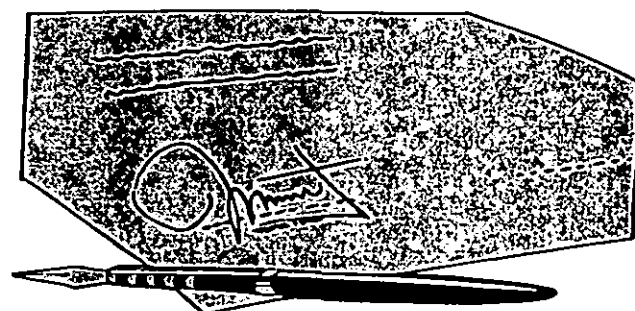
Nominating entities are permitted to freely determine the order of candidates on their electoral list.

□ Signature Requirements

In support of their electoral list, nominating entities must collect electors' signatures equivalent to 1 % of the total number of voters in the last Republican election. This equates to the collection of 4,709 valid signatures to qualify for the 31 May 1998 parliamentary election. Political parties representing the Albanian minority in Montenegro are required to collect 1000 signatures. Voters signing signature petitions must be permanent residents on the territory of the Republic of Montenegro and are permitted to support, through their signature, only one electoral list. (Articles 43 and 44 of the Law on Election of Councilors and Representatives).

□ Collection of Signatures

The collection of signatures in support of a proposed electoral list is initiated and performed by political parties and citizens, either individually or jointly. (Article 45 of the Law on Election of Councilors and Representatives).



❑ Documents to be Included as Part of the Nomination Application

A number of documents must be submitted, along with the proposed electoral list, as part of the nomination application to the Republican Election Commission. These documents include:

- ✓ Written statements by each candidate accepting his/her nomination;
- ✓ A certificate of suffrage for each candidate on the electoral list;
- ✓ The certificate of permanent residence of each candidate;
- ✓ The signature petition in support of the electoral list;
- ✓ Written consent from the person whose name appears first on the electoral list if his/her name is to be included in the title of the electoral list.

For more information, please refer to the sample nomination forms included in the next chapter. (Article 46 of the Law on Election of Councilors and Representatives).

❑ Submission of Nomination Applications to the REC

The nomination application may be submitted to the Republican Election Commission as soon as 20 days after the calling of elections. Nomination applications will continue to be accepted until 20 days prior to the election. According to the current election calendar, the timeframe for acceptance of nomination applications is 14 April through 20 May. (Article 46 of the Law on Election of Councilors and Representatives).





NOMINATION AND ELECTION CAMPAIGN FORMS

8

CERTIFICATION OF ELECTORAL LISTS

□ Verification of the Nomination Application and Certification of the Electoral List

Immediately upon receipt of the nomination application, the Republican Election Commission will determine whether it has been submitted in the prescribed term and is composed in conformity with the law. If the REC finds that the nomination application is without faults, it will render a decision confirming and proclaiming the electoral list. This decision will be delivered without delay to the nominating entity. (Articles 47 & 48 of the Law on Election of Councilors and Representatives).

□ Rejection of a Nomination Application

If the nomination application, ie. electoral list and supporting documentation, is not submitted in time, the REC will render a decision on rejection of the electoral list.

Also, if the nomination application is found to have certain faults the REC, within 48 hours of receiving the electoral list and supporting documentation, will render a decision ordering the nominating entity to eliminate these faults. In its decision, the REC will offer suggestions on the necessary measures to eliminate them. These faults must be eliminated and the application re-submitted within 48 hours of the delivery of the decision.

Within 24 hours of the re-submission of the corrected nomination application, the REC will render a decision on the acceptance or rejection of the nomination application. If the REC finds that the faults have been eliminated, it will render a decision confirming and proclaiming the electoral list. If it finds that the faults have not been eliminated or have not been eliminated within the prescribed time period, it will render a decision on its refusal to proclaim the electoral list. (See articles 47 and 48 of the Law on Election of Councilors and Representatives).

□ The General Electoral List

Upon the completion of the confirmation and proclamation process, the REC will compose the General Electoral List comprised of the titles of the electoral lists and their candidates. The order of the electoral lists (law says candidates) on the General Electoral List (ballot) will be determined by the Chairman of the REC on the basis of lots to be drawn in the presence of the authorized representatives of the nominating entities with confirmed electoral lists. The General Electoral List must be published by the REC not later than 10 days prior to election day. (Article 49 of the Law on Election of Councilors and Representatives).



9

RIGHTS AND RESPONSIBILITIES OF CANDIDATES

A number of general rights are accorded and entitlements given to nominating entities and their candidates. These are listed below along with responsibilities of nominating entities and their candidates as well as restrictions on their activities. More specific information on entitlements and restrictions are discussed in the chapters on the "Election Campaign" and "Campaign Financing" in this Handbook.

□ Rights of Nominating Entities and their Candidates

Any nominating entity whose electoral list has been verified and proclaimed (certified) by the Republican Election Commission (REC) has the right to appoint authorized representatives to serve in the expanded membership of the REC, municipal election commissions (MECs), and polling boards. (Article 18 of the Law on Election of Councilors and Representatives).

Nominating entities: (1) have the right to inform citizens on an equal basis about their programs and activities in the mass media; (2) are entitled to free airtime on Radio-Television Montenegro and free space in Pobjeda, of equal length of prominence, for the purpose of presenting themselves and expounding upon their political programs; (3) have the right, during the election campaign and on equal terms, to organize public events for the purpose of presenting themselves and promoting their programs; and, (4) are entitled to prepare posters, public notices, photographs, leaflets, promotional

and other materials and to display them without prior permission in places designated by the competent municipal authorities. (Refer to articles 50 - 53, 58, and 60 of the Law on Election of Councilors and Representatives and chapters 12 & 13 of this Handbook for more information).

Representatives of nominating entities and their candidates have the right to examine election materials, including extracts from the Register of Electors, the records of the work of election commissions and polling boards, and ballot papers in the offices of the REC or other bodies charged with keeping election materials. Nominating entities have the right to inspect the Register of Electors and the documentation which serves as the basis for additions, deletions, or modifications to the Register of Electors. They also have the right to receive, within 48 hours of their request, a diskette containing the computer processed Register of Electors. (Please see articles 77 of the Law on Election of Councilors and Representatives), [Articles 12 and 13 of the Law on the Register of Electors are also pertinent].

Nominating entities have the right to raise funds for their activities through the collection of membership dues, solicitation of contributions, income from their own assets and entrepreneurial activities, credits, donations, legacies, endowments, budget allocations, and other sources as provided by the Law on Financing of Political Parties.

Nominating entities with verified and proclaimed electoral lists have the right to subsidies out of the Republican budget for the purpose of covering, in part, the campaign expenses (Refer to Chapter 13 of this Handbook), {Also articles 2, 13, and 16 of the Law on Financing of Political Parties}.

Every nominating entity and its candidates has the right to lodge a complaint with the competent election commission regarding the infringement of electoral rights during the election campaign. (See Article 107 of the Law on Election of Councilors and Representatives).

□ Responsibilities of Nominating Entities and their Candidates

Nominating entities and their candidates must be familiar and comply with the body of laws, ordinances, and regulations governing the election process. Nominating entities violating these laws and regulations will be subject to penalties including fines and imprisonment (See Chapter 13 of the Law on Election of Councilors and Representatives and Chapter 14 of this Handbook), [Article 16 of the Law on the Register of Electors], and {Articles 12 - 16 of the Law on Financing of Political Parties}.

Nominating entities are required to keep records of their revenues and expenditures. (See Chapter 13 of this Handbook), and {Article 11 of the Law on Financing of Political Parties}.

□ Restrictions Placed on Nominating Entities and their Candidates

A candidate representing a verified and proclaimed electoral list is not allowed to be present during the work of election administrative bodies (Article 22 of the Law on Election of Councilors and Representatives).

Campaign expenses of nominating entities are not permitted to exceed 250 times the net average wage for the month immediately preceding the beginning of the election campaign as officially publicized {See Article 9 of the Law on Financing of Political Parties}.

No property (money, technical equipment, facilities, etc.) of the state authorities, state-owned enterprises, public institutions and funds, or the Chamber of Commerce and the Economy of Montenegro can be used for the presentation of electoral lists. (See Article 50 of the Law on Election of Councilors and Representatives).

It is prohibited to place campaign materials or political party symbols at the polling site or within 50 meters of the polling site premises (See Article 69 of the Law on Election of Councilors and Representatives).

In the seven (7) days leading into the elections, it is forbidden to publicize in the mass-media the results of public opinion polls or other surveys or analyses of the electorate. It is also forbidden to publicize election results or to project election results prior to the closing of the polls (See Article 63 of the Law on Election of Councilors and Representatives).

10

THE ROLE OF AUTHORIZED REPRESENTATIVES APPOINTED TO ELECTION COMMISSIONS AND POLLING BOARDS

□ Appointment of Authorized Representatives

Any nominating entity with a verified and proclaimed electoral list has the right to appoint an authorized representative to serve on the expanded membership of election administrative bodies: The REC, MECs, and Polling Boards. Two or more nominating entities have the right to appoint a joint authorized representative (See Article 18 of the Law on Election of Councilors and Representatives).

Within 48 hours of the proclamation of an electoral list, the Republican Election Commission will render a decision determining which nominating entities qualify to appoint authorized representatives to the extended composition of that body. Nominating entities will be informed of the decision within 24 hours of its being rendered. Each nominating entity which qualifies can then appoint its authorized representative. Once the REC is notified of this appointment, it must provide written confirmation, which specifies the name of the new member, within 24 hours. (See Article 31 of the Law on Election of Councilors and Representatives).

Also, within 48 hours of the proclamation of an electoral list, each Municipal Election Commissions (MEC) will render a decision determining which nominating entities qualify to appoint authorized representatives to the extended

composition of that body and to Polling Boards within its jurisdiction. Nominating entities will be informed of the decision within 24 hours of its being rendered. Each nominating entity which qualifies can then appoint its authorized representative to the respective MEC and to polling boards within its jurisdiction. Once the MEC is notified of these appointments, it must provide written confirmation, which specifies the name of the appointees, within 24 hours. (See Article 31 of the Law on Election of Councilors and Representatives).

□ Term of Membership

Authorized representatives appointed to the expanded membership of the REC and MECs can participate in the work of election commissions and make valid decisions beginning 15 days prior to elections. Authorized representatives appointed to the expanded membership of polling boards may participate in the work of the polling board and make valid decisions beginning five (5) days prior to the election (See articles 26 and 36 of the Law on Election of Councilors and Representatives).

□ Appointment of Deputies

The law does provide for the appointment of deputies to the authorized representatives of nominating entities. (See Article 25 of the Law on Election of Councilors and Representatives).

□ Code of Conduct

In addition to complying with the laws governing elections, members of election administrative bodies, as well as those monitoring the operation of such bodies, are obliged to act in conformity with the rules of conduct established by the Republican Election Commission. (See Article 22 of the Law on Election of Councilors and Representatives)

□ Withdrawal of an Electoral List

Should a nominating entity opt to withdraw its electoral list, the term of office of that entity's authorized representatives appointed to election administrative bodies will cease as will all rights pertaining to them in this regard.

(See Article 40 of the Law on Election of Councilors and Representatives).

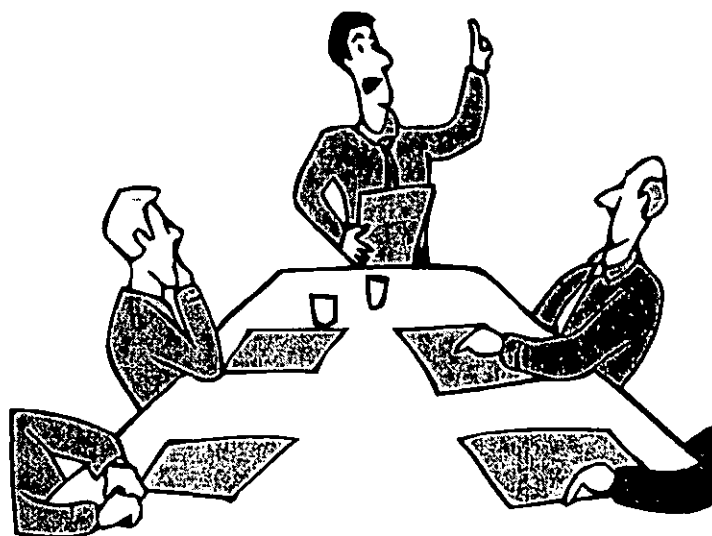
□ Access to Information and Documentation

Representatives of nominating entities have the right to review election materials, particularly extracts from the Register of Electors, the records of the work of election commissions and polling boards, and ballot papers. This inspection must be carried out in the offices of the Republican Election Commission and/or other bodies charged with keeping election materials. (See Article 77 of the Law on Election of Councilors and Representatives), [See also articles 12 & 13 of the Law on the Register of Electors].



11**INFORMATION RESOURCES FOR CANDIDATES**

- The Republican Election Commission
 - ✓ Law on Election of Councilors and Representatives
 - ✓ Law on Financing of Political Parties
 - ✓ Law on the Register of Electors
 - ✓ Law on Public Information
 - ✓ REC Resolutions
 - ✓ Campaign Forms
- Secretariat of Development
 - ✓ Extracts of the Register of Electors (available on disk)
- International Foundation for Election Systems
 - ✓ Poll Worker Manual
 - ✓ Guidelines for Training of Trainers
 - ✓ Candidate Handbook
 - ✓ Voter Awareness Assessment/Legal Analysis
 - ✓ Training Sessions: *Please contact Ana Drakic at IFES concerning the date and time of training sessions for representatives of qualified nominating entities tasked with the training of appointees to the expanded membership of Polling Boards.*
- Organization for Security and Cooperation in Europe
 - ✓ Information on the International Observer Mission of the OSCE in the Republic of Montenegro.



12

THE ELECTION CAMPAIGN

Details on the conduct of the election campaign through the mass media, promotional materials, and public events is highlighted below. Information on campaign financing is provided in a separate chapter. For information on this topic, please refer to Chapter 13.

□ Commencement of the Election Campaign

The campaign of each nominating entity in mass media founded by the Republic of Montenegro commences on the day of its certification by the Republican Election Commission.

□ Equal Access and Conditions

Nominating entities are entitled to inform citizens on an equal basis about their political programs and their activities in the mass media, within the same daily time slots and columns. Editors and presenters are required, under the law, to independently and objectively cover all candidates and display an impartial attitude toward the various political, social, and ethnic programs of nominating entities. (See article 50 & 56 of the Law on Election of Councilors and Representatives).

□ State-Owned Media and Subsidized Coverage

During the election campaign, all nominating entities will be provided with free airtime by Radio-Television Montenegro for the purpose of presenting themselves and expounding upon their

political programs. The airtime allotted to nominating entities must be of equal length and within the same time slot during political and informational programs. Radio-Television Montenegro is also obliged to provide free advertising, at least five (5) times during the election campaign for the purpose of announcing a campaign rally. (See article 51 & 53 of the Law on Election of Councilors and Representatives).

During the election campaign, all nominating entities will also be provided with free space in "Pobjeda" in order to present themselves and their political programs. The space, columns, and terms will be equal. "Pobjeda" is also obliged to provide free advertising, under equal conditions and placement, for the purpose of announcing a promotional rally. (See articles 52 & 53 of the Law on Election of Councilors and Representatives).

All other media founded by the Republic of Montenegro, the administrative capital of Podgorica, the historical capital of Cetinje, and the municipalities, in conformity with the Law on the Election of Councilors and Representatives must provide equal terms for the presentation of all nominating entities and their candidates. Coverage of the election campaigns of all the nominating entities by such media outlets will be dependent upon their financial and technical means. (See article 57 and 59 of the Law on Election of Councilors and Representatives).

□ Paid Advertising

Nominating entities have the right to buy airtime and space from media outlets for the purposes of promoting their political programs, candidates, and the election. Such spots or ads shall be identified as a "paid notice."

□ Public Events

During the election campaign, nominating entities and their candidates have the right to organize, on equal terms, conferences and other public events for the purpose of presenting and promoting their candidates and political programs. Public events and audio presentations must be conducted in compliance with ordinances on public order and peace. (See article 58 and 61 of the Law on Election of Councilors and Representatives).

□ Promotional Materials

Throughout the election campaign, nominating entities and their candidates have the right to prepare campaign posters, public notices, photographs, leaflets, promotional messages, and other informational materials and display them, without prior permission, in places designated by competent municipal bodies. It is unlawful to place campaign promotional materials or political party symbols in polling sites or within 50 meters of the polling site premises. (See articles 60 and 69 of the Law on Election of Councilors and Representatives).

□ Public Opinion Polls

Public opinion polling is permitted during most of the election campaign. However, in the 7 days leading into the election, it is forbidden to publicize the results of public opinion polls or related analyses of the intent of the electorate in the mass media. It is also illegal to project election results or release preliminary results prior to the closing of the polls. (See Article 63 of the Law on Election of Councilors and Representatives).

□ Libelous or Slandorous Statements

Any person who publicly issues information, ie. the author, is responsible for its authenticity. The author will also be held accountable for information which may harm the reputation or interest of a person; which insults the honor and respectability of that person; provides false information about his/her private life, education, or abilities; or otherwise harms his/her dignity. For more information, see Article 54 of the Law on Public Information.



□ Bans on Select Public Information

Public information which calls for the violent disintegration of the constitutional order or territorial integrity of the Republic of Montenegro or the Federal Republic of Yugoslavia; violates the statutory freedoms and rights of its citizens; or incites national, racial, or religious hatred or intolerance is banned by the Constitution of the Republic of Montenegro. For more information, see Chapter 7 of the Law on Public Information.

□ Cessation of Campaign Activities

Election campaigning in the mass media and through public events must cease 48 hours prior to polling day. (Article 6 of the Law on Election of Councilors and Representatives).

□ Resolution on the Rules for Campaign Presentations of Nominating Entities in State-Owned Media

During its first regular session of 1998, the Republic Assembly passed a resolution governing access to and use of state-owned media by contestants in the election campaign. An overview is provided in the sections that follow. For more information, please refer to the resolution, No. 02-542/2.

All participants in the election campaign are obliged to observe the Constitution and abide by the laws and by professional ethics with regard to public statements. Insults, slander, offensive statements, humiliation, and abuse of a person's dignity are to be avoided.

The campaign activities of nominating entities in the public media founded by

the State will be carried out by their authorized representatives in accordance with the rules elaborated upon the resolution and highlighted in the segments which appear below (through page 30).

Special programming about the parliamentary elections will be broadcast in the time slot following "Novosti Dana" at 15:30 on the Montenegrin Radio Network and the one following "Dnevnik" at 19:30 on the Montenegrin Television Network. This programming will begin with coverage election rallies, followed by reports on press conferences, with broadcast statements appearing last. Rallies and press conferences will be covered in sequential order, unless technical difficulties require otherwise. Statements will be broadcast based on the order in which they were received by the editorial offices of Montenegrin Radio and Television.

□ Statements

All statements must be signed by a person authorized to speak on behalf of the nominating entity. Each nominating entity is permitted a maximum of three (3) authorized representatives for the purpose of signing statements on its behalf. The names of these authorized representatives must be forwarded to editors in chief of all public media founded in the Republic of Montenegro.

Statements can contain no more than 25 lines with a total of 70 characters. Statements exceeding this limit will *not* be publicized.

Statements which are submitted to the public media's editorial offices by 14:00 will be publicized the same day by the Montenegrin Television Network in the time slot following "Dnevnik I" at 19:30. This Statement will also appear in a special program broadcast by the Montenegrin Radio Network in the time slot following "Novosti Dana" at 15:30 and in the first subsequent issue of "Pobjeda" daily.

Statements submitted after 14:00 hours will be publicized in the same time slot on Montenegrin Television the *next* day, while Montenegrin Radio will broadcast the statement in the timeslot following "Novosti Dana" at 19:00 on the same day. The statement will also appear in the second subsequent issue of "Pobjeda" daily.

Statements will not be subject to editorial intervention. If, however, the editor-in-chief of the State public information medium finds that the statement does not comply with the Law on Public Information, he/she is obliged to notify the authorized representative of the nominating entity and the medium's editorial board of the reasons for withholding the statement.

Each nominating entity, based on its own choice, is permitted *either* one statement *or* one press conference (see below) per day.

□ Press Conferences

All press conferences must be announced at least 24 hours prior to their scheduled commencement. Press conferences are to be held at the Press Center of the Montenegrin Radio and Television Network and cannot exceed 20 minutes in length.

Coverage of press conferences is not to exceed three (3) minutes on the Montenegrin Television and Radio networks or 50 lines in "Pobjeda" daily.

Each nominating entity, based on its own choice, is permitted *either* one statement *or* one press conference per day.

□ Announcement of Campaign Rallies

Campaign rallies of nominating entity will be announced, free of charge, by public media founded by the State. Campaign rallies will be announced at least three (3) days prior to their scheduled date, provided a written request is submitted not later than 10:00 the day preceding the day on which the announcement is to begin airing and appearing in print. All such announcements must bear the following notation: "Free Announcement of Election Rally."

Nominating entities are entitled to two announcements for each campaign rally in the time slots immediately prior and following the television news program "Dnevnik" at 19:30. They are also permitted two announcements per campaign rally in the time slots immediately preceding and following the radio news program "Novosti Dana" at 15:30.

"Pobjeda" daily will feature a special column titled "Campaign Announcements" for the specific purpose of informing the public of upcoming campaign rallies. Announcements will appear on the basis of written notification by a nominating entity. Announcements appearing in this column will be subject to edits in compliance with professional journalistic rules.

Campaign rallies to be announced through the use of teletext must be arranged on the basis of discussions between the authorized representatives of nominating entities and public media. Such coverage will be governed by both technical and editorial capabilities and by market conditions.

□ Coverage of Campaign Rallies in News Programs

Public media founded by the State are obliged to provide worded reports on all campaign rallies of nominating entities. Reports on campaign rallies in news programs will not exceed three (3) minutes on the Montenegrin Television and Radio networks or 45 lines in "Pobjeda" daily.

The Montenegrin Television and Radio networks are obligated to provide at least five (5) film footage and/or sound recordings with excerpts from campaign speeches of participants in the rallies of each nominating entity. If a nominating entity exceeds a total of five (5) rallies, every fourth one will be publicized through film footage or sound recordings, ie. The 9th, 13th, or 17th rally. In the event a number of rallies coincide, the sequence in which the rallies will be film and sound recorded will be determined by the editor-in-chief with due consideration given to the technical capabilities of the

Montenegrin Radio and Television networks.

The timing of the publication and broadcast of reports from campaign rallies is based on the time of the rallies relative to editorial deadlines

"Pobjeda" daily is obliged to publish four (4) reports, accompanied by photographs, from campaign rallies. If a nominating entity holds more than four (4) rallies, every fifth one will be covered, ie. 9th, 14th, 19th. "Pobjeda" is also obliged to publish stand-alone photographs of at least three (3) campaign rallies of nominating entities on the basis of a pre-arranged agreement between "Pobjeda" and the nominating entity's authorized representative.

If rallies are terminated by 14:00, they will be reported in a special program broadcast by the Montenegrin Television Network in the time slot following "Dnevnik I" at 19:30 and printed in the first subsequent issue of "Pobjeda." For rallies ending after 14:00, reports will appear in the same timeslot the *next day* and in the second subsequent issue of "Pobjeda."

With respect to radio, rallies concluding by 12:00, will be reported during a special program broadcast by the Montenegrin Radio Network in the time slot following "Novosti Dana" at 15:30. For those rallies ending after 12:00, they will be covered in the same time slot the *next day*.

□ Coverage of Campaign Rallies Through Special Programming

In addition to coverage of campaign rallies in news broadcasts, a number of special programs dedicated to the election campaign will be aired on the Montenegrin Radio and Television networks and coverage of campaign rallies will be incorporated. It is during these special programs that coverage of press conferences and statements will also appear. Nominating entities are entitled to pick three (3) rallies of the five (5) designated to be covered through film and sound recorded for inclusion in this special programming. The duration of coverage during the specially televised program will be 30 minutes between 17:00 and 18:00. The duration of the radio broadcast of the special news program will be 15 minutes between 12:00 and 13:00.

In the case of these special news programs, it will be important to meet the prescribed application deadlines. In order to ensure inclusion of a select rally in special programming, nominating entities must file an application with the Montenegrin Television Network and/or with the Montenegrin Radio Network at least seven (7) days prior to the rally's scheduled date.

"Pobjeda," will also run a special feature, four columns in length with photographs, for coverage of the three (3) rallies selected by each nominating entity. Photographs will be selected through an arrangement with the rally organizer.

This too has an application deadline of at least 7 days prior to the rally's scheduled date.

□ Presentation of Electoral Agendas

Public media founded by the State are obliged to ensure presentation of the campaign agendas and the candidates of a nominating entity. Presentation of the campaign agenda is to be determined by the nominating entity. The timetable, duration, and number of participants in the presentation of campaign agendas will be determined only after the Republican Election Commission has determined the general Electoral List. Subsequent arrangements for the presentation of campaign agendas will be based on an agreement of the qualifying nominating entities and the editors-in-chief of the public media founded by the State.

The order in which each qualifying nominating entity will present its campaign agenda and candidates will be based on the drawing of lots for each medium. The drawing of lots will be conducted at the Press Center of the Ministry for Information and in the presence of authorized representatives of all qualifying nominating entities and editors-in-chief and representatives of the editorial boards of all public media. The drawing of lots must be done either on the day the general Electoral List is determined or the following day at the latest. Presentations will commence on day after the lots are drawn.

□ Advertising

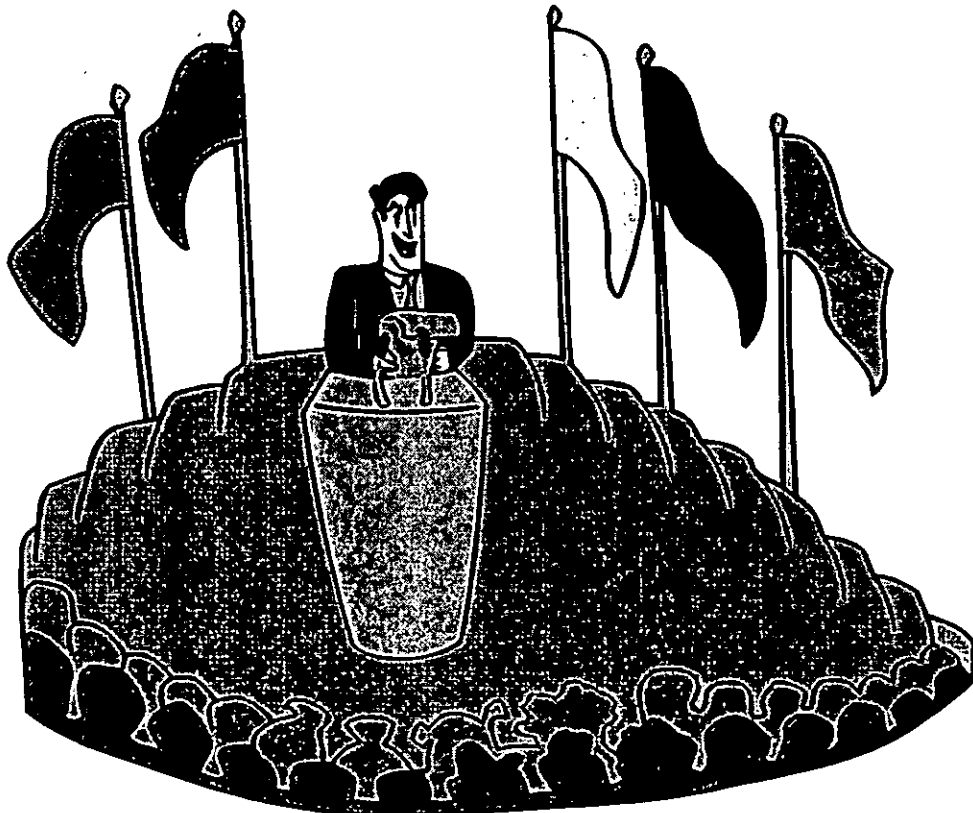
Commercials of qualifying nominating entities, will be broadcast for a total running time of 5 minutes, two minutes of which will be provided free of charge and aired during the time slots preceding and following the news program "Dnevnik" at 19:00. The remaining three minutes must be paid and will be broadcast according to market conditions and upon agreement between the authorized representative of a qualifying nominating entity and the Montenegrin Television Network. (Keep in mind that the election law required all paid advertising to be identified as "Paid Notice").

□ Use of Native Language

Qualifying nominating entities and their candidates have the right to present their campaign agenda in their own languages in public media founded by the Republic of Montenegro.

□ Liability

Editors-in-chief of public media founded by the Republic of Montenegro are not considered liable for information publicized through their medium and in full compliance with the Resolution No. 02-542/2 that was independently prepared by a nominating entity.



13

A WORD ABOUT CAMPAIGN FINANCING AND REPORTING

One of the most complex issues facing nominating entities and their candidates relates to their accounting and reporting of campaign contributions and expenditures. This section of the Candidacy Handbook is devoted to this subject.

□ General Information

The Republic of Montenegro, in its budget, provides funds to cover, in part, the work of political parties whose candidates have been elected representatives to the Republican Assembly and, in an election year, nominating entities whose electoral lists have been verified and proclaimed by the Republican Election Commission. The funds earmarked for such purposes cannot be less than 0.3% of the total budget revenues for the budget year. {See articles 3 & 4 of the Law on Financing of Political Parties}

Of the funds set aside for political parties with representatives in the Republican Assembly, 30% are allocated on an equal basis while the remainder is distributed in proportion to the number of seats each party has in that body. The ministry in charge of finances will transfer the funds on the 5th day of each month to subsidize expenses in the previous month. {Article 5 of the Law on Financing of Political Parties}

Funds for use during the election campaign are distributed as follows: One third of the funds are provided, in equal

amounts, to political parties with mandates in the Republican Assembly which have announced their intention to participate in elections; another third is made available, (in equal parts), to nominating entities with verified electoral lists; and, the final third is distributed, on a proportional basis, to political parties winning mandates in the Assembly. An application to receive these funds must be filed with the Republican Election Commission (REC). {Article 6 of the Law on Financing of Political Parties}.

□ Sources of Funding

Political parties are permitted to raise funds for their activities through the collection of membership dues, contributions, income from their own assets and entrepreneurial activities, credits, donations, legacies, endowments, budget resources and other means as provided by the Law on Financing of Political Parties. {Article 2 of the Law on Financing of Political Parties}.

Nominating entities whose electoral lists have been verified by the REC may use their own funds and can collect donations to cover the costs of their campaigns and other pre-election activities. Individual citizens can make contributions to candidates or to the entities that nominated them. Collection of donations can be undertaken in the official premises of the political party and at public events organized by the nominating entity. Donations may also be collected in other

public places, provided permission has been obtained by the ministry in charge of internal affairs. Direct payments can also be made to the specified bank account of the political party. {Article 8 of the Law on Financing of Political Parties}

□ Campaign Expenditures

Campaign expenditures are defined as the financial expenditures of a political party for propaganda purposes, including: posters, advertisements, radio and television broadcasts, advertising spots, and publications.

□ Maximum Limit on Spending

A maximum threshold has been established for campaign expenditures which is equal to 250 times the net average wage according to official publication for the month preceding the beginning of the election campaign (Amount ???). {See Article 9 of the Law on Financing of Political Parties}

□ Regulation of Campaign Financing

Political parties with representatives in the Republican Assembly are required to enter into agreement which ensures compliance with the limits set for campaign expenditures and specifies the means of regulating campaign financing. This agreement must be reached within 15 days of the date when elections were called. {Article 10 of the Law on Financing of Political Parties} An overview of the Agreement is provided below:

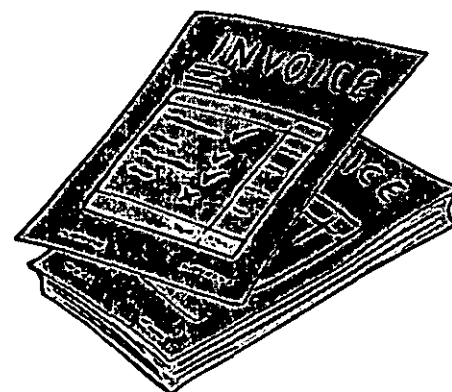
□ Reporting Requirements

Political parties must keep timely and thorough records of their revenues and expenditures. The fiscal practices of political parties are subject to audit by the authority in charge of controlling the financial and material operations of legal entities. Should the audit uncover any irregularities, these will be reported to the ministry in charge of finances {Articles 11 & 12 of the Law on Financing of Political Parties}

□ Violations and Penalties

As a result of irregularities uncovered as a result of an audit, the ministry in charge of finances may deny further payment of funds. Political parties have the right to appeal a decision to deny funds.

Fines equivalent to 10 to 150 times the amount of the official average wage will be imposed on a political party if it raises funds contrary to the provisions of the Law on Financing of Political Parties. The benefit obtained by means of the infraction will be taken away and the person responsible for party financing will also be assessed a fine equivalent to 10 times the official average wage. {Articles 2, 8 and 13 & 14 of the Law on Financing of Political Parties }



In addition, fines equivalent to 10 to 150 times the amount of the official average wage will be imposed on a political party if it fails to keep records of its revenues and expenditures. The person responsible for party finances will also be assessed a fine equivalent to 10 times the official average wage. {Articles 11, 13 & 14 of the Law on Financing of Political Parties}

Fines equal to 100 to 150 times the amount of the official average wage will also be imposed on a political party if it exceeds the spending limits established for the campaign. In this case, the person responsible for party finances will be assessed a fine equivalent to 0.5 to 10 times the official average wage. {Articles 9 and 15 of the Law on Financing of Political Parties}.



14

COMPLAINTS AND VIOLATIONS

The complaint and adjudication process, as well as administrative and legal remedies are discussed below. Penalties pertaining to violations of the Law on Financing of Political Parties are discussed separately in Chapter 13.

□ Lodging a Complaint

Every voter, candidate, and nominating entity has the right to lodge a complaint about the infringement of rights during the election campaign. Complaints are considered within the election commission hierarchy and subsequently the Constitutional Court. Complaints regarding a decision, action, or inaction by a polling board may be lodged with the pertinent Municipal Election Commission. Complaints regarding a decision, action, or inaction by an MEC, including appeals, may be lodged with the Republican Election Commission. Decisions reached by the Republican Election Commission can be appealed to the Constitutional Court. (See article 108 - 110 of the Law on the Election of Councilors and Representatives).

Appeals of decisions concerning modifications to the Register of Electors can be filed with the Supreme Court. [See Article 9 of the Law on the Register of Electors].

□ Timetable for Complaint Adjudication

A complaint must be lodged within 72 hours of the time at which the decision or action in question occurred. The competent election commission or court

must render a decision within 24 hours of receiving the complaint and deliver it to the complainant. (See Article 109 of the Law on the Election of Councilors and Representatives).

□ Administrative and Legal Remedy

If the competent election commission or court finds the complaint justified, it will annul the decision or act. If the competent election commission or court fails to render a decision on the complaint within 24 hours of its receipt, the complaint will be deemed justified. (See Article 109 of the Law on the Election of Councilors and Representatives).

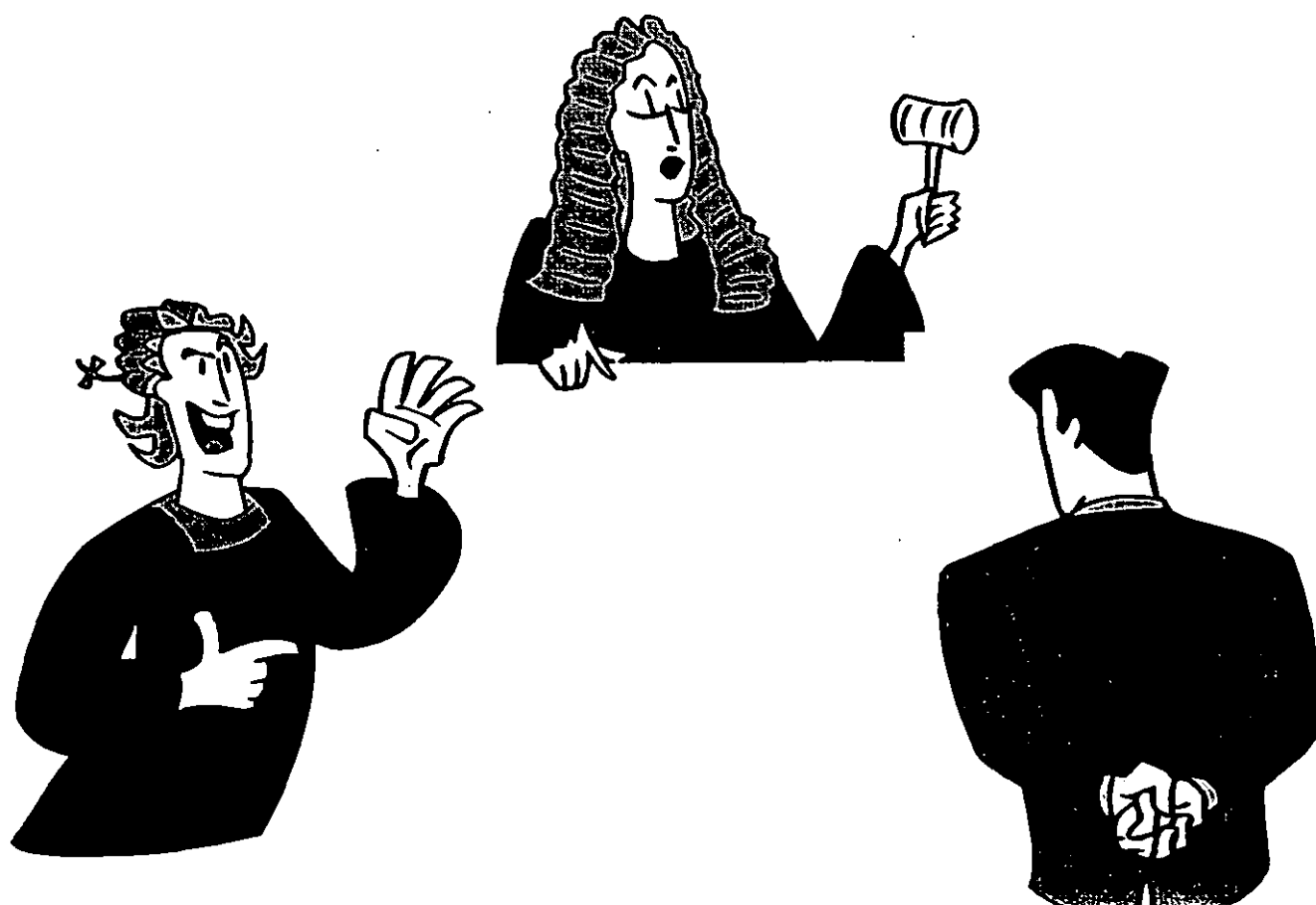
□ Penalties

In the Republic of Montenegro, a graduated system of penalties exists to deal with violations of the law. These include fines and imprisonment. (See article 115 - 117 of the Law on the Election of Councilors and Representatives).

Any person who asks a voter for whom he/she has cast a ballot or why he/she has not voted will be fined or imprisoned for up to one (1) year. If such an act was committed by a member of an election commission, including its expanded members, this person could be imprisoned for as many as three (3) years.

The following illegal acts can be punished with a fine of five (5) to twenty (20) times the minimum wage or imprisonment up to sixty (60) days: (1) agitating contrary to Article 6 of the Law on Election of Councilors and Representatives; (2) accepting candidacy contrary to Article 39 of the Law; (3) signing a signature petition in support of a nominating entity's electoral list contrary to Article 44 of the Law; (4) using property for the presentation of electoral

lists contrary to Article 50, Paragraph 2 of the Law; (5) disruption of the work of a polling board, the conduct of the election, or the work of an election commission; (6) remaining at the polling site after voting in spite of a warning from the chairman on the Polling Board contrary to Article 72 of the law; or (8) coming to the polling station armed or with dangerous instruments contrary to Article 69 of the Law.



15

DETERMINATION AND ANOUNCEMENT OF ELECTION RESULTS

The process by which votes are counted and aggregated and preliminary results announced and the timetable in which this must be done is of the utmost interest to nominating entities and their candidates. This process is outlined below.

☐ Establishing Election Results at the Polling Site Level

Once voting has been completed, the polling board will establish the election results at that polling site. Keep in mind that due to the simultaneous conduct of parliamentary and municipal elections, Polling Board members will need to determine results for each contest. According to the law, the Polling Board must begin by tallying the number of unused ballots and placing them into a separate envelope which is then sealed. They will then determine the number of voters who have cast ballots based on the extract of the Register of Voters.

Once the ballot box is opened and the control slip checked, the Polling Board begins to separate valid from invalid ballots. Invalid ballots are those which have not been marked; those which have not been marked in the prescribed manner, ie. those on which the ordinal number OR the title of the nominating entity OR the name of the leading candidate has not been circled AND the intent of the voter cannot be determined; or ballots on which more than one nominating entity has been selected. Once valid ballots are separated from the invalid ones, the number of votes for each nominating entity is determined.

Then, the total number of valid and invalid ballots papers and the number of votes cast for each nominating entity is announced and entered into the Record of Work of the Polling Board. Information is also entered into the Record on the number of ballot papers received, the number of unused

ballot papers, the number of used ballots papers, the total number of voters on the extract of the Register of Electors, the number of voters who cast ballots, and the number of ballots cast by post. Also entered into the record are remarks and opinions of members of the Polling Board and any other facts that may be pertinent to polling. The Record is to be signed by all members of the Polling Board, and each has the right to receive a copy.

After the results for election of councilors and of representatives have been established for the Polling Site, the Polling Board must immediately deliver the Record of Work of the Polling Board, the extract of the Register of Electors, separated unused and used ballots, separated valid and invalid ballots, and left-over election materials to the Municipal Election Commission (MEC). These documents and materials must be delivered not later than 12 hours following the closing of the polls (See articles 89 and 90 of the Law on Election of Councilors and Representatives).

☐ Aggregation of Vote Totals

Upon the receipt of all documents and materials from the polling sites within their relative jurisdictions, the municipal election commissions will establish the total number of voters entered in the Register of Electors in their municipality, the number of voters who have cast ballots, the number of voters who have cast ballots by post, the total number of ballots received, the total number of valid and invalid ballots, and the total number of votes for each nominating entity.

On the basis of this information, the preliminary result of municipal elections within the jurisdiction of each MEC can be determined. The municipal election commissions must establish the preliminary results of voting both for election of councilors and of representatives within 12 hours of receiving all the reports of the work of the polling boards in their jurisdictions. The municipal election commissions must submit a report and the Record of their work to the Republican Election Commission which is obliged by law to determine the preliminary results for the election of representatives within 12 hours of the receive of reports for all 21 municipal election commissions (See articles 91 and 92 of the Law on Election of Councilors and Representatives).

☐ Allocation of Seats

Municipal election commission are responsible for determining the number of votes received by each nominating entity for the election of councilors and the number of seats to be apportioned to them. The Republican Election Commission is responsible for determining the number of votes received by each nominating entity for the election of representatives and the number of seats to be apportioned to them. Seats are distributed in proportion to the number of voters received by each nominating entity. Only nominating entities surpassing the 3% threshold will be allocated seats. To determine the allocation of seats, the total number of votes received by each nominating entity surpassing the threshold will be divided by 1, 2, and . . . through to the number which corresponds to the number of councilors or representatives to be elected in the constituency. Quotients are then sorted by size, with as many of the largest quotients taken into account as there are seats to be distributed. If two or more nominating

entities receive the same quotient, the basis upon which a seat would be apportioned will be determined by lot.

Once the number of seats to be awarded to each nominating entity is determined, half of those seats will be given to the candidates based upon their rank order on the electoral list with the remainder being determined on the basis of a decision of the nominating entity. If a nominating entity has won an odd number of seats, the number to be apportioned by rank order will be increased by one. If a particular nominating entity wins more seats than it has candidates on its electoral list, the remaining seats will be allocated to the nominating entity with the next largest quotient (See articles 93 - 97 of the Law on the Election of Councilors and Representatives).

☐ Announcement of Final Results

It is important to know that the announcement of final results has been modified as a result of the new legislation. Final election results will not be announced until after the deadline for the adjudication of election day complaints has passed and final decisions rendered. Within 12 hours of the passage of this deadline, the municipal election commissions must determine the final results of elections for councilors within their jurisdiction and the Republican Election Commission must determine the final results of elections for representatives. Final results must be published within 15 days of election day in the "Official Gazette of the Republic of Montenegro" for the election of representatives and in the "Official Gazette of the Republic of Montenegro - Municipal Ordinances" for the election of councilors (See articles 98 & 99 of the Law on Election of Councilors and Representatives).



□ Certification of Councilors and Representatives

Elected councilors and representatives will be issued a certificate of their election by the responsible municipal election commission or the Republican Election Commission of the date their terms of office are verified (See Article 100 of the Law on Election of Councilors and Representatives).

ANNEX III: POLLING BOARD TRAINING PLAN

POLLING BOARD TRAINING PLAN

FOR ELECTIONS OF REPRESENTATIVES TO THE REPUBLICAN
ASSEMBLY AND ASSEMBLIES OF MUNICIPALITIES

REPUBLIC OF

MONTENEGRO

MAY 31, 1998

IFES

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COUNTING THE VOTES.....

REPORTING THE RESULTS.....

INTRODUCTION TO TRAINING

Time Needed: 20 minutes

Type of Session: Mini-lecture

Materials Needed: Session plan

Session Objectives: To provide the participants with an overview of the polling board training so they know what to expect over the next few hours. And to provide the foundation on which all free, fair elections are based.

Training Objective:

By the end of this training session, polling board members or trainers will be:

Aware of what is expected of them during the session and know the standards of conduct.

Session Outline:

Welcome

Thank you for coming to this training.
We think you will enjoy the program.

My name is _____. I will be your trainer during this training.

I hope that if you have any questions or concerns during the training that you will ask me about them either in session or in private.

Goal of the Training

The overall goal of the polling board training is to provide polling boards and trainers with the information essential to performing their jobs.

We want all election officials to be proud of the service they are providing the country.

And, to feel like they have the information and resources needed to do the job they are being asked to perform.

We want you to be able to do your job as polling board members and trainers more competently, more professionally.

We hope this training will help you feel better about your responsibilities as an election official or trainer and to be able to do a better job.

While there will be some lectures, some of the training will also call on you to

participate.

You will be asked to share your opinions, demonstrate different situations, and share your knowledge.

It depends on your participation.

You are the key to the success of this training.

If you get involved you will learn a lot.

The Polling Station Guidebook

Pull out your training guidebook.

You will notice that there are 9 sections in the guidebook covering a wide range of topics.

You will be expected to know all the information in the guidebook by the time election begins.

During the training, you will be asked to read some of the sections.

The guidebook is for you to keep and bring with you to your polling station.

The Training Time-Table

Hand out the training timetable.

As you look over the timetable, you will notice that today's training goes until about _____

We will cover topics related to preparing for your job and we will cover special circumstances you might encounter, and counting and reporting procedures.

Being a polling board member polling board trainer is a major responsibility.

We want to thank you for being willing to do this job and to serve Montenegro in this manner.

We want to thank you now for being willing to take these responsibilities seriously because when people see you being serious they will have more faith in the elections.

Free and fair elections are necessary for a democratic society and for a strong country.

Turn to the first section of your Guidebook. These are the four standards of conduct.

Integrity – election officials and polling boards must earn the trust of the electorate

Neutrality – we all have our political beliefs and commitments. While acting as an election official those opinions must be put aside.

Transparency – The best way to combat allegations of bias and to build trust is by making certain the only secret act in an election is the vote itself. Everything else must

be open to scrutiny.

Accuracy – Take the time to learn the procedures and do things properly whether it's checking names or counting votes.

ESSENTIAL MATERIALS AND ARRANGING THE POLLING STATION

Time Needed: 60 minutes

Type of Session: Lecture, sketch

Materials Needed: Prepared lecture, pieces of paper, pencils

Session Objective: To provide a pictorial demonstration in making the polling station effective and efficient.

Training Objective:

By the end of training, polling board members will be:

Familiar with the materials provided by Municipal Election Commissions to operate the polling station.

Able to draw a sketch of how to arrange a polling station to ensure an efficient and orderly flow of voters including:

Where official postings will be placed.

Where polling board members and observers will sit to watch.

Where materials will be placed so they will be secure against tampering or theft.

The position of the ballot boxes.

The position and number of the secrecy area.

How voters will move through the polling station not allowing them to cross the path of another voter if space allows.

Session Outline:

Introduction (5 minutes)

Explain the objective of the session.

While the municipal election commission is responsible for set up, the polling board has responsibility to see that it is done properly.

So polling board members need to understand how to arrange a polling station.

So voters can move through the polling station efficiently and quickly.

So it provides the appropriate atmosphere for free and fair elections.

This session has four parts.

First, some introductory remarks by myself.

Second, a review of the list of materials in Section IV. of the Polling Board Guidebook.

Third, everyone will be asked to draw pictures illustrating how they will arrange the furniture in their own polling station.

Fourth, we will have a discussion on some of the pictures.

MATERIALS 10 –15 minutes

Please turn to page ____ of the Polling Station Guidebook. Let's talk a little about the materials listed here.

1. The voter list is the backbone of an election. It is a critical control measure. Polling Station Boards must check carefully that it is the right one for their Polling Station. It is an alpha list so check for missing pages. Check the addresses to make certain it's the right list.
2. Optical Scanner. This is an ultra-violet lamp that detects invisible ink. It's the first time it is being used here but they are in common use around the world. The use of the optical scanner is usually transitional. It is often used where there has been fraud or allegations of election fraud.
3. Ballots need to be checked to make certain they are the proper ones for your polling station and are in adequate supply.
4. Envelopes for voting outside the polling station. The special envelope serves as a secrecy envelope.

These materials are to be reviewed with municipal election officials to make sure they are complete. When this is confirmed each sign a statement of verification.

ARRANGEMENTS

The different types of furniture needed (5 minutes)

Before polling day you have to visit your polling station to make sure you have the furniture needed to conduct the election.

Tables and chairs for the polling board members.

Chairs for observers.

Arranging the polling station (5 minutes)

There are five things to consider when arranging the polling station.

Where commission members will sit.

Where observers will sit.

The position of the ballot boxes.

The position and number of secrecy areas or booths.

How voters will move through the polling station.

The polling board also has to consider where the polling station's excess ballots and ballot boxes will be stored and secured until needed.

Important things to remember when arranging the polling station (10 minutes)

The polling board should sit on the side of the room near the wall.

This is to provide more security for important material such as ballots, the voter list, or other election materials.

Observers should sit to the side of the commission so they can easily observe the polling process.

The ballot box must be put on in a visible place so the polling board members, observers,

and voters can see it.

The number of secrecy areas depends on the number of voters that have to move through the polling station. Usually they are placed in a corner and away from any windows. This provides more secrecy and security. It must be arranged so it is a secret place and insures the voter's vote is kept secret.

Have the voters move through the polling station in such a way that they do not have to cross the path of another voter.

They should move from the polling board member who scans for the presence of ink on the finger, to the one who does the id check, to the polling board member who shows the voter where to sign for the ballot, and to the one who issues the ballot, to the secrecy area, and to the ballot box in a continuous flow.

That way as one voter goes to the secrecy area, another can enter the polling station and begin the polling process.

If a polling station has two doors, let the voters come in one door and go out through the other door after casting their votes.
This will allow the voter to move through the polling station without crossing the path of another voter.

Sketching the polling station (15 minutes)

Hand out a blank piece of paper to each trainee.

Instruct them in the exercise.

You are now to think about the polling station you will work in.
On this piece of paper, draw how your polling station will be laid out.

You must show the following in your drawing.
Where official postings will be placed.
Where polling board members and observers will sit.
Where materials will be placed so they will be secure against tampering or theft.
The position of the ballot box.
The position and number of the secrecy area(s)
How voters will move through the polling station not allowing them to cross the path of another voter if space allows.
It is not important to make a beautiful drawing.
We are not looking for the best artistic drawings now.
We are looking for you to sketch out the polling station with all of the key elements mentioned.
You have five-ten minutes to sketch out your polling station.

Go around the room and observe how people are doing with the exercise.
If you see someone who is having a difficult time, try to clarify the assignment for them.

Large group discussion (20 minutes)

After people have finished their sketches ask for three volunteers.

Have each volunteer draw their sketch on a section of the blackboard.

After all the sketches are completed, ask each volunteer to describe their polling station.
Ask them to mention why they placed things where they did.

Invite comments from the larger group.

How could the arrangements of the volunteers been improved?

Did they learn anything new?

What special circumstances will they face in their polling station?

Conclusion

We have tried to point out that it is important to consider how the polling station is set-up.

For security of the process.

For ease of movement of voters through the polling station.

So everyone can do the job.

Please take the time when you get back to your areas to visit your polling station a few days in advance to ensure it can be set up in an appropriate manner.

If you have any problems, discuss it with municipal election officials.

Thank you for your attention and please hand in your sketches.

Make sure your sketches have your name on them.

Performance Evaluation:

Trainers should review the sketches and observe if they have all the needed elements and if participants really understand what it takes to effectively arrange a polling station.
Talk to those participants that struggled with the assignment to reinforce key points of this session.

PRE-VOTING PROCEDURES

Time needed: 40 minutes

Type of Session: Demonstration and Role-Play

Materials Needed: Ballot Box, Ballots, Control Sheets, and Voting Booths
Session Objective: To provide a demonstration and discussion of the procedures needed to be taken by polling board members prior to opening the polling station.

Training Objective:

By the end of training, polling board members will be:

Able to demonstrate in front of their peers the procedures that need to be completed prior to opening the polling station including:

Showing the empty ballot box to all present.

Allowing the first voter and polling board members to sign the control sheet and dropping it in the ballot box.

Closing and sealing the ballot box.

Placing the ballot box in an open and accessible place.

Allowing polling board members and observers to inspect the secrecy area(s).

Announcing the number of voters on the list and number of ballots received.

Session Outline:

Introduction (5 minutes)

As part of insuring a free and fair election, there are certain procedures that must be followed by all polling boards.

These procedures are followed because they demonstrate that the ballot box is empty and that no polling board member is trying to rig the election.

Again, these procedures must be followed by all prior to voting.

Trainer demonstration of the initial procedures (15 minutes)

First, show the empty ballot box to all present in the polling station.

Try to ensure the first voter, polling board members, and observers see and acknowledge that the ballot box is empty.

Next, close and seal the ballot box.

Then, place the ballot box in an open and accessible place.

It must be in a spot so everyone can see it and see no one is stuffing it.

It must be close to a polling board member so it can remain secure.

Show the ballots to polling board members and observers.

Allow the polling board members and observers to inspect the secrecy area(s).
Each secrecy area must be private.
If there is anything wrong with the area, fix the problem.

Instruct the polling board members and the first voter to sign the control sheet verifying that the ballot box is empty and drop it in the box.

Ask the polling board members if there are objections to pre-voting procedures and make a note of comments or lack of comments in the "Record."

Announce the number of voters and ballots received
Make an announcement of how many voters are on the voter list.

Role play (10 minutes)

Ask for five volunteers from the larger group.
If no one volunteers, appoint five people to take part in the role-play.

Two polling board member
One voter
Two observers

Give the role players 2-3 minutes to figure out what they are going to do.
Help them set up the scene.

Have them role play the pre-polling procedures.
Make sure the role-play includes the critical elements of the instructions as outlined above.

Discussion on the role play (10 minutes)

Are there any questions on the role-play?

What could have been done better?

Did the role players forget any of the critical procedures?

Performance Evaluation:

During the session trainers must carefully observe the small groups and the participants to see if they fully understand the steps outlined in the session.

INTERNATIONAL AND DOMESTIC OBSERVERS AND APPEALS

Time needed: 20 minutes
Type of Session: Lecture, scenario discussion
Materials Needed: None
Session Objective: To provide an understanding of the role of observers in the polling station and what they can and cannot do and appeals of polling board actions

Training Objective:

By the end of training, polling board members will be able to explain the role of observers.

Session Outline:

Introduction (5 minutes)

Explain the objective of the session.

At the end of the session, each participant should understand what observers can and should do at the polling stations.

The different types of observers (5 minutes)

There are two types of observers.

International observers

Domestic election observers

Their roles and rights are similar within the polling station.

Whoever enters the polling station must present an id. card issued by the REC. The presence of observers should be noted in the "Record."

The idea is to have the polling process be open and transparent.

Assume they will be at every polling station in the country.

They will help ensure that everything is done, as it should be.

They have a right to maintain a constant presence in the polling station.

They are supposed to observe the polling process and to note whether the exercise is going on as required by law.

They are not supposed to interfere in the polling process in any way.

They are not supervisors for the election. Polling board members should cooperate with them, but should not take orders from them.

They have a right to note an irregularity if they notice anything contrary to the rules and

regulations of the election.

They may note if anything is not as it should be including:

If some polling board members are not present.

If the polling board lets someone vote twice.

If the polling board fails to ask for and inspect the voter's identification.

If the polling board stops an eligible voter from voting.

If the polling board makes an error in marking a name in the register of electors.

If the polling board does not check for ink.

If the polling board does not instruct the voter to sign for the ballots.

A domestic observer who is an elector may appeal actions of the polling board at the municipal commission.

We will discuss appeals later.

Observers may not:

Interfere with the conduct of voting.

Try to influence any voter to vote in a particular way.

Enter the secrecy area to observe how a voter votes.

Role of the observers (10 minutes)

There are to be no visitors at the polling station such as journalists. Only voters, polling board members and observers.

Their role is to provide an impartial (non-partisan) view of the polling process.

They are there to observe.

They will make reports to their organizations after the polling process is completed. These reports will then be made to the REC or the public on their view of the polling process.

These observers are very crucial to the democratic process.

It is important to have impartial observers to the process to ensure the public that the election is free and fair.

It is crucial for the public to have confidence in the election.

Their observations can help election officials make improvements for future elections.

You are to be courteous and open and make these observers feel welcome.

If you have the time, answer their questions.

If they bring a legitimate concern to your attention, make an effort to be responsive and correct the problem.

The presence of observers not only helps prevent election fraud it helps discredit false claims of fraud.

Appeals – All acts and decisions of the polling board are subject to appeal. Objections made by polling board members are to be noted in the minutes. Appeals of polling board decisions are filed at the municipal level.

Scenario: A colleague on the polling board is consistently talking with his friends/voters when they come in. This is often done aside and in quiet tones. At one point you and another polling official overhear him urging a voter to vote for a certain candidate.

Discussion:

What do you do? (Multiple choice)

1. Urge him to stop.
2. Urge the board chairman to order him out of the polling station and send for his deputy.
3. Make a note in the "Record." (This is very important in the instance of all irregularities)
4. Appeal at the municipal level within 72 hours.

Performance Evaluation:

During the session, trainers carefully observe participants and see if they really understand the roles of observers. If there is any confusion, the trainers should seek to clarify it.

CONDUCTING THE VOTE

Time Needed: 90 minutes

Type of Session: Lecture, small group discussion

Materials Needed: Five complete sets of polling materials

Session Objective: To provide each polling board member with knowledge about and an opportunity to practice polling procedures.

Training Objective:

By the end of training, polling board members will be:

Able to list all 8 steps of the voting procedure including:

Checking for ink on the voter's finger.

Verifying the voter's identity by checking the voter's ID papers.

Finding voter's name on the voter list and circling it.

Applying ink to the voter's finger and checking.

Checking the ballots to see that they are properly printed and giving them to the voter.

The voter signs the voter list to verify the voter has received the ballot.

Instructing the voter in voting procedures.

Ensuring the voter properly deposits the ballots in the boxes.

Session Outline:

Introduction (5 minutes)

To ensure each voter votes according to legal procedures, all polling board members must follow a mandated process.

The polling board must know the legal procedures so everyone votes according to the law and so the public has faith that the election will be free and fair.

After an overview of the process, we are going to split up into smaller groups.

Each group will find solutions to problems that may be encountered on election day.

We will then come back together and discuss your solutions.

The eight steps (10 minutes)

There eight steps in the polling process.

Checking for ink on the voter's finger.

Verifying the voter's identity by checking the voter's ID papers.

Finding voter's name on the voter list and circling it.

Applying ink to the voter's finger and checking.

Checking the ballots to see that it is properly printed and giving them to the voter.
Voter signs the voter list to verify the voter has received the ballot.
Instructing the voter in voting procedures.
Ensuring the voter properly deposits the ballots in the boxes.

Small Groups or Role Play (45 minutes)

Divide the larger group into smaller groups of five people each – have each group designate a record keeper.

Give each group the scenarios and blank paper to record their conclusions.

Have groups discuss how to handle the following situations.

One voter will be illiterate and not fully understand how to mark their ballots.
One voter will not have their ID.
One voter will not be on the extract.
One voter will have ink show up when scanned.
One voter will refuse to be sprayed.
One voter will be missing his index finger.
The mayor of the city comes in without his id.
One of your polling board colleagues goes to a booth where a friend of his is voting and begins visiting with him – worse yet – he is talking about how he hates one of the parties on the list.
You notice a voter only drops one ballot in the box.
You see a voter drop the blue ballot in the Republican ballot box and the municipal ballot in the Republican ballot box.
A voter is not certain how the ballot is to be marked.
A voter comes in with a legitimate picture id and is on the list. But you know the person who he says he is and it is not this person. What do you do?
You receive a voter's request for voting outside the polling station at 12:03 on election day.
The polling board chairman sends one person out to process votes outside the polling station.

Have the groups begin their discussion.

Observe the different groups. If some are having difficulty help them get going.

Discussion (15-20 minutes)

Reconvene the small groups into the larger group.

Begin a discussion on the exercise.
Ask the group one how they handled the first voter.
Ask group two how they would handle the second voter etc.

Conclusion (5 minutes)

The eight steps of the voting are the keys to your job.

You have to ensure that the Polling Board members understand what these steps are and do each one according to the law.

We hope the discussion has given you an opportunity to understand what could go wrong and what is the best way to correct that.

Performance Evaluation:

During the session trainers must carefully observe the small groups and the participants to see if they fully understand the steps of conducting the poll according to the legally defined procedures. One the end of training test, each participant will be asked to list all eight steps of the process.

COUNTING THE VOTES

Time Needed: 45 minutes

Type of Session: Lecture/Demonstration

Materials Needed: 150 sample ballots, 1 ballot box, sample "Record of the Work of the Polling Board," paper, and pens

Session Objective: To provide a demonstration of how counting votes should be done in the polling station.

Training Objective:

By the end of training, polling board members should be able to:

Demonstrate their understanding of the counting procedure including:

Identifying pre-count activity.

Unsealing the ballot box.

Sorting and separating the ballots.

Counting the ballots.

Session Outline:

Organize the demonstration.

Ask for four volunteers from the larger group

Assign each of the volunteers a role.

Polling board Chair

Two polling board members

One observer

The volunteer team is handed a ballot box.

Each ballot box contains 150 ballots.

The ballots are marked for different make believe candidates.

Some are invalid ballots.

Arrange a large table in the front of the room to be the counting area.

Make sure the seating arrangement in the room allows the rest of the training participants to see the demonstration.

Begin the demonstration

Tell all of the volunteers that they are to listen to you for instructions on counting.

Tell all of the other training participants to turn to page ____ in their training manual to read along with you about counting.

The counters should be working in pairs.

One of the volunteers is the chair.

Two are polling board members.
One is a neutral observer.

Skipping only the counting of the voter list signatures.

Read each bullet and have the volunteers demonstrate each point.

Make sure all the forms are ready so they can use them when they need too.

Stop at each important point to make sure everyone understands what is going on.

After locating the control sheet.

After counts and separation of ballots from ballot box.

After sort by candidate.

After count of void or rejected ballots.

After count by 100s' to tally candidate totals.

Discussion

After the demonstration is completed ask for questions one more time.

Ask the volunteers if they found it easy or tricky?

What do they think is the most important thing to keep in mind when doing the count?

Is everyone clear on what the procedure is for counting?

Conclusion

The demonstration has presented our recommended procedure for counting the ballots for this election.

It will help to have everyone counting the same way in the country.

It should help reduce errors and inconsistencies.

After this election, the REC will be interested in your feedback on this procedure and how it can be improved.

This is one of the most important parts of the process. We appreciate your attention to detail in counting the votes.

Performance Evaluation:

The trainer should take note of the questions being asked and the degree to which people understand what the procedure is for counting.

REPORTING ELECTION RESULTS

Time Needed: 20 minutes

Type of Session: Discussion / questions and answers

Materials Needed: Session plan, sample forms and sample packets

Session Objective: To provide an opportunity for participants to discuss the after-election reporting requirements including all of the forms and packets required for accountability.

Training Objective:

By the end of training, polling board members will be:

Able to complete the "Record of the Work of the Polling Board" which are submitted to municipal election commissions.

Able to identify all packets and forms used in the election.

Session Outline:

Introduction

Turn to Section 9 of your guidebook.

For public, media, and neutral observer perception, the compilation of accurate and speedy returns can create an image of high professional competence in election organizations.

Fairly or unfairly the speed of delivering returns often becomes the single most important standard by which election units are judged.

The eyes of not only the nation but of the world are on these elections.

Official Reports and Materials

Ask for a volunteer to identify the reporting and packaging requirement during the count.

Move through the required reports and packages.

Key points to be made

The following points should be made during the discussion if no one else raises them. There are a lot of different reporting requirements and it is important to keep them separate, organized and to complete all of them.

The same can be said for all of the different packets.

Everything should be neatly tied and labeled.

Observers may ask to accompany you as you take materials to the Municipal Election Commission. How will you respond? Yes.

Remember to bring your manual with you to the polling station. It will help for you to refer to it during the day, and especially during the counting and reporting parts of the process.

Performance Evaluation:

Determine through the question and answer session whether there is understanding of the importance of the topic.

ANNEX IV: POLLING BOARD GUIDEBOOK

POLLING BOARD GUIDEBOOK

FOR ELECTIONS OF REPRESENTATIVES TO THE REPUBLICAN
ASSEMBLY AND ASSEMBLIES OF MUNICIPALITIES

REPUBLIC OF

MONTENEGRO

MAY 31, 1998

IFES

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I. CIVIC RESPONSIBILITY OF POLLING BOARDS

As a polling board member, you have been charged with a very important responsibility in the election. Of all officials involved in the conduct of elections, you will have the most personal, direct contact with voters. They will look to you as they exercise their right to vote on Election Day. The manner in which you carry out your duties will have a great deal to do with the degree to which voters will have confidence in the process.

Remember, from the time you are appointed and on Election Day your primary duty is to faithfully serve all electors equally. Your personal views and political opinions must be put aside except as you secretly mark your own ballot and cast your own vote.

It is a sacred trust. Every action you take must be characterized by these important standards.

- Integrity
- Neutrality
- Transparency
- Accuracy

Do not waver from these standards as you conduct the election at your polling station.

II. ABOUT THE ELECTIONS

ELECTIONS OF THE REPUBLICAN ASSEMBLY AND ASSEMBLIES OF MUNICIPALITIES OF MONTENEGRO

Election Date	May 31, 1998
Polling Station Hours	The polls will be open for voting from 7 a.m. to 8 p.m. (Article 70 of the Law on Election of Councilors and Representatives)
Purpose of Elections	Voters will elect representatives to the Republican Assembly and councillors in the assemblies of municipalities to a 4-year term. (Article 5 of the Law on Election of Councilors and Representatives)
Constituencies Involved in the Election	Seventy-eight (78) representatives will be elected to the Republican Assembly. Representatives are elected through a system of proportional representation on the basis of a single, nation-wide mandate. Thirty (30) councillors are elected in each municipality with an additional councillor for each 5,000 in population. (Articles 3 and 4 of the Law on Election of Councilors and Representatives)
Who is Eligible to be Listed on the Register of Electors?	<p>The Registers of Electors are maintained by municipal agencies. The registers are to include the names of every person who is eligible to vote by their place of domicile. To qualify to appear on the register a person must:</p> <ul style="list-style-type: none">be a citizen Montenegro;be 18 years of age;have the business capacity to vote;be a resident of the Republic of Montenegro for 12 months prior to the election. <p>(Article 11 of the Law on Election of Councilors and Representatives)</p>

<p>Inspecting and Modifying the Register of Electors</p>	<p>Citizens have the right to inspect and request modifications in the register. (Article 8 of the Law on Registers of Elections)</p> <p>Registers are closed 20 days prior to the election and may only be modified by court order until 5 days prior to the election when modifications cease. (Article 10 and 11 of the Law on Registers of Elections)</p> <p>An elector may be entered only once in the register of only one local authority and at only one polling station. (Article 3 of the Law on Registers of Elections)</p>
<p>Notice of Election</p>	<p>Each citizen on the Register of Electors will, by law, receive notice of election at least 5 days before the election. The notice will include the date and time of the election, the address of the polling station where he/she is to vote, and the number under which the voter is listed on the Register of Elections. (Article 68 of the Law on Election of Councilors and Representatives)</p>

III. RESPONSIBILITIES OF POLLING BOARDS AND APPEALS OF POLLING BOARD DECISIONS

The Municipal Election Commission not later than 10 days prior to Election Day appoints a polling board for each polling station. The board consists of the chairman, two permanent members, four in polling stations with over 1000 registered voters, and one authorized representative for each of the qualified submitters of electoral lists. (Most polling stations for this election will be established for less than 1000 voters) Authorized representatives are full participating members of the polling station board. (Article 35 and 36 of the Law on Election of Councilors and Representatives)

All members are full participating members. Their deputies, in the event of absence or inability to perform tasks, shall replace the chairman, permanent members and authorized representatives of polling boards. (Article 35 of the Law on Election of Councilors and Representatives)

1. RESPONSIBILITIES OF POLLING BOARDS

Polling boards make decisions by a majority of votes of their members. (Article 21 of the Law on Election of Councilors and Representatives)

The polling boards shall be responsible to:

1. ensure the regularity and secrecy of voting;
2. establish the results of voting at the polling station;
3. keep order at the polling station during voting;
4. administer voting outside the polling station;
5. keep accurate records of all information called for in the "Record of the Work of the Polling Board" including the occurrence of irregularities or objections lodged by electors and polling board members. (Article 90 of the Law on Election of Councilors and Representatives)
6. perform additional duties as required by law.
(Article 37 of the Law on Election of Councilors and Representatives)

2. APEALS OF POLLING BOARD DECISIONS

- Every elector, candidate, and submitters of the electoral list have the right to lodge a complaint to the competent election commission for reasons of infringement of rights during an election. Decisions and acts of the polling board are subject to such complaints. (Article 107 of the Law on Election of Councilors and Representatives)
- The complaint, in the case of a polling board, shall be filed with the Municipal Election Commission within 72 hours of the hour in which the decision was made or act performed. (Article 107 of the Law on Election of Councilors and Representatives)

IV. BEFORE ELECTION DAY

- 1. GETTING READY**
- 2. INSPECTING YOUR POLLING STATION**
- 3. PLANNING FOR SECURITY ON ELECTION DAY**
- 4. SUPPLIES**
- 5. INVENTORY CHECK LIST**

As a polling station board member, there are a number of tasks you should do before Election Day.

1. GETTING READY

- Familiarize yourself with the laws relating to the conduct of elections.
- Read directives and advisories issued by the Republican Election Commission and the Municipal Election Commission.
- Attend all meetings and training sessions.
- Make contact with your fellow polling board members who will serve at your polling station. As a group, study and discuss the instructions provided in this guidebook.
- Discuss which polling board members will be assigned which tasks. Make arrangements for officials to take meals and breaks in turn. Discuss how duties will be reassigned during those brief periods when one board member must be away from a workstation. Your schedule should be designed to ensure that voting continues openly and accessibly throughout Election Day hours.
- Make sure you have the name, phone number and location of your Municipal Election Commission contact should you need guidance or advice on Election Day. Write down the phone number and take it with you on Election Day.

2. INSPECTING YOUR POLLING STATION

At least two days before Election Day visit your polling station for an inspection. Meet with officials in charge of the building to be used. Be respectful and courteous of those in charge and thank them for their cooperation. Remember that they will be inconvenienced. They need to feel that they, too, have an important role to play in free and fair elections.

- Polling stations are determined in a manner that approximately 1,000 or less will vote at each one.

- Polling stations must be arranged in a way providing enough space for all members of the polling board to have insight and access to the ballot box and election material at all times. (Article 65 of the Law on Election of Councilors and Representatives)
- Determine which rooms will be used to accommodate the number of voting booths or screened areas, which will be required on Election Day. For each voting area make sure that there is sufficient space to handle the placement of tables and chairs for polling board members, observers, and suitable space for providing secrecy areas in which voters can mark their ballots privately.
- Take note of entrances and exits and observe the location of the 50-meter exclusion boundary outside your polling station where the display of symbols of parties and other political organizations or other propaganda material is prohibited on Election Day. (Article 69 of the Law on Election of Councilors and Representatives)
- Make arrangements with building officials to unlock the door at 5:00 a.m. on Election Day to give you sufficient time to organize the polling station. Ensure that the polling station will be unlocked and usable throughout the day.
- Decide where forms and additional ballot boxes and ballots will be kept during the day. Ensure the area can be kept secure at all times.
- Check to see if a phone will be available that you will be able to use on Election Day should you need guidance or advice. Arrange to have access to the room where the phone is if it is usually locked. Make sure your Municipal Electoral Commission has the number in case they need to reach you on Election Day.
- Make certain there is seating for each polling board member and observers.

3. PLANNING FOR SECURITY ON ELECTION DAY

There is always a chance of disturbances or unlawful activity at polling stations. If people seize ballot boxes, campaign within the exclusion zone, stuff ballot boxes with pre-marked ballots, or threaten or intimidate officials or voters, everyone loses. Your job is to, as much as possible, ensure that these things do not occur at your polling station. Planning for potential threats and thinking about how you might avoid them can minimize their occurrence.

- Persons who have no official business at the polling station are forbidden to linger or remain there. Police may enter only at the request of the chairman of the polling board and only if peace and order have been disturbed. Call on police in these situations. (Article 71 of the Law on Election of Councilors and Representatives)

- It is also important that you meet your fellow polling board members to discuss strategy for dealing with voters or others who try to create a disturbance.
- A disruptive voter should be given a warning first. Every effort should be made to allow the voter to cast his/her vote and then encouraged to immediately leave the polling station.
- If the person continues to be disruptive, the chairman of the polling board should call the police inside the polling station for help.
- If there is a disturbance of order during voting the polling board may interrupt voting until order is restored. Enter the reason for interruption into the "Record on the Work of the Polling Board." If voting is interrupted for more than an hour, voting will be prolonged for a time equal to the duration of interruption. (Article 71 of the Law on Election of Councilors and Representatives)

Marking the Exclusion Zone around Your Polling Station

It is forbidden to display political party symbols and other promotional materials within 50 meters of the polling station. (Article 69 of the Law on Election of Councilors and Representatives)

- Arrange to have the exclusion zone clearly marked so people will know the limits of campaign exclusion.
- The chairman of the polling station board may call police to remove illegally posted material. Do so to maintain your appearance of neutrality.
- Infringement of the exclusion zone during voting may result in dissolving the polling board and voting being repeated at the polling station. (Article 69 of the Law on Election of Councilors and Representatives)

4. ELECTION MATERIAL

- At least 48 hours before Election Day the polling station board chairman will be provided with the necessary documents, materials and supplies to conduct the election. (Article 75 of the Law on Election of Councilors and Representatives and Section 1.1 of the Rules of the Work of the Polling Board)
- It is advisable that additional members of the polling board representing different parties be present when materials are received.

- Inform the Municipal Electoral Commission if an error has occurred or something has been omitted from the items listed below.

Extract from the Register of Electors

Review each part of the list to determine if it is the list for your polling station and it is complete. Check for missing pages or other inadvertent omissions that may have occurred.

Ballots

Republican Assembly ballots are white, and municipal assembly ballots blue. Each official ballot will contain:

- 1) sign of the electoral district;
- 2) the ordinal number placed before each individual electoral list;
- 3) the titles of electoral lists according to the order determined on the general electoral list;
- 4) the name of the first candidate of each list;
- 5) an instruction stating that it is possible to vote for one list only, which is done by circling the ordinal number before the title of that list or by circling either the title of the list, or the name and surname of the first candidate on the list.
(Article 73 of the Law on Election of Councilors and Representatives)

Ballot Boxes

Ballot boxes will be uniform and will have an opening wide enough for only one ballot at a time. One ballot box shall be clearly marked for Republican Assembly ballots and the other for Municipal Assembly ballots.

Election Supplies

As soon as possible, confirm that you have an adequate supply of all the materials you will need to conduct the election. Use the following INVENTORY CHECKLIST to determine if have received needed materials.

5. INVENTORY CHECKLIST

- Two Registers of Electors, one for the polling board member to mark when the voter's identity is verified and one with a space for the voter to sign as verifying the ballots are received.
- Two optical scanner to check that the voter has not previously voted in this election.
- Invisible ink contained in a spray bottle.
- Extra batteries for optical scanners
- Ballots – in sufficient quantity to allow each voter on the register of electors to vote
- Ballot Boxes
- Writing Instruments – to be used by voters to mark ballots
- Sealing Material – for sealing ballot boxes, secrecy envelopes and packets containing ballots and other official election documents.
- Packets for various ballots such as marked, unmarked, void.
- Packaging Material for packing up polling station documents, ballots, and other materials
- "Polling Board Guidebook" - one for each polling station board member
- The general electoral list , signs, official notices, and instructions for posting
- Official envelopes for voting outside the polling station
- Special envelopes to ensure secrecy for voting outside the polling station
- Any rules or instructions provided by the electoral commission

Forms

- "Record of the Work of the Polling Station Board" (See Addendum of Forms and Documents)

- “Report of Results of Voting in for Councillors of Municipalities (See Addendum of Forms and Documents)
- “Control Check” for ballot box security (See Addendum of Forms and Documents)

IF ALL DOCUMENTS AND MATERIALS ARE CORRECT AND COMPLETE SIGN THE RECEIPT PROVIDED BY THE MUNICIPAL ELECTION COMMISSION. SIGNATURES OF THE POLLING STATION CHAIRMAN AND A MUNICIAPAL ELECTION OFFICIAL WILL BE STAMPED WITH THE SEAL OF THE MUNICIPAL ELECITON COMMISSION. THE CHAIRMAN WILL STORE ALL ELECTION MATERIALS IN A SECURE AND LOCKED LOCATION UNTIL ELECTION DAY. (Section 1.1 of the Rules on the Work of the Polling Board)

V. OBSERVERS

1. PURPOSE OF OBSERVERS

2. DOMESTIC AND INTERNATIONAL OBSERVERS

In order to ensure transparency in the conduct of elections Republican Election Commission regulations contain provisions, which allow two types of observers to be present during the various Election Day activities.

1. PURPOSE OF OBSERVERS

Through their presence, observations, reports, and objections, observers:

- provide openness and transparency for the public, candidates, and political parties and raise confidence in the process;
- reassure a skeptical public about the importance of the electoral process and the relevance of each elector's participation;
- deter those who would engage in intimidation tactics, improper activities or fraud;
- reduce opportunities for frivolous or misguided allegations of impropriety;
- provide information on which election officials can assess the process and plan for future improvements.

2. DOMESTIC AND INTERNATIONAL OBSERVERS

- Domestic and international observers are authorized and issued identification by the Republican Election Commission. (Sections 5 of the Regulation on the Rights of Observers of the Work of the Polling Board)
- Observers representing domestic and international organizations are entitled to observe all steps in pre-election, voting, and counting processes except the elector marking his/her ballot. (Section 7 of the Regulation on the Rights of Observers of the Work of the Polling Board)
- The chairman of the polling board will see that observers have a suitable area and seating to watch the progress of all phases of the voting process. (Section 1.5 of the Rules on the Work of the Polling Board)
- The polling board will note the presence of observers in the "Record of the Work of the Polling Board," and the length of time spent in the polling station. (Section 5.2 of the Rules on the Work of the Polling Board)

These observers are NOT entitled to:

- influence or attempt to influence or threaten any voter to vote for or against any candidate or to reveal his/her vote;
 - instruct, give orders, or countermand decisions of the polling board;
 - observe or reveal how any voter marked his/her ballot;
 - handle ballots;
 - disrupt the work of authorized officials.
- On the recommendation of polling board or municipal election commissions the Republican Election Commission can revoke the authorization and ID card of observers for interfering with the order of conducting the election. (Section 8 of the Regulation on the Rights of Observers of the Work of the Polling Board)

VI. BEFORE VOTING BEGINS ON ELECTION DAY

1. CHECKING THE POLLING STATION SETUP

2. ASSIGNMENT OF DUTIES

3. TASKS BEFORE THE FIRST VOTE IS CAST

All polling board members who will be serving at the polling station on Election Day should be assembled at least 1 to 2 hours before voting begins. (Section 1.2 of the Rules on the Work of the Polling Board)

While the polling station is open and voting is in progress all core members of the polling board or their deputies are to remain at the polling station. (Article 72 of the Law on Election of Councilors and Representatives)

1. CHECKING THE POLLING STATION SETUP AND MATERIALS

The municipal election commission is responsible for setting up polling stations and that the polling station is properly supplied with election materials. (Article 75 of the Law on Election of Councilors and Representatives)

The polling board should confirm that the arrangement ensures:

- the secrecy of voting; (Article 75 of the Law on Election of Councilors and Representatives)
- the efficient flow of voters through the required steps of the process;
- adequate transparency for voters, polling board members, and observers who will be present; (Article 65 of the Law on Election of Councilors and Representatives)
- security of ballots and election documents.

Materials and Equipment

- The official records of the polling board must be recorded on the prescribed form PG 20, "Record of the Work of the Polling Board." (Section 5.1 of the Rules of the Work of Polling Board)
- The polling board should reconfirm that materials are in proper form and in adequate supply. Setup and material confirmations should be entered into the "Record of the Work of the Polling Board." (Article 75 of the Law on Election of Councilors and Representatives and Section 1.7 of the Rules on the Work of the Polling Board)

Optical Scanner and Invisible Ink

- Check that the optical scanning lamp and spray is functioning properly.
- The polling board chair who will be primarily responsible for handling ink should wear plastic gloves or vote immediately after processing the first voter to prevent accidental marking and disqualification from voting.
- The polling board chair should keep a cloth for wiping away residual ink from tables materials and other equipment.
- The optical scanner should only be left on when in frequent use. It should be turned off during lulls in voting to conserve batteries.
- Ink should be applied in one quick, direct spray to the finger to avoid waste. Wait 30 seconds for the ink to dry, check with the scanner to be certain ink is present on the voter's finger then continue processing the voter.

Signs and Official Posting Requirements

Before the polling station opens there are official signs and notices that should be posted inside and outside your polling station.

Prominently post the following:

- 1) Polling place name and number
- 2) The general electoral list in a place where voters can review it as they wait to vote
- 3) Other official notices as required by the Republican Election Commission
- 4) A copy of the ballot is to be attached for display on each ballot box.

2. ASSIGNMENT OF TASKS

The polling station chairman will assign duties and determine who will replace a member who is temporarily away from his/her workstation. (Section 1.2. of the Rules on Work of the polling board)

- Decide which polling board member will be involved with each task.
- Remind polling board members about making arrangements to take all breaks in turn.
- Ensure that all functions are operational and security is maintained throughout voting hours.

3. TASKS BEFORE THE FIRST ELECTOR VOTES

These tasks are to be completed in full view of polling board members, observers, and voters. Therefore, it is important to perform these requirements as the final step of pre-voting responsibilities so that observers and early voters will have arrived.

- Ensure that all ballot boxes are empty. Show the empty ballot box to the first voter and others who are present. (Article 79 of the Law on Election of Councilors and Representatives)
- A statement verifying that the ballot box is empty will be entered on the control sheet (Form PG 18) and signed by each of the members of the polling board, the first voter, and placed in the ballot box. (Article 79 of the Law on Election of Councilors and Representatives)
- Close and seal the ballot box in the presence of the first voter. (Article 79 of the Law on Election of Councilors and Representatives)
- Place the ballot box in a location convenient to the voters and easily viewed by polling board members and observers.

Transparency before Polling Board Members, Observers, and Voters

Ask the polling board members if there are any objections to pre-voting procedures. Any objections or lack of objections will be noted in the "Record of the Work of the Polling Board." (Section 1.8 of the Rules on Work of the Polling Board)

The polling board chairman or a designated polling board member should:

- introduce the polling board to observers;
- announce the number of voters included on the voter list for your polling station;
- announce the number of ballots that have been assigned to the polling station;
- briefly explain the steps which will be used in processing each routine voter;
- explain the steps used to process votes cast outside the polling station;
- review the rights of observers to view all steps of voting except voters marking ballots;
- share any special instruction issued by the Republican Election Commission or Municipal Election Commission with observers before voting begins.

VII. VOTING BEGINS

1. ROUTINE PROCESSING OF ELIGIBLE VOTERS

2. PROCESSING VOTES CAST OUTSIDE THE POLLING STATION

Your polling station should be prepared at least 1/2 hour before voting is to begin. At 7:00 a.m., the polling board president or a designee will announce the official opening of the polling station and process the first voter. Remember the first voter signs the control sheet, which is placed in the ballot box. Each voter should be processed in the same manner. All requirements must be applied uniformly.

- No changes to the extracts from the Register of Elections may be made on Election Day. (Article 83 of the Law on Election of Councilors and Representatives)
- No one carrying an arm or dangerous instrument is allowed in the polling station. (Article 69 of the Law on Election of Councilors and Representatives)
- Mobile phones and pagers are not allowed in the polling station. (Section 3.10 of the Rules on the Work of the Polling Board)
- Deputies of polling board members may only be in the polling station during the absence of the polling board members. (Section 3.3 of the Rules on the Work of the Polling Board)
- Periodically throughout Election Day check the secrecy areas to make sure there is no campaign literature or ballots left behind by a voter.
- Take necessary steps to ensure a smooth flow of traffic.
- Regulate the number of persons allowed inside check-in and voting areas at a time.
- Create single-file lines to maintain order.

1. PROCESSING VOTERS

Each voter will enter and approach the check-in table.

Identification and Verification of the Voter

- The voter will first be checked with the ultraviolet light to determine if there is ink on his finger. If ink is present the person will be instructed to leave the polling station without voting. If no ink is present the voter will proceed to be identified. (Section 2.4 of the Rules on the Work of the Polling Board)
- The voter will state his/her name, hand over the "Notification of Elections" if the voter has it, and present his/her ID or other valid document with a photograph and

personal identification number. A voter shall not be allowed to vote without proof of identity. At the request of any polling board member the chairman will show the voter's proof of identity to all polling board members. (Article 80 of the Law on Election of Councilors and Representatives and Section 2.5 of the Rules on of the Work of the Polling Board)

- Locate the voter's name on the extract of the Register of Electors. The chairman will circle the ordinal number under which the voter has been entered on the registry. (Article 80 of the Law on Election of Councilors and Representatives and Section 2.5 of the Rules on of the Work of the Polling Board)
- If the voter's documentation is in order the chairman will spray ink on the base of the voter's fingernail of the right index finger. (One accurately sprayed application should be adequate) The voter will wait about thirty (30) seconds for the ink to dry.
- Check the voter's finger with the optical scanner to ensure ink is present. The second optical scanner may be used if available.
- If the voter does not have a right index finger the thumb of the right hand will be sprayed or if not present the third, fourth, or fifth finger will be sprayed and if the voter has no right hand the same sequence is used on the left hand. There will be no application of ink if the voter has no fingers. (Section 2.5 of the Rules on the Work of the Polling Board)

Issuing the Ballots and Voting

- Examine each ballot before issuing to verify that it is properly printed. (Article 69 of the Law on Election of Councilors and Representatives)
- A designated polling board member will hand the ballots to the chairman who will present the ballots to the voter and instruct the voter to sign the book verifying that he/she has received the ballots. (Article 69 of the Law on Election of Councilors and Representatives and Section 2.6 of the Rules on the Work of the Polling Board)
- Explain the marking and ballot box deposit procedure to the voter. Ballots will be marked with a circle around the electoral list ordinal number, title, or the name and surname of the first candidate on the list. (Articles 73 and 81 of the Law on Election of Councilors and Representatives)
- Members of the polling station board may in no way influence the decision of the voter. (Article 81 of the Law on Election of Councilors and Representatives)
- When a voting area or booth is free instruct the voter to proceed to cast the ballot. No more voters should be in the voting area than there are booths available. (Section 3.7 of the Rules on Work of the Polling Board)

- The voter should vote without delay in the secrecy area or booth by circling the ordinal number in front of the name of the chosen list, or by circling the name of the list, or by circling the first name and surname of the first candidate on the list. (Article 82 of the Law on Election of Councilors and Representatives)
- The voter will then fold the ballots so his/her choices cannot be seen and drop them in the appropriate boxes and leave the polling station.
- Allow only one person at a time in the secrecy area to mark the ballot paper, unless the voter requires a companion for assistance.
- A designated polling board member is responsible for making sure that each voter deposits one National Assembly ballot and one Municipal Assembly ballot, and only one of each ballot, in the ballot box. (Section 2.6 of the Rules on the Work of the Polling Board)

Voters in Need of Assistance in Marking the Ballot

- A voter who needs assistance in marking the ballot due to blindness, disability or illiteracy is entitled to vote with the help of a companion of his/her choice. (Article 84 of the Law on Election of Councilors and Representatives)
- Advise the companion of the responsibilities and obligations of assisting a voter. The companion must:
 - 1) mark the ballot only according to the voter's wishes; (Article 84 of the Law on Election of Councilors and Representatives)
 - 2) not seek to influence the voter's choice of candidate;
 - 3) not reveal to anyone how the voter voted and must preserve the voter's right to a secret ballot.
- The manner of voting by persons requiring assistance shall be entered into the "Record of the Work of the Polling Board." (Article 84 of the Law on Election of Councilors and Representatives)

2. PROCESSING VOTES CAST OUTSIDE THE POLLING STATION

- Special provisions are made for voters who are unable to vote at the polling station. Voters who by reason of disability or those prevented in some other way shall inform the polling board that he/she wishes to vote. (Article 85 of the Law on Election of Councilors and Representatives)
- Requests for voting outside the polling station must be received by the polling board by 12:00 noon on Election Day with evidence the voter cannot vote at the

polling station. (Section 1 on Rules of Voting by Letter)

- As with all other voters, electors voting outside the polling station will be scanned for and marked with ink.
- Two polling board members (Article 37 of the Law on Election of Councilors and Representatives) will deliver to the voter the official envelope containing the stamped ballot, general electoral list, and a special envelope, in which the voter will enclose his marked ballot. (Article 85 of the Law on Election of Councilors and Representatives)
- After the voter marks the ballot the voter shall enclose it in the special envelope, seal, and wax stamp it in the presence of the polling board members. (Article 85 of the Law on Election of Councilors and Representatives)
- Members of the polling board will then seal the official envelope in the presence of the voter and deliver it to the polling station. (Article 85 of the Law on Election of Councilors and Representatives)
- Upon return to the polling station the polling board will open the envelope, circle the ordinal number on the Register of Electors next to the name of the voter and place the sealed special envelope containing the ballot into the ballot box. (Article 85 of the Law on Election of Councilors and Representatives)

VIII. CLOSING THE POLLING STATION AND ORGANIZING THE COUNT

1. CLOSING THE POLLING STATION 2. ORGANIZING THE COUNT

The polls close at 8:00 p.m. (Article 70 of the Law on Election of Councilors and Representatives)

- Approximately 15 minutes before the designated hour to close the polls, announce to all electors, inside and outside, that the polling station will close soon.
- At 8:00 p.m., identify the last persons waiting to vote and do not allow any other electors to join.
- Announce to all electors waiting that they will be allowed to vote.

1. CLOSING THE POLLING STATION

At the designated closing hour and when the last elector has voted, take steps to close down the polling area.

- Notify all polling board members and observers that the closing hour has arrived.
- The chairman of the polling board will ask the members of the polling board if there are any remarks regarding the conduct of the voting. The remarks or absence of remarks will be noted in "Record of the Work of the Polling Board" with the name of the member who made the comments, if any. (Section 4.1 of the Rules of Work of the Polling Board)
- As soon as possible, close the doors to the polling station.
- Supplies and documents that will not be used in counting ballots should be picked up, organized, and put away.
- As materials are being organized make sure critical items like ballot boxes and unused ballots are not left unattended.

2. ORGANIZING THE COUNT

Arrange the tables and chairs in the counting area to create an efficient workspace. Allow sufficient room for the polling board members to perform their duties. Two or three tables or desks pushed together can create an adequate work area.

- Allow observers and watchers to stand or sit directly behind the polling officials in order to observe all activities at the work area.
- Do not allow observers to sit at the work area or handle the ballots.
- Remember to make sure that all unused ballots are safely secured so that there is no chance for misuse.
- Prepare labels with the name and number of each electoral list as well as a label that says "Void Ballots". During the counting these labels will assist officials in identifying the proper stacks as they sort the ballot papers by electoral list. The "Void Ballot" label will be used for separating out ballots that will be excluded from the count.

IX. COUNTING THE VOTES AND REPORTING THE RESULTS

1. COUNTING BALLOTS

2. REPORTING THE RESULTS

When the counting area is organized and labeled the polling board will proceed with counting the ballots and recording the results.

1. COUNTING BALLOTS

- Ballot counting must take place immediately and must be completed at the polling station.
- In all tasks the polling board members should work in pairs to promote accuracy.
- The polling board will first determine the number of unused ballots and place them in a special envelope, which is then sealed. (Article 89 of the Law on Election of Councilors and Representatives)
- Based on the extract from the Register of Electors, the polling board will determine the total number of electors who voted. (Article 89 of the Law on Election of Councilors and Representatives)
- Open the ballot box and verify the control sheet. (Article 89 of the Law on Election of Councilors and Representatives)
- Separate and stack the ballots according to electoral list voted for and void ballots. (Article 89 of the Law on Election of Councilors and Representatives)
- Valid ballots will have been marked with a circle around the electoral list ordinal number, title, or the name and surname of the first candidate on the list. (Article 82 of the Law on Election of Councilors and Representatives)
- Ballots shall be declared void in the following instances:
 - 1. Ballots that are unmarked.
 - 2. Ballots that are marked in such a way that it is impossible to determine for which candidate list the vote has been cast.
 - 3. Ballots on which more than one list has been circled.
- Determine the number of votes for each list and the number of void ballots. It may be helpful to crisscross stack ballots in groups of 100 as they are being counted. (Article 89 of the Law on Election of Councilors and Representatives)
- Announce the number of total ballots and number of votes cast for each candidate list and the number of void ballots to all the polling board members and observers who are present.
- If the number of ballots found in the ballot box is greater than the number of electors who have cast votes, the polling board will be dissolved and a new one appointed, and voting at

that polling station shall be repeated. (Article 89 of the Law on Election of Councilors and Representatives)

2. REPORTING RESULTS

Enter the following information in the "Record of the Work of the Polling Board:"

1. Number of ballots received
2. Number of unused ballots
3. Number of used ballots
4. Number of void ballots
5. Number of valid ballots
6. Number of votes for each electoral list
7. Number of voters according to the extract from the Register of Electors
8. Number of voters according to the Register of Electors
9. Number of electors who voted outside the polling station
10. Remarks and opinions of the polling board members as well as other facts that may be relevant to the election

(Article 90 of the Law on Election of Councilors and Representatives)

- Each member of the polling board will sign the "Record of the Work of the Polling Board." (Article 90 of the Law on Election of Councilors and Representatives)
- If a member of the polling board refuses to sign the record the chairman shall make a note in the record with the reasons as indicated by the member. (Section 5.6 of the Record of the Work of the Polling Board)
- Each member of the Polling board will receive a copy of the "Record of the Work of the Polling Board." (Article 90 of the Law on Election of Councilors and Representatives)
- Complete all information called for in the "Record of Results of Voting for Councillors of Municipalities."
- Immediately and no later than 12 hours after the close of voting, three polling board members, including the chairman and one each from the two candidate lists receiving the greatest number of votes will deliver the following to the municipal electoral commission: (Section 6.1 of the Record of the Work of the Polling Board)
 1. The "Record of the Work of the Polling Board"
 2. The extracts from the Register of Electors
 3. Unused ballots, used ballots, void ballots each packaged separately, sealed and labeled with the items contained and number of each.

4. Remaining election equipment and materials.
(Article 91 of the Law on Election of Councilors and Representatives)

ANNEX V: INDIVIDUAL TRAINING EVALUATIONS

POLLING BOARD TRAINING EVALUATION

29 and 30 April 1998- Core Trainers

Trainer: Tom Parkins

1. Essential Election Materials and Arranging the Polling Station

Average grade -----4.50

2. Pre-voting Procedures

Average grade -----4.83

3. Rights of Observers and Appeals of Polling Board Actions

Average grade -----4.60

4. Processing Voters

Average grade -----4.60

5. Counting Voters

Average grade -----4.60

6. Reporting the Results

Average grade -----4.60

7. Rate the trainer's knowledge of the Montenegrin Electoral System

Average grade ----- 4.83

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others

Average grade -----5.00

9. Please rate the clarity and completeness of written materials provided to you for training

Average grade ----- 4.30

POLLING BOARD TRAINING EVALUATION

11.May 1998- Liberal Alliance

Core trainers: Aleksa Ivanovic
Nebojsa Vucinic

1.Essential Election Materials and Arranging the Polling Station
Average grade -----4.64

2.Pre-voting Procedures
Average grade -----4.58

3. Rights of Observers and Appeals of Polling Board Actions
Average grade -----4.70

4. Processing Voters
Average grade -----4.70

5. Counting Voters
Average grade -----4.76

6. Reporting the Results
Average grade -----4.70

7. Rate the trainer's knowledge of the Montenegrin Electoral System
Average grade ----- 4.86

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others
Average grade -----4.86

9. Please rate the clarity and completeness of written materials provided to you for training
Average grade ----- 4.80

POLLING BOARD TRAINING EVALUATION

14 May 1998, People's Party

Core trainers: Radojka Stamatovic
Rajko Barovic

1. Essential Election Materials and Arranging the Polling Station
Average grade -----4.83

2. Pre-voting Procedures
Average grade -----4.55

3. Rights of Observers and Appeals of Polling Board Actions
Average grade -----4.61

4. Processing Voters
Average grade -----4.61

5. Counting Voters
Average grade -----4.77

6. Reporting the Results
Average grade -----4.40

7. Rate the trainer's knowledge of the Montenegrin Electoral System
Average grade ----- 4.72

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others
Average grade -----4.94

9. Please rate the clarity and completeness of written materials provided to you for training
Average grade ----- 4.77

POLLING BOARD TRAINING EVALUATION
15 May 1998, Social-Democratic Party of MONTENEGRO

Core trainers: Veselin Pavicevic
Nebojsa Mitric

1. Essential Election Materials and Arranging the Polling Station
Average grade -----4.53

2. Pre-voting Procedures
Average grade -----4.38

3. Rights of Observers and Appeals of Polling Board Actions
Average grade -----4.61

4. Processing Voters
Average grade -----4.76

5. Counting Voters
Average grade -----4.92

6. Reporting the Results
Average grade -----4.92

7. Rate the trainer's knowledge of the Montenegrin Electoral System
Average grade ----- 5.00

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others
Average grade -----5.00

9. Please rate the clarity and completeness of written materials provided to you for training
Average grade ----- 4.92

POLLING BOARD TRAINING EVALUATION

18 May, 1998 Serbian People's Party

**Treneri: Veselin Pavicevic
Nebojsa Mitric**

1. Essential Election Materials and Arranging the Polling Station
Average grade -----4.82

2. Pre-voting Procedures
Average grade -----4.23

3. Rights of Observers and Appeals of Polling Board Actions
Average grade -----4.30

4. Processing Voters
Average grade -----4.47

5. Counting Voters
Average grade -----4.70

6. Reporting the Results
Average grade -----4.64

7. Rate the trainer's knowledge of the Montenegrin Electoral System
Average grade ----- 4.33

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others
Average grade -----4.82

9. Please rate the clarity and completeness of written materials provided to you for training
Average grade ----- 4.41

POLLING BOARD TRAINING EVALUATION

20.May 1998- Democratic Action Party

Core trainers: Aleksa Ivanovic
Nebojsa Vucinic

1.Essential Election Materials and Arranging the Polling Station
Average grade -----4.83

2.Pre-voting Procedures
Average grade -----4.66

3. Rights of Observers and Appeals of Polling Board Actions
Average grade -----4.66

4. Processing Voters
Average grade -----4.58

5. Counting Voters
Average grade -----4.66

6. Reporting the Results
Average grade -----4.33

7. Rate the trainer's knowledge of the Montenegrin Electoral System
Average grade ----- 4.80

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others
Average grade -----4.70

9. Please rate the clarity and completeness of written materials provided to you for training
Average grade ----- 4.80

POLLING BOARD TRAINING EVALUATION

21 May, 1998 Social People's Party

Core trainers: Radojka Stamatovic

Rajko Barovic

1. Essential Election Materials and Arranging the Polling Station

Average grade -----3.84

2. Pre-voting Procedures

Average grade -----3.96

3. Rights of Observers and Appeals of Polling Board Actions

Average grade -----3.88

4. Processing Voters

Average grade -----4.16

5. Counting Voters

Average grade -----4.24

6. Reporting the Results

Average grade -----4.12

7. Rate the trainer's knowledge of the Montenegrin Electoral System

Average grade ----- 4.20

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others

Average grade -----4.24

9. Please rate the clarity and completeness of written materials provided to you for training

Average grade ----- 4.00

POLLING BOARD TRAINING EVALUATION

22 May, 1998 Social People's Party

Core trainers: Radojka Stamatovic

Rajko Barovic

1. Essential Election Materials and Arranging the Polling Station

Average grade -----4.18

2. Pre-voting Procedures

Average grade -----4.25

3. Rights of Observers and Appeals of Polling Board Actions

Average grade -----4.06

4. Processing Voters

Average grade -----4.25

5. Counting Voters

Average grade -----4.56

6. Reporting the Results

Average grade -----4.62

7. Rate the trainer's knowledge of the Montenegrin Electoral System

Average grade ----- 4.75

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others

Average grade -----4.81

9. Please rate the clarity and completeness of written materials provided to you for training

Average grade ----- 4.56

POLLING BOARD TRAINING EVALUATION

22 May 1998, Municipal Election Commissions

Core trainers: Veselin Pavicevic
Nebojsa Mitric

1. Essential Election Materials and Arranging the Polling Station

Average grade -----4.30

2. Pre-voting Procedures

Average grade -----4.30

3. Rights of Observers and Appeals of Polling Board Actions

Average grade -----4.23

4. Processing Voters

Average grade -----4.30

5. Counting Voters

Average grade -----4.50

6. Reporting the Results

Average grade -----4.40

7. Rate the trainer's knowledge of the Montenegrin Electoral System

Average grade ----- 4.63

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others

Average grade -----4.73

9. Please rate the clarity and completeness of written materials provided to you for training

Average grade ----- 4.50

POLLING BOARD TRAINING EVALUATION

23 May, 1998 Albanian Democratic Union

Core Trainer: Tom Parkins

1. Essential Election Materials and Arranging the Polling Station

Average grade -----4.92

2. Pre-voting Procedures

Average grade -----4.64

3. Rights of Observers and Appeals of Polling Board Actions

Average grade -----4.14

4. Processing Voters

Average grade -----4.57

5. Counting Voters

Average grade -----4.85

6. Reporting the Results

Average grade -----4.71

7. Rate the trainer's knowledge of the Montenegrin Electoral System

Average grade ----- 4.85

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others

Average grade -----4.71

9. Please rate the clarity and completeness of written materials provided to you for training

Average grade ----- 4.78

POLLING BOARD TRAINING EVALUATION

24 May, 1998 Democratic League in Montenegro

Core Trainer: Tom Parkins

1. Essential Election Materials and Arranging the Polling Station

Average grade -----4.70

2. Pre-voting Procedures

Average grade -----4.41

3. Rights of Observers and Appeals of Polling Board Actions

Average grade -----4.32

4. Processing Voters

Average grade -----4.54

5. Counting Voters

Average grade -----4.83

6. Reporting the Results

Average grade -----4.74

7. Rate the trainer's knowledge of the Montenegrin Electoral System

Average grade ----- 4.41

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others

Average grade -----4.67

9. Please rate the clarity and completeness of written materials provided to you for training

Average grade ----- 4.64

POLLING BOARD TRAINING EVALUATION
25 May 1998, Coalition "For the Serbs"

Core trainers: Veselin Pavicevic
Nebojsa Mitric

1. Essential Election Materials and Arranging the Polling Station
Average grade -----4.33

2. Pre-voting Procedures
Average grade -----4.83

3. Rights of Observers and Appeals of Polling Board Actions
Average grade -----4.50

4. Processing Voters
Average grade -----4.50

5. Counting Voters
Average grade -----4.83

6. Reporting the Results
Average grade -----4.50

7. Rate the trainer's knowledge of the Montenegrin Electoral System
Average grade ----- 5.00

8. Rate the trainer's effectiveness in conducting the session and in providing you with the information you need to train others
Average grade -----4.83

9. Please rate the clarity and completeness of written materials provided to you for training
Average grade ----- 4.83

ANNEX VI: DOMESTIC CORE TRAINER (DCT) REPORTS

PODGORICA
IFES
May, 15 1998

Final Report of the Core-trainers

Final report of my engagement for IFES will be divided in two sections.

1. First, my presence on the core-trainers training by Mr. Tom Parkins.
2. Second, training of the polling board members - trained by Professor Nebojsa Vucinic and me.

The introduction training of core-trainers done by an expert from the IFES team, Mr. Tom Parkins, gave us the possibility to learn all the details we needed to know for the training of the polling board members. I think, that in my recommendation for IFES long-term presence I've already given a precise picture about the success of the training program, but once more I want to thank Mr. Tom Parkins for his effort and attention on training the core-trainers.

In the second part of my report, I want to say briefly something about the training done by Professor Vucinic and me. Our assignment was education of the representatives of different political parties. All parties sent us candidates that were interested and actively involved in the training. My opinion is that they understood all the chapters in the polling board manual. In some informal conversations with the OSCE, CEDEM and CESID observers, I heard undivided opinions that all the members of the polling board did a wonderful job on Election Day. We can say that the training program that IFES did has a great outcome. Of course by this training our election procedure was a great deal improved and the very small number of appeals on the work of the polling boards is one more proof for my statement. I think that IFES could contribute even more through the suggestions for improving the election law, improving the voter list and organizing some similar training for election officials. On this subject I spoke to several leaders from public and political life in Montenegro and they all said that for implementing democratic election procedure in Montenegro we need IFES long-term presence.

Core-trainer
Aleksa Ivanovic

PODGORICA
I F E S
15 May 1998

Final Report of the Core-trainers

1. Thanks to, above all, precise technology and methodology of the training plan done by the experts of the IFES team, members of polling boards which were on our training were in the position to learn the first letters of democracy, and to learn all the relevant elements of control and effective application of the voting regulations, which was their basic assignment.
In relation to what we said before, in spite of different personal, intellectual and psychological predisposition of the participants on training, our general impression is that an invaluable worthy job was done in the process of building and constructing the democratic institution of elections.
Since the multi-party system started in Montenegro, this IFES program was the first program of that kind applied here, and for the first time so many persons were involved in one of the most sensitive parts of election procedure.
2. These assertions can be verified with the fact that on the 1.087 polling places in Montenegro the record of a work of the polling board were signed. These are the official statements even of the parties that didn't have success on these elections.
3. About the recommendations for the future work with the polling board members our opinion is that these accomplished results can be effectuated on a higher level in the future only if some appropriate changes take place in election law.
4. Response about the possible changes in election law we will give in a special form.

We want to thank you once again for giving us the opportunity to work with IFES and the privilege to be your colleagues.

Core – trainers:

Vesko Pavicevic
Nebojsa Mitric

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

Mr. TOM PARKINS
Ms. ANA DRAKIC

FINAL REPORT OF THE CORE-TRAINERS

General impressions about the training program and IFES' role in Montenegro

1.1 Since the multiparty system started in Montenegro this is the first time we had a complete and whole preparation of the polling board members and that's to the credit of IFES. Having this foundation in Montenegro accomplished two goals. First, our election officials finally reached their dignity guaranteed by law and with their work and responsibilities they provided a complete and legitimate realization of all election rights guaranteed by the constitution. Second, work of the polling boards on election day and the smooth unfolding of the whole complicated voting procedure, with few exceptions is in good part, the reflection of the successful activities of this Foundation.

The conclusion, which all of us can see, is that all of our previous elections had a nickname "stolen elections" but not this one.

The recommendations from this foundation given to the election officials like the REC; MEC's, the Parliament, Parties etc. helped in achieving unique standards and a common application of all election rules and regulations. Those recommendation from IFES clarified many imprecise and confusing sections of the election law. At the same time IFES had an influence on the voters' confidence. The fact that we had a peaceful and calm Election Day is speaks for itself. Polling board members had no problems, neither with the voters, election officials, nor with any participants on Election Day.

1.2 The polling board training made a great improvement for these parliamentary elections.

For the first time we had a complete and detailed explanation of the whole election procedure. In the manual for the polling board members we had clear explanation of all election regulations, all dilemmas were envisaged and also some recommendation on how to surpass certain problems. In the manual we could find precise rights and responsibilities (according to the Montenegro law) for every election official not-neglecting the rights of the voters and their responsibilities. The very rich activity of the Foundation contained in preparation of the manual (for the candidates and polling board members) in distribution of these manuals on time to all the parties and municipalities with no price, including the training program itself, was the bast way to prevent all the problems that we had in our previous elections.

Because of all these facts mentioned including the attitude of the participants of the training and their impression of impartiality of the Foundation, IFES not only improved preparation for elections but also had a great influence on the election process on Election Day and on the outcome.

We think that it is important to say that we had professional, responsible and legal behavior of the polling board members on Election Day and that was the main goal of the Foundation. Therefore these elections were judged by all observers and participants as the most regular elections we ever had in Montenegro and the atmosphere of a "hot" Election Day as a very tolerant, dignified, and democratic.

1.3 If we want to improve and ameliorate our training program we think that we should have more time for preparation and more time for the training session itself. In that way we could teach the participants about their duties phase by phase. It is necessary to present training sessions on media while the period of election campaign is going on. The media commercial should have a character of a short film, TV spot, comedy-character film, but paying attention to the socio-cultural, history, and traditional structure of the voters.

1.4 As long as IFES wants to help implementation of democracy in Montenegro you must stay here and be actively involved in preparation of new election laws and regulations following international standards from countries that have democratic traditions. It is true that we had a new election law for this elections but it is also true that there were some sections that are not so clear and even worse, there were some missing components in our law. In spite of the fact that we have regulations about public information, especially about election campaigns, IFES must deal with this part of law in its future work. All the participants on our training demanded IFES long-term presence in Montenegro and its direct involvement in preparation of the legal infrastructure so that we will have faster development of the democracy in Montenegro.

At the end thank you for your cooperation which was very successful and gave great results. We would be happy to work with you in a future.

With great respect,

Core-trainers:

Rajko Barovic

Radojka Stamatovic

ANNEX VII: MEMORANDUM ON IFES IMPACT IN MONTENEGRO



International Foundation for Election Systems

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IMPACT STATEMENT

IFES TECHNICAL ASSISTANCE PROGRAM IN MONTENEGRO

As of 25 June 1998

The International Foundation for Election Systems (IFES) arrived in the Republic of Montenegro in mid-April, charged with providing technical support and voter education leading into early parliamentary and municipal elections which were slated to occur on 31 May 1998. Specifically, IFES was tasked with providing training to election administrators through the election commission structure and through participating political parties; non-partisan candidate information and outreach services; general and targeted voter education campaigns through television, radio, and print materials; advising on voter registration as well as procedural and regulatory matters; and recommendations for legal reform. In a period of seven weeks, and with the constructive engagement the Government of Montenegro and indigenous institutions, IFES was able to fulfill this mandate with considerable success. An overview of IFES' output and impact, as well as impressions of its cooperating partners on the utility of assistance, is provided below. This project was made possible by a grant of the United States Agency for International Development (USAID).

Training of Trainers/Poll Worker Training

Secondary training for representatives of political parties and representatives of municipal election commissions was completed as of Monday 25 May 1998.

According to the anonymous evaluations completed by each training group, the participants rated their knowledge/confidence levels in each area of training on the basis of oral presentations, training demonstrations, and written materials prepared by IFES. The numbers below represent cumulative average scores of on a scale of 1 to 5 with 5 being the highest rating:

Election Materials and Arrangement of Polling Sites	4.54
Pre-Voting Procedures	4.47
Rights of Observers and Appeals of Polling Board Actions	4.38
Processing of Voters	4.50
Counting of Votes	4.68
Reporting of Results	4.55
Trainer's Knowledge of Montenegrin Electoral System	4.70
Effectiveness of Training Session	4.77
Clarity and Comprehensiveness of Written Materials	4.60

The breakdown of secondary trainers by party is as follows:

Liberal Alliance	21
Social Democratic Party	12
Democratic Action Party	12
Democratic Union of Albanians	20
Coalition "For the Serbs"	6
People's Party	19
Serbian People's Party	19
Socialist People's Party	43
Democratic League	37
Municipal Election Commissions	43

The breakdown of secondary trainers, including party and municipal election commission representatives, by municipality is as follows:

Municipality	Secondary Trainers
1. Andrijevisa	4
2. Bar	9
3. Berane	14
4. Bijelo Polje	5
5. Budva	8
6. Danilovgrad	6
7. Zabljak	5
8. Kolasin	10
9. Kotor	8
10. Mojkovac	11
11. Niksic	10
12. Plav	18
13. Pluzine	5
14. Pljevlja	7
15. Podgorica	19
16. Rozaje	12
17. Tivat	6
18. Ulcinj	53
19. Herceg Novi	12
20. Cetinje	5
21. Savnik	4
TOTAL	231

According to reports collected by the core training group to date, the following number of poll workers received instruction from secondary trainers:

Liberal Alliance	900
People's Party	200
Social Democratic Party	200
Democratic Party of Socialists ♦	4,500
Serbian People's Party	137
Democratic Action Party	56
Socialist People's Party	3,940
Democratic Union of Albanians	50
Democratic League in Montenegro (Albanian)	110
Municipal Election Commissions (21 municipalities)	2,700
TOTAL	12,793

- The DPS did not participate in the secondary training phase of the program, having already completed an internal training program, but did use the IFES manuals/and training plans to instruct their appointees to polling boards (third tier training).

A total of 10,000 IFES training manuals were provided to 21 municipalities (4 per polling station) and 17 political parties and coalitions (as per size). Based on observations by IFES team members on election day, poll worker manuals were spotted in the possession of political party representatives and core members of election commissions in 27 of 33 polling sites visited. In addition, copies of the poll worker manual were provided to the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights.

Non-Partisan Voter Education Campaign

Four IFES voter education spots, developed in cooperation with the marketing agency "Bas Celik," were broadcast by Radio/Television Montenegro, which provided free airtime. The two motivational spots began airing on the 11th of May, while informational spots addressing voter registration (by means of a court order) and provisions for voting outside the polling site premises, began airing the following week. Deputy Prime Minister Miodrag Vukovic, who is responsible for election issues, commented that he was quite surprised that a foreign organization could develop a television campaign that was so culturally appropriate, noting that it spoke directly to the "hearts of all Montenegrins." This sentiment was repeated by Foreign Minister Branko Perovic a week later.

Six radio spots, four in Serbo-Croatian and two in Albanian, were also broadcast, free of charge, by Radio Television Montenegro. Three of the spots were motivational, while the remainder addressed the proper way to mark one's ballot (so that it would not be invalidated), processing of voters at the polling site, and the type of elections being conducted and terms of elected representatives. In addition to Radio/Television Montenegro, Antenna M also broadcast the spots free of charge. Albanian language spots were also broadcast, under the same terms, by local radio stations in Podgorica, Bar, and Ulcinj.

Some 18,500 voter education pieces, including posters and leaflets were distributed throughout Montenegro between the 18th and 28th of May. The posters were tied to the leaflet campaign, which informed voters, through a question and answer format, about changes in the election process that directly affected them, about their voting rights, and about polling site procedures on election day. These also highlighted the efforts taken to enhance transparency and safeguard the integrity of the elections in Montenegro. These were designed both for the general electorate and modified for specific target groups including, young and first time voters, women, and Albanians. Distribution was carried out through a professional distribution company (to the 21 municipalities), student groups (to Montenegro's university campuses), and representatives of the Albanian community organized through representatives of the Ministry of Information. Posters were hung in officially sanctioned areas, while leaflets were distributed to libraries, post offices, sporting and recreation facilities, dormitories, cultural centers, and business districts. Posters and leaflets were also provided to the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights.

Candidate Information Materials

Some 1,326 candidate handbooks were distributed to all political parties/coalitions participating in elections to the Republican Assembly. Copies were provided to each party based on the size of its candidate list. The candidate handbooks brought together information on provisions of all the laws and regulations pertaining to the rights and obligations of candidates as well as the resources available to them. The handbook was organized by theme and in chronological order. It contained the only calendar of administrative and campaign deadlines to appear in any public document during the course of the elections.

Legal Reform

In February of this year, the Republican Assembly of Montenegro passed the new Law on the Election of Councilors and Representatives (Legislative Election Law). The law was signed by President Milo Djukanovic on February 18 and became effective after being published in the Official Gazette the next day.

The law passed by the Assembly derived from the results of a working group on election law reform established by the Assembly to help implement the program adopted on a multi-party basis in Fall 1997 to expedite democratic political reform. The working group submitted draft bills on elections to the Republican and municipal assemblies (legislative elections), voter registration, and other subjects in November of that year.

Earlier this year, the International Foundation for Election Systems (IFES) undertook an analysis of several of the bills that were then under consideration by the Assembly, and made recommendations for further refinements. The results of this analysis were communicated to the government prior to final passage of the legislation. The new Legislative Election Law, as finally passed and enacted, contains numerous refinements, many of which reflect the comments submitted by IFES.

Leveraging of International Assistance

At the request of the Republican Election Commission, IFES was able to identify a vendor able to deliver on time invisible ink and optical scanners, as mandated by the election law, for use at each polling site and by mobile voting units. Demonstration and training packets as well as reserve supplies were also secured. IFES was also able to identify donors for the \$105,000 commodities purchase and is grateful to the Government of Norway, through the Norwegian Helsinki Committee, and the Government of Denmark for their assistance. The invisible ink and optical scanners provided an important and necessary form of polling site/ballot security on election day, thereby increasing public confidence in the integrity of the election results. And, according to the Chairman of the Republican Election Commission (REC), Stevan Damjanovic, had a way not been found to procure and delivery these crucial commodities in the existing timeframe, current political conditions and threats by the opposition to withdraw from the contest would have necessitated the postponement of the elections.

General Comments

IFES has received a number of letters of appreciation and proposals for future cooperation. Extracts of some of these comments are listed below:

"The Government of Montenegro expresses its sincere appreciation to the United States of America for the technical assistance provided during recent parliamentary and municipal elections by the International Foundation for Election Systems."

-Miodrag Vukovic, Deputy Prime Minister

"Thank you for your support in helping to provide the conditions for a regular, dignified, and peaceful election."

-Svetozar Marovic, President of Parliament

"The motivational/informational spots prepared for Radio by IFES have been made with great understanding of Montenegro and clearly influenced voter turn-out."

-Radio Montenegro

"IFES engagement in Montenegro contributed greatly to voter mobilization and information and the conduct of democratic elections."

-Television Montenegro

"The International Foundation for Election Systems made a significant contribution to the organization and regulation of elections in Montenegro . . . throughout the entire process, we could feel its positive influence."

-Podgorica Municipal Election Commission

"The experience of the IFES team and their efforts really helped the People's Party with respect to the organization and control of the election process."

-People's Party

"The manual for polling board members was the first of its kind in Montenegro and greatly helped every member because they finally had access to instructions in common and understandable language."

-Social Democratic Party

"Training provided in Ulcinj was both professional and systematic and used modern teaching methods that are a novelty here . . . many thanks for providing all necessary materials in Albanian language."

-The Democratic Union of Montenegro

"International and domestic observers agreed that polling boards did a great job on election day. I think this is the result of IFES training. As a former election commission member in 1990, 1992, and 1996, I know how difficult uniform polling place procedures are to achieve."

-Aleksa Ivanovic, UNHCR Montenegro

"Based on the findings of its observers, the Center for Democracy and Human Rights (CEDEM) considers the recent parliamentary and municipal elections to be the most regular since 1990. One of the organizations which contributed most to this was IFES."

-Center for Democracy and Human Rights

IFES Technical Assistance to Montenegro, April 1998 - February 1999

Impact and Next Steps

IFES arrived in Montenegro in April 1998 to undertake a program of technical election assistance and voter and candidate education in preparation for parliamentary and municipal elections scheduled for 31 May. With the completion of the election cycle and an analysis of election system performance, Phase II of this technical assistance project was initiated in September 1998 which consisted of drafting model election legislation with local election experts. Following is a brief overview of IFES' impact since last April:

- ▶ IFES undertook an analysis of several of the bills that were then under consideration by the Assembly prior to the May election, and made recommendations for further refinements. The results of this analysis were communicated to the government and many revisions were included in the final Legislative Election Law.
- ▶ A widespread training and information campaign was undertaken for poll workers, the electorate, and candidates prior to the May elections which resulted in: 10,000 IFES poll worker training manuals distributed overall and visibly utilized at 27 of 33 polling sites visited by IFES on election day; several voter education spots broadcast on radio and television and a poster and leaflet campaign informing voters of election law changes which were translated into Montenegrin and Albanian; and 1,326 candidate handbooks distributed to all political parties and coalitions explaining the rights and responsibilities of political candidates.
- ▶ IFES, in concert with its Advisory Panel on Election Law Reform, has drafted three model laws - the Law on the Election of Councillors and Representatives, the Law on the Registry of Electors, and the Law on Financing Political Organizations. The model laws include provisions for a permanent Republican Election Commission empowered with broad regulatory authority to oversee the electoral process and regulate the voter registry. The laws promote maximum transparency in all phases of the process. They have been favorably received by the Minister of Justice charged with legislative reform and all political parties.

In order to ensure the implementation of the new model election legislation and complete the technical assistance program, a third phase is necessary to focus on the implementation of the new legislation. Without this final phase, which focuses on institutional development, much of the legislative reforms may never be practically realized. IFES is prepared to undertake several activities immediately. Specifically:

- ▶ IFES has been invited to participate in the multi-party working group formed by the Ministry of Justice to prepare the model laws for submission to the Republican Assembly. Through IFES participation, the reforms introduced in the laws can be preserved and submission to the Assembly can be conducted in a timely manner.
- ▶ In order to educate the public and political parties on the new legislation, IFES hopes to continue its public information campaign which will include consultations and the production of a television spot on the new laws.
- ▶ IFES can immediately initiate the development of an election commission training manual which will serve as a user-friendly guide for the Republican Election Commission and Municipal Election Commissions defining their obligations as designated under new legislation.

► Using the training manual as a tool, IFES has proposed to initiate an extensive training program for the Republican Election Commission and Municipal Election Commissions which will include group training sessions and individual consultations to develop the organizational and administrative structure of the commissions.

ANNEX VIII: PROPOSALS ON VOTER REGISTRATION

SOME GUIDELINES FOR ENHANCEMENT OF THE REGISTER OF ELECTORS IN THE REPUBLIC OF MONTENEGRO

Prepared by Chedomir Flego

RESPONSIBILITY FOR REGISTRATION

Elector registration can go one of two ways; governments can be responsible for the compilation and maintenance of the Voter's List or the individual elector can be held responsible for their own registration and the Local Government Authorities held responsible for maintaining the Voter's List.

There are problems with both approaches. In Montenegro the government has added too much detail to the voter registration database which is compiled from 'ex officio' records. This has created an opportunity for a debate on the validity of the register. The compilation of a Voter's List from individual actions of electors would inevitably result in a slow update as authorities will find electors do not advise change of address or other information to election administrations as a regular activity.

The first option leads to an over detailed and cumbersome record keeping with inevitably inaccurate data and challenges to the Voter's List. The second option will depend on innovation from the election administration to maintain up to date data.

In Montenegro, the Register of Electors will continue to be a cause of concern to political parties if in the future it were to be compiled in the same way as it was for the May 1998 election. Local Government Authorities were unclear what procedures would be adopted after the election to update the database. If they were to update the registry by cross referencing to records of other government departments as they did before the last election by 'ex officio' means they would face the same problems of inaccuracy and duplications. There is no reason to believe the records they would be depending on would not again be as inaccurate since the primary reason for maintaining those records by other departments is not for the purpose of electoral rolls but for their own needs.

The electoral database established for this election needs to be maintained as a separate electoral program updated from information obtained from individual electors and corrected by Local Authorities from election specific programs under legislation changes making the individual responsible to advise information, to inspect the Voter's List and to be able to lodge objections and on the restriction of being eligible to be enrolled only once and only for their permanent place of living.

WHAT CONSTITUTES A GOOD VOTER'S LIST?

A good Voter's List will:

- be a snapshot of electors at election time; electors enrolled where they live and vote
- be responsive to elector changes of address and other details
- be accurate and inclusive
- be an elector specific database; only elections data and available only for elections

- be simple and understandable
- be open to the public but protect privacy

1. A Snapshot

A Voter's List must be a snapshot of all eligible electors showing where they live and vote at election time.

In Proportional Representation systems it could be argued that being enrolled at your permanent address is less important than some other factors but since the Voter's List is maintained at the local level it remains an important objective as a guard against duplications and fraud.

In Montenegro the Register of Electors was compiled 'ex officio' with data extracted from the records held by other government departments such as the police, the registrars of births, deaths and marriages as well as local council records.

The Montenegrin Register of Electors was not an 'elections' snapshot as it was a compilation of records from other government departments. Some of these records were up to date but much of it was not. The centralization of the roll highlighted approximately 100,000 defective records (approximately 20% of the total records). The secretariat of Development made significant attempts to clean up the defects:

- they advertised the Register of Electors in the press
- placed the Register of Electors on the Internet
- sent local authorities out to the villages with a copy of their list
- called on the electors in public campaigns to inspect their record and make corrections where necessary

This program was successful to the extent that at election time only one third of those records were still unresolved. The Supreme Court dealt with the bulk of the remaining records, those with incorrect or missing personal number, by ruling them out of the Voter's List. This action left the question of those elector's right to vote under the constitution verses their rights under the election procedural laws unresolved.

The Montenegrin Voter's List was a snapshot of official records corrected by individuals and legal adjudication.

RECOMMENDATION: The Voter Registration database and the Voter's List should be compiled from individual claims and not by 'ex officio' means.

2. Responsiveness to Elector Changes

The Voter's List must be responsive to elector changes of address and other information.

In Montenegro, the Register of Electors was publicized in newspapers, in local government offices' windows, the Internet and taken to villages for inspection. Electors were able to inspect the voter registry and complete a form to advise corrections.

Of the approximately 35,000 entries not corrected in this program the bulk were records without personal number. The SNP claimed at least some of these were "phantom" voter's. As they were compiled 'ex officio' then the SNP had good reason to suspect the officials had the opportunity to manipulate the data. In past elections it was common practice to stack the Register of Electors. On this occasion the SNP may not have been entirely correct in their assessment. It is just as likely that records were on the Register of Electors because they were put on the computer database after the introduction of electronic format for the VL in 1992. Local authorities advised that their biggest problem in computerizing the Register of Electors was the poor condition of the records, in addition to mistakes made by the operators working with computers for the first time. The local authorities must keep the registry for its unique purpose. To be responsive to electoral changes the Register of Electors must be open to electors lodging change of address requests at any time. Appropriate forms would be available through local authorities and post offices.

In addition the local authority must make efforts on a regular basis to 'cleanse' the Register of Electors. Local authorities could use a combination of programs, including sending letters to electors verifying missing or unclear data on the database, conducting a door to door census type check of electors, sending out, each year with rate notices or other government instrumentalities, gas, water, electrical, a form asking the householder to list all persons over 18 years and permanently living at that address. These programs would be used to keep the electoral database up to date.

RECOMMENDATION: The Voter Registration database should be updated on an on going basis. The database needs to be generally available for inspection, the lodgment of claims and be updated by regular database cleansing exercises.

3. An Accurate and Inclusive Elector List

The Register of Electors must be an accurate and inclusive elector list.

In Montenegro, the Register of Electors compiled from the 'ex officio' records left many queries of accuracy of the data and the accuracy of the names that should or should not have been on the registry.

The Register of Electors must be accurate in the data it holds. It must contain the records of all eligible (and only eligible) electors. Allowing eligible electors to update the data records is the quickest, cheapest and best way to achieve accuracy and inclusiveness.

Individual electors must be able to provide information about themselves and other electors in their neighborhood. An elector must be able to lodge an 'objection' to the inclusion of another elector in their neighborhood (or designated electoral area) on the grounds of non-residency. This procedure, in conjunction with the local authority 'database updating' programs, will assist in maintaining a more accurate and inclusive registry. The registrar would be required to investigate each objection lodged. Official records as well as a personal check could be made in deciding the validity of the objection. A letter should be sent to the elector concerned to give an opportunity to verify address or place of living. An inclusive registry would also make provision for electors temporarily absent from the Republic. A provision to include registration and voting for electors temporarily abroad should be adopted. Postal voting for overseas electors through Montenegrin embassies should be a procedure adopted for future elections.

RECOMMENDATION: The Voter Registration database should be available for inspection and the lodging of objections. The Voter Registration law needs to include a provision for registration and voting for electors temporarily abroad.

4. An Elector Specific Database

The Voter's List needs to be an elector specific database to be used exclusively for elections.

In a elector specific database the electors can only be recorded once and only for their current permanent place of living.

Legislative change may be required to include a provision ensuring current permanent residence is a qualification for eligibility for registration. This provision is necessary to ensure an elector specific database. In Montenegro, the Register of Electors was compiled from various government sources leaving it open to many problems.

The registry needs to be a unique database maintained separately from other government functions and used solely and exclusively for election purposes. The local authorities must have an ongoing program for updating and maintaining the elector database which can be centralized to compile a registry at relatively short notice. The database will be able to form the registry for federal, republic or local elections.

RECOMMENDATION: The Voter Registration law should include a provision for residency being a condition for registration. The database needs to be compiled from individual claims and be maintained exclusively for elections.

5. Be Simple and Understandable

The Voter's List must be simple and understandable both for the authorities to maintain and for the electors to inspect and correct.

In Montenegro, the database of records contained more detail than normally necessary for election purposes adding to the difficulty of maintenance and accuracy. These details included national and personal numbers. The VL database needs to have only as much detail as is necessary to identify electors for the purpose of ensuring each elector is recorded accurately and votes only once.

RECOMMENDATION: The Voter Registration database should include only information required to identify electors for election purposes.

6. Be Open to the Public and Protect Privacy

The Voter's List must be open to the public but at the same time must protect private information.

In Montenegro, the Secretariat of Development made great attempts to have electors check their records and update any discrepancies in their individual records. In an effort to correct their database, the Secretariat of Development placed the VL on the Internet.

The administrators charged with maintaining the Register of Electors must also take steps to protect any personal information of electors such as date of birth, place of birth, etc. They also need to limit the

availability of other information such as names and addresses of electors to their local area (or a designated electoral area) to protect non election use of the registry.

Electors can only lodge information and objections on the ground of non residency and this information can only be relevant in a designated electoral area. For privacy reasons there is no need to publish the registry on a republic level. The publication of the Register of Electors was seen in Montenegro as a need because it had been compiled by 'ex officio' means and it was known that electors' addresses were not up to date. The registry was published in full on the Internet and local authorities published and displayed the Municipal voter's lists.

If electors were responsible for their own enrollment and they had ongoing access to their records there would be less or no need to publish the Register of Electors.

Records of the registry made available to the political parties would continue to be an exception to restrictions on distribution. The political parties would continue to receive the full VL for election purposes.

RECOMMENDATION: The Voter Registration database should be easily available to the public but also protect the privacy of the elector's information.

ANNEX IX: BRIEFING PAPER ON THE MONTENEGRIN ELECTION, No. 1
VOTER REGISTRATION ISSUES



Montenegrin Parliamentary Elections

BRIEFING PAPER #1

Voter Registration Issues

Introduction

In the Republic of Montenegro, similarly to many other formerly socialist countries, there is no autonomous voter registration system. Instead, eligible voters are identified for inclusion in the voter registry for an election based on information contained in official files which are maintained for other purposes – such as internal security, law enforcement and recordation of vital statistics.

Based on information which is not directly election-related, the voter registry in Montenegro is assembled by non-election agencies at the local (municipal) and national (republican) level. The results are then made available to electoral authorities in time to be used by them as the basis for identifying eligible voters.

In order that voters may ensure the fulfillment of their electoral rights, the proposed voter registry is made available to the public for inspection for a certain period of time prior to an election. Voters are permitted by law to see if their names are properly included, and to appeal to the authorities and if necessary the courts in event they are not.

Numerous problems have appeared in Montenegro and elsewhere in relying on such procedures in order to establish the voter registry. Being maintained for a variety of purposes, the information concerning voters in official files is not always complete and is sometimes inaccurate or conflicting. The need to enter often non-computerized data into computer form, and to collate it with other required information (such as identification numbers) also results in a large number of defects.

Other errors commonly occur in the underlying files due to social developments in recent years, such as the movement of people in response to changes in the economy and the transition from previous centrally-controlled economic systems. In the former Yugoslavian republics, these problems have been compounded by the effects of civil war.

1. Passage of the New Montenegrin Law on the Voter Registry

Recognition of the problems with the voter registry led the main Montenegrin political parties represented in the Republican Assembly to include amendment of the Voter Registration Law among the proposed political reforms contained in a multi-party agreement on political development¹ concluded after the contentious Presidential election of October 1997. (The same agreement also contained the "commitment that preparations for free, fair and democratic parliamentary elections would be made and that such elections would be held at the latest by the end of May 1998".)

¹*Agreement on the Minimum Principles for the Development of Democratic Infrastructure in Montenegro.*

Accordingly, working groups were formed by the current Republican Assembly and proposed new election laws, including a new Law on Registers of Electors ("Voter Registration Law") were prepared for parliamentary consideration last fall. The Assembly passed the laws in January 1998, but outgoing President Momir Bulatovic refused to promulgate them. As a result, the bills returned to the Assembly for further consideration. The Voter Registration Law and the new Law on the Election of Councilors and Representatives ("Parliamentary Election Law", or PEL) were passed in amended form the following month, were signed into law by President Milo Djukanovic, and became effective on February 19.

2. Legislative Framework

The new Voter Registration Law retains most of the elements of its predecessor, but also incorporates several important new provisions that lay a foundation for improvements in the voter registration process. Article 2, for example, appears to create the basis for a more continuous voter registration program by requiring the register to be "regularly updated", in addition to being obligatorily revised only in election years.

Primary authority for compilation of the voter registry continues to be assigned to municipal governments. In addition, the new law does not specify exactly which executive agency -- at the republican or municipal level -- is to be responsible for maintaining the registry. (This situation may perhaps be justified by variations in practice at the local level and also to retain flexibility and leave room for governmental reorganization at the republican level.²)

Under Article 2, and also Article 6, of the Law, agencies administering the voter registry are supposed to act *ex officio*, or -- as translated officially in connection with the previous law³ -- "by official duty".⁴ Article 6 of the new law further describes the duty of agencies administering the Registry by specifying that inclusion or deletion of information about voters from the Registry is "done *ex officio* on the basis of information from the vital statistics, other official records, public documents and direct checking."

In order to protect their voting rights, voters are provided an opportunity to inspect the registry to determine whether they are correctly entered in it. During an election period, responsible agencies must under Article 8 inform citizens within seven days following the calling of elections of their right to inspect the register and request changes. Under Article 9, responsible agencies receiving requests for changes must render a decision within 48 hours and communicate it immediately to the requestor.

Denial of requests for changes to the registry are appealable to the Supreme Court of Montenegro, provided the appeal is filed within 48 hours. Such appeals are actually received by the responsible agencies and must be forwarded to the Court within a day. (In practice, however, the forwarding of appeals can be somewhat delayed while municipal authorities look into the underlying complaint.)

²It might have been preferable from the standpoint of Separation of Powers for the Assembly, if it was not prepared to make a specific assignment of responsibility for administering the registry at the republican and municipal levels at the time it adopted this legislation, at least to formally delegate this authority to the President, perhaps subject to the condition that he inform the Assembly of his decision and report periodically on the actions being taken by the agencies he selected for these duties.

³Law on the Register of Electors, Official Gazette of the Republic of Montenegro, No. 49/92.

⁴The Latin phrase *ex officio* ordinarily has the legal meaning that the entity referred to exercises a power as a result of the office or official responsibilities it has been assigned.

Under Article 10, the Voter Register is "closed" not later than 20 days prior to election day – for these elections, on May 10. After this time, under Article 11, changes to the register can be made only by order of the Supreme Court based on the bringing of a judicial action. But no changes at all may be made later than five days prior to the election – in this case May 26.⁵ After this date the authorities finalize the register and prepare extracts for delivery to polling stations so that eligible voters can be identified on election day.

Representatives of political parties which have submitted electoral lists have the right under Article 12 to receive a copy, on computer diskette, of the concluded registry. Under Article 13, in addition, they have the right to inspect official records which were relied upon as the basis for entering or changing entries in the registry.

In an effort to improve the accuracy of the registry, which became the subject of controversy in connection with the presidential elections of 1997, the new Voter Registration Law requires inclusion with each entry of the appropriate personal number and/or national identity (ID) card numbers.⁶ Article 7(1) of the Law requires inclusion of voters' personal numbers, but also provides that: "In special cases, if the citizen does not have [a] personal number, the Register will record [his] identification card number."

The provisions of the new Parliamentary Election Law (PEL) on voter identification were drafted in connection with revisions to the Voter Registration Law. Under Article 80 of the PEL, voters are required to prove their identities at the polling station prior to receiving ballots. They must do so by producing "either [a national] ID [card] or some other means of identification with a photograph and a personal identification or the ID number on it." Also under that article, a voter may not cast a vote without producing proof of identity. After he/she does so, the chairman of the polling board circles the ordinal number before the voter's name in the extract from the register. Under Article 83, however, "No alterations to the extracts from the register of electors may be made on polling day."

Voters' rights are also defended in the Voter Registration Law by the creation of criminal and civil penalties against officials who wrongfully prevent registration, as well as other individuals who commit fraudulent acts with respect to it. Article 15 makes persons subject to imprisonment for one year if they fail to enter a voter in the registry or delete an entry with the intention of making it impossible for him/her to vote, or provide false information about residence data and voting rights. Article 16 imposes substantial fines for lesser violations, including failure to maintain related records adequately.

3. Administrative Actions and Political Agreements

As mentioned previously, the Voter Registration Law does not create a clear line of authority at the republican level for supervision of the voter registration process. Under Article 4, voter registers created by municipal authorities are merely "compiled in a single (central) Register of Electors kept by a government authority in charge."

The Law also, however, envisions the establishment of broader supervisory functions at the republican level. Article 7(2) provides:

⁵Some variations from these principles occurred under similar provisions of the old Voter Registration Law during last year's presidential elections. Due to problems encountered with the registry in the first round, extensive revisions were made prior to the second.

⁶ Based on the practice in the former Yugoslavian system, all citizens of the Republic of Montenegro are assigned personal numbers which reflect their date and place of birth, gender and other vital statistics. Upon reaching the age of 18, citizens also obtain a national ID card, which carries its own number. These two separate numbers are the "personal" and "national ID" numbers referred to herein.

"The Ministry in charge of administrative affairs shall govern in more detail the manner of keeping, correcting, supplying, concluding, copying and publicizing the Register of Electors and other matters needed for maintaining complete, accurate and up-to-date registers and shall supervise the compliance of [sic] the regulations governing the maintenance of Registers of Electors."

It would appear that not all the functions laid out in this paragraph have been fully realized at this time. In order to help coordinate the preparation of the voter registry for the upcoming elections, however, the Montenegrin government designated the Secretariat of Development as the responsible agency at the republican level. In order to execute these functions, the Secretary established a special secretariat for this purpose under Deputy Secretary B. Gvozdenovic.

In connection with the Secretary of Development's efforts to improve the quality of the voter registry through technical means, the Republican Assembly created through resolution a multi-party control group on voter registration. The group, which is comprised approximately half each of information specialists and lawyers, includes appointees of all the parties represented in the Assembly as well as a professional staff. The group acts on the basis of consensus. Its final report endorsed the registration exercise.

In preparing for the current election, the Development Secretariat emphasized the improvement of its basic role to compile registers prepared at the municipal level into a central registry, and provide means for correction of the register at the initiative of government, individuals and political parties. According to Mr. Gvozdenovic, this process was greatly complicated by two of the innovations contained in the current law – the requirement to include national as well as personal identification (ID) numbers, and to enter all information in the register in computerized form.

In addition to the normally high level of errors in a voter registry assembled from other government files, these two factors led to large numbers of inaccuracies, especially in early versions of the register. Estimates of the error rate in these editions ran as high as 100,000, or 15-20% of the total entries. (Such estimates largely referred only to errors that were evident on the face of the draft register – such as missing information [especially ID numbers] and duplicate or probable duplicate entries⁷ – or relatively easily determined, such as discrepancies which would be revealed through cross-checking with other files. They did not include the unknown number of instances in which entries in the register corresponded to persons who may have been ineligible as a result of having moved, being deceased or for other reasons, or which may not have corresponded to any real person at all – i.e., potential "phantom voters".)

In the face of these problems, the Secretary of Development undertook a number of actions to improve the quality of the voter register. Some of these are described in an open letter by the Secretary⁸ in response to communications on this subject by the main opposition party: Computer equipment was acquired and installed at the Secretariat and in the 21 municipalities. The equipment was programmed with purpose-made software, including systems to detect and help resolve discrepancies, and with electronic communication capabilities. Systems support was made available through the Secretariat. Correction of the registry was put on a "real time" (continuously updated) basis rather than going through successive versions.

In terms of voter access, arrangements were made for special telephone lines for voters to inquire about their status and offer corrections, as well as for posting of the current registry on the Internet. Mobile teams, supported by computers, were fielded to enable voters in remote areas to check their registration. As a result of these and the usual means (involving direct checking at municipal offices),

⁷Probable duplicates included entries in which most or all information was the same, but it could not be conclusively demonstrated that the entries were complete duplicates due to the absence of certain information.

⁸Secretary of Development, May 11, 1998.

some 120,000 inspections of the register were made by individuals by mid-May, and 180-190,000 such inspections were expected prior to finalization of the registry.

In accordance with Article 12 of the new Registration Law, political parties were able to request copies of the registry on computer diskette, with the request to be filled within 48 hours. The Secretariat indicates that the main opposition party will have received seven complete computerized data sets by the time the voter register is finalized.

The Secretariat of Development states that, as a result of these and other measures, the number of inaccuracies in the voter registry was reduced 70% by the time the registry was "closed" on May 10. The primary remaining issue at that time concerned the over 35,000 names which did not have personal or national ID numbers. As a result, an extraordinary decision was made to publish a list of these entries in hopes that voters would respond and request corrections. The list was published as a special supplement to the state newspaper, *Pobjeda*, on May 14; some 20,000 copies were printed.

Despite these efforts by the Secretary – and the instructions communicated by the republican government to municipal authorities – the error rate in the final voter registry remains relatively high. Of the total 457,633 entries in the registry, 33,796 still lack a personal or national ID number. The number of duplicate entries within single municipalities ("duplicates") was, however, reduced by 8,075 to only 32. And the number of entries registered in multiple municipalities ("multiples") was brought down from 8,581 to 836. A statistical summary of the corrections made to the voter registry – provided by the Secretary of Development – is attached at the end of this paper.

As a result of the administrative and technical measures described above, great progress has been made on improving the quality of the voter registry. Now that measures have been established for this purpose, it would be highly desirable to institutionalize them after the election. For example, means should be found so that errors in the registry corrected for this round of elections do not recur in future registries, so long as the latter continue to be derived primarily from information contained in other official files.

4. Legal and Practical Issues

While everyone can agree on the need to improve the voter registry, there is dispute concerning the legal as well as practical significance of the remaining defects. Should inaccuracies in the registry prevent eligible voters from exercising their right to vote? What evidence should be required in order to eliminate entries from the register, or make other changes to it? Are excess or inaccurate entries in the registry likely to provide opportunities for fraudulent casting of ballots?

(a) *Should proper registration be required in order to vote?*

The Constitution and laws of the Republic of Montenegro ensure for citizens the ability to vote in elections for public office in the republic. Article 32 of the republican Constitution⁹ guarantees the right to vote, which for qualified persons is not made expressly conditional upon the fulfillment of statutory requirements. Article 2 of the Parliamentary Election Law (PEL) also establishes this right, subject to the specific qualifications contained in Article 11 (concerning age, capacity and residence).

The PEL, which is the basis of the upcoming republican and municipal parliamentary elections, gives voters the ability to inspect the voter registry and request changes. It does not explicitly make the exercise of their voting right conditional upon proper registration, which is actually a state function under the Voter Registration Law.

⁹Constitution of the Republic of Montenegro, adopted 1992, promulgated 1994, *published in English translation* by the Secretariat of Information of the Republic of Montenegro, Podgorica.

Nowhere in the PEL is it stated that an otherwise qualified voter must be properly registered in order to vote. Article 80 of the Law instead simply requires a voter to prove his identity on election day in the prescribed manner (see above), using certain forms of identification. But paragraph (3) of that article does refer to the registry by instructing the polling board to circle the voter's number on the extract from the register at the time of providing him/her a ballot paper. And Article 83 states that "No alterations to the extracts from the Register of Electors may be made on polling day."

The fundamental legal issue presented by these provisions is whether a Montenegrin citizen who is otherwise qualified to vote should be permitted to do so if his/her entry in the voter register is missing, incomplete or inaccurate. Ordinarily, the constitutional and basic statutory right to vote might be considered to prevail over conflicting procedural requirements in the statute. In connection with the current election, however, officials and politicians appear overwhelmingly to agree that citizens without proper registration – in particular, correct personal or national ID numbers – should not be permitted to vote. Many believe this conclusion follows from the relevant requirements in the Voter Registration Law and also the voter identification provisions in the PEL.

Montenegrin government and political leaders, of all parties, generally believe that this result is necessitated by conflicts which arose over the massive deficiencies in the registration process in the past – especially during last year's presidential elections. They fear that renewal of these conflicts could lead to serious political and even social instability. They also feel under considerable pressure to apply related provisions of law very conservatively, especially in view of potential reactions by Yugoslavian federal authorities, which could be justified by legal arguments and possibly supported by federal court or other decisions.

The current voter registration effort was somewhat extraordinary since it was conducted under new legislation (both the Voter Registration Law and the Parliamentary Election Law) and under a political consensus (referred to earlier) under which new parliamentary elections would be conducted by the end of May 1998. Many of the errors that occur in the register at this time would appear to derive from the rapid timeframe and new statutory requirements, especially for computerization of registry data and inclusion of national ID numbers. Addressing these issues in the time available was also complicated by the need to secure the full cooperation of municipal authorities, who are primarily responsible for incorporating official information into the registry.

In the past, polling boards often permitted voters to obtain ballots even when there were defects in their registration. (They often overlooked spelling errors and the like, and sometimes even more serious defects provided that the voter had a valid personal number or other positive proof of identity.) During last year's presidential elections, however, thousands of voters were not permitted to vote during the first round due to problems with the voter registry. (The Supreme Court then permitted a further registration process, under which several thousand additional voters were added prior to the second round. This action led to allegations of fraud by the losing faction, and a somewhat equivocal statement – expressing both understanding and concern – by the mission of the Organization for Security and Cooperation in Europe, OSCE.)

It was this experience that led to the new requirements in the Voter Registration Law, which requires the national as well as personal ID numbers to be included in the registry.¹⁰ In the event, this response has exacerbated the problem of potentially disenfranchising eligible voters who have incomplete or erroneous entries in the register. Often, in similar circumstances, voters with proper identification are permitted to obtain ballots despite certain errors in their registration. (This procedure is usually described as creating a "supplemental list" of voters who are enrolled at the polling station).

¹⁰The previous Voter Registration Law did not lay out precisely what information about voters should be contained in the register. See Law on the Registration of Voters, Official Gazette of the Republic of Montenegro, No. 49/92, published in English translation in Republican Elections Commission, "Electoral Law" (Podgorica, n.d.). Reportedly, however, past practice was to include voters' personal numbers, but not national ID numbers.

If the decision were made to permit qualified voters with proper identification to vote despite defects in their registration, then a polling board's action doing so should be reflected in its record. While under the PEL the actual extract from the voter registry cannot be altered, it may have been possible to reflect these actions in the separate signature book that will be available on election day, or in some other manner. In the event there is disagreement by board members or observers as to the identity of a voter, that fact should also be included in the record of the board. ¹¹

Finally, however, responding to the apparently unanimous views of all parties in the election, the Republican Election Commission decided on May 28 that voters without either a personal or national ID number included in the registry would not be permitted to obtain ballots. The number of such persons, based on the final registry, is 33,796.

(b) *What evidence was required in order to appeal voter registration?*

(i) Government Position

The primary republican government agency with jurisdiction over registration issues is the Justice Ministry. Assistant Minister Dr. Dj. Blazic is responsible for handling registration-related issues. ¹²

In interpreting the voter registration and related election provisions of law, the Justice Ministry takes a very conservative approach, which according to the Ministry is intended to preserve the rights of voters. (Officials of the Ministry also point to the penalties in the Registration Law that apply to wrongful failure to include the names of voters in the register.)

The Ministry has opposed the deletion of entries from the voter registry in the absence of conclusive evidence (see below) that such entries should not have been included. Even in the numerous cases of complete or partial duplicate entries, the Ministry opposed deletion without conclusive evidence that the duplicates do not represent real voters.

The Ministry does, however, allow that unofficial submissions may be addressed to the relevant authorities at the municipal and other governmental levels. This could presumably be by political parties as well as affected individuals. In this case, the submissions would in effect request the authorities to undertake corrections *ex officio*, as they are required to do by the law (see above).

Like other government agencies, the Justice Ministry tends to discount the practical significance of defects in the voter registry. This position is justified in terms of the other security procedures contained in the Election Law and related regulations, such as those involving voter identification and polling and ballot security. (See IFES Briefing Paper #2: Polling Station and Ballot Security Measures).

(ii) Judicial Approach

Under the Voter Registration Law, the Supreme Court is the exclusive judicial authority for pre-election appeals concerning voter registration. In anticipation of its role in adjudicating such appeals, the Court organized itself to dispose of appeals efficiently through a special panel of five judges headed by the president of the administrative division, Judge M. Filipovic. In fact, according to

¹¹ There is no direct conflict between these conclusions and Article 89 (7), which requires invalidation of the results at a station in the event the number of ballots in the ballot box exceed the number cast. There is, however, some conflict with paragraph (3) of that article, which states that the total number of voters who have cast ballots is determined "[b]ased on the extract from the Register of Electors".

¹²Dr. Blazic is the author of a book of guidelines on voter rights with special reference to voter registration and related procedures, which was issued by the republican government in March.

the Development Secretariat, the Court was provided with equipment enabling it to dispose of thousands of appeals per day, if operated continuously.

Based on past experience, the Supreme Court expected 10,000 or more appeals, concentrated at the end of the registration period. (During last year's presidential election, the Court was confronted by some 14,000 individual cases.) In fact, by the time the voter registry was finalized, the Court decided 36,755 appeals concerning a total of 50,921 entries in the register. (Of the total number of appeals, 32,618 were brought in a coordinated action by the Liberal Alliance party, which submitted separate appeals to strike each entry then in the register without personal or national ID number.)

The Supreme Court allows political parties as well as affected individuals to make complaints to the authorities concerning voter registration and to pursue related appeals before it. In addition, the Court is prepared to hear such appeals regardless of whether complaints were filed prior to closure of the voter registry or afterwards.¹³

The Court does, however, take a restrictive approach concerning what evidence is required in order to prove on appeal that an entry in the register should be corrected. The Court reads the phrase "*ex officio*" in the statute (in the two occurrences quoted previously) to limit acceptable evidence to that which is contained in official files.¹⁴ Under this doctrine, parties and even individuals wishing to appeal an entry in the register are highly unlikely to prevail in court regardless of the merits of their claim, unless they first secure the cooperation of municipal authorities.¹⁵

In the past, the Supreme Court applied a similar approach to voter registration appeals. Last year, the Court speedily rejected the thousands of appeals filed primarily by the losing faction led by then-president Momir Bulatovic. This time, however, the Court did accept an early appeal filed by the Socialist People's Party (SNP) – the successor to the same faction of the former ruling party. While the Court refused to order correction of the record based on extrinsic (non-official) evidence submitted by the party, it did instruct municipal authorities to address such issues as part of their normal (*ex officio*) responsibilities. The response of the municipalities has not been consistent, however. (Both the ruling party [DPS] and main opposition [SNP] separately allege that the defects in the registry are due to malfeasance by officials, at the republican and/or municipal levels, who are thought to be under the influence of the other party.)

¹³Appeals to the Court in these two instances are governed by two separate articles of the Voter Registration Law, numbers 9 and 11. Perhaps the Court should have attempted to distinguish between them, and permit a broader scope of review – including the consideration of factual matters – in cases submitted prior to closing of the registry. But, as a practical matter, it would still be difficult for the Court to examine such evidence in the amount of time available.

¹⁴Despite applying this general doctrine, the Court sometimes accepts written evidence from other sources, such as death notices from newspapers, or attested statements by family members.

¹⁵ The explanation is as follows: *Ex hypothesi*, a person who appeals an unfavorable determination by a government body concerning registration must either challenge the internal consistency of the register (e.g., with respect to duplicate registration or the like) or external, factual matters (e.g., whether a voter has moved, died or otherwise been rendered ineligible to vote) which may not be accurately reflected in official records. In the former case, the appellant could not prevail since it is impossible to prove a negative; even in the case of a completely false entry, it would be impossible to find a record that shows that such an entry should not be included! In the latter case, there is unlikely to be an issue at all since the presence of official records on such factual matters should presumably already have caused the administering agency to take action to correct the relevant entry in the register.

The evidentiary approach followed by the Supreme Court has caused it to reject the great majority of requests for deletions from the registry. All the appeals submitted by the Liberal Alliance (concerning 30,000-plus entries without personal/national ID numbers) were denied. In addition, only 2,326 of 14,729 other requests for individual deletions were accepted.¹⁶

The Court accepted a much higher ratio of appeals that involved additions to the registry or modifications of items already there, however. Of 1,258 requests for addition, 1,201 were accepted; of 2,336 requests for modifications, 2,217 were accepted. Presumably, these cases largely resulted from inspection of the registry by individuals.

(c) Do registration defects provide substantial opportunities for fraud?

Claims have been made, particularly by the SNP and other opposition parties, that the defects in the voter registry create a substantial opportunity for fraudulent practices. Do the known errors in the register in fact provide substantial opportunities for fraud, including some form of organized manipulation of the vote?

Under the applicable legal provisions, as well as regulations already developed, it would appear unlikely that large-scale fraud could be organized at the polling station level based on excess or incorrect entries in the voter registry. In great part, this is due to the presence of extensive ballot and voting security measures that are the subject of IFES Briefing Paper #2: Polling Station and Ballot Security Measures. Furthermore, it is extremely difficult to organize massive fraud at the voter level, due to the need to involve large numbers of people while retaining secrecy.

The opposition has nevertheless asserted that errors in the voter registry could provide the opportunity for voting fraud. Concerning the over 33,000 names without personal or national ID numbers – which persons will now not be permitted to obtain ballots – for example, the opposition has claimed that a significant proportion were potential “phantom” voters. The SNP actually alleges that they are largely the same phantoms that it claims were permitted to vote during last year’s presidential elections. IFES has been informed, however, that a random verification of a portion of suspected “phantom” voters revealed that some documentation for many of those persons did exist in Interior Ministry records.

In addition, the opposition contends that other entries in the registry could also be erroneous due to a variety of other factors. These include the possibility that many entries correspond to persons who are deceased, or who are ineligible as a result of residence (e.g., having moved away) or citizenship (e.g., refugees or temporary residents). It is difficult to ascertain how many errors are contained in the registry which result from such factors, which cannot readily be determined by examination of the registry itself or inspection of official files.

Conditions in Montenegro certainly make it possible for there to be significant discrepancies on this basis: Deaths from natural causes are often not reported by grieving families. Some residents of Montenegro may hold citizenship in other republics of the current or former Yugoslavia. (Many Serbia citizens, for example, own vacation homes in Montenegro or have claimed Montenegrin residence for advantages in terms of automobile ownership.) Others may be refugees; this fact would

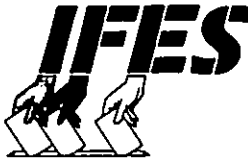
¹⁶ With respect to requests for deletions, the Supreme Court has taken the position that they cannot be accepted without official evidence, of a conclusive nature, that the entry in question does not represent a real voter. This approach, while commendable in terms of respecting voter rights, would have been difficult to justify if it were already known that such individuals were not going to be permitted to vote anyway. While it appeared likely in recent weeks that persons without personal or national ID number in the register would in all probability not be allowed to obtain ballots, that decision was not formally made by the REC until May 29, after the voter registry was already finalized. In addition (see previous section on administrative actions), the other categories of entries that would be of concern in this regard, including duplicates and multiples, were substantially reduced prior to finalization of the registry.

not be evident if they were issued Montenegrin ID cards, but should be contained in police and other files.

The responsibility to maintain records on these factors largely remains the responsibility of municipal authorities, although the Ministry of Internal Affairs (MIA) at the republican level no doubt also maintains relevant files. The government says that it has used all available means to review this situation, including MIA files and requests to the authorities in neighboring states, including Serbia. Information brought forth by opposition parties to challenge voter registration on this basis has not always proved reliable.

Finally, it is useful to take note of another recourse against polling station-based fraud that is available under the law. Under Article 77, parties may, within five days of the election, inspect election materials. Evidence that results from such an inspection could form the basis of complaints to the relevant election commission (municipal or Republican). See Articles 113-115. If such a complaint were finally rejected by the REC, there would also be grounds for an appeal to the republican Constitutional Court. See Articles 115(2) and 116. Nonetheless, the short time period available and probable evidentiary standard – the need to show that the number of voters unlawfully permitted to vote or wrongfully denied the right to vote at individual polling sites – would make a successful post-election appeal unlikely.

ANNEX X: BRIEFING PAPER ON THE MONTENEGRIN ELECTION, No. 2
POLLING STATION AND BALLOT SECURITY ISSUES



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Montenegrin Parliamentary Elections

IFES BRIEFING PAPER #2

POLLING STATION AND BALLOT SECURITY MEASURES

Introduction

The Republican Election Commission (REC) and Republican Assembly of Montenegro have adopted a number of measures, in the form of laws, regulations, and procedures to safeguard against fraud on election day. Relative to other countries in the region, these provisions for polling station and ballot security are quite extensive and, according to IFES' assessment, create the necessary conditions for democratic elections. This briefing paper summarizes key steps taken to ensure that the election result accurately reflects the will of the Montenegrin people.

Ballot Design and Printing

The following measures are taken with respect to ballot design and printing:

- ✓ Special watermarked paper is being used for the printing of ballots for elections to the Republican Assembly.
- ✓ In addition to members of the multi-party Republican Election Commission, representatives of political parties, domestic non-governmental organizations, the International Foundation for Election Systems (IFES) and the Organization for Security and Cooperation (OSCE) were invited to observe the ballot printing process.
- ✓ Excess paper and printing plates were destroyed at the close of printing and in the presence of observers.

Ballot Verification

In an extraordinary session of Parliament on May 19, Articles 73 and 74 were amended to provide additional controls. As a result of these amendments, verification of ballots by the Republican Election Commission will be augmented by the following controls:

- ✓ The REC stamp will be placed on both the front and back of each ballot.
- ✓ Municipal election commission (MECs) will apply a square stamp in the upper right corner of the back of the ballot. This stamp will include the name of the municipality, the name of the polling station, and a blank for the number of the polling station. The MECs will subsequently fill in the polling station numbers by hand.

- ✓ Between 6:00 a.m. and 7:00 a.m. on Election Day, the polling board will apply a unique stamp on the back of the ballot.

Polling Board Composition

- ✓ According to an agreement of the major political parties represented in the Republican Assembly, the core membership of each polling board is to be multiparty. While there are unconfirmed reports the agreement has not been honored in all jurisdictions, it does appear to be generally adhered to.
- ✓ The law requires that each polling board consist of core and expanded membership. Political parties and coalitions whose candidate slates appear on the General Electoral List are permitted to appoint representatives to the expanded membership of polling boards. These expanded members are described in the law as "full participating members." Each party is entitled to one member on the extended membership of the board.

Polling Procedures

An extensive set of legally required anti-fraud procedures is in place at polling sites. While this combination of procedures may prove cumbersome and will slow the processing of voters on election day, the major parties agreed to such measures as a means of enhancing the integrity of the election process.

- ✓ Each voter will be checked for the presence of ink visible only when exposed to ultraviolet light from scanners in use at each polling station. The use of invisible ink is intended to prevent multiple voting.
- ✓ Each voter will be required to present a picture ID with a personal identification number or the number of the ID itself.
- ✓ Upon confirmation of the voter's identity, his/her ordinal number will be circled in the registry of voters.
- ✓ The voter will then be sprayed with invisible ink.
- ✓ Upon receipt of ballots for republican and municipal elections, the voter will sign a separate "Book of Electors" verifying he/she has received the ballots.
- ✓ Those unable to vote at the polling station due to documented health problems are processed at their homes or health care facilities by a bipartisan team using controls similar to those in place at the polling stations.

Observers

International and domestic observers carrying credentials issued by the foreign ministry or REC respectively are entitled to be present in polling stations from pre-opening preparations through polling, counting votes and reporting results. The OSCE will deploy 150 multinational observers. Nearly 100 domestic observers will be drawn from the Helsinki Commission of Montenegro, the Center for Election Systems and Democracy of Serbia (CESID), and the Center for Democracy and Human Rights of Montenegro (CEDAM).

Observers have the right to:

- ✓ Observe all phases of the polling process including pre and post election activities;
- ✓ Question polling board members regarding procedures and verification processes;
- ✓ Review election documents;
- ✓ Issue reports, draw conclusions, and make public statements regarding the conduct of the election.

Observers may not:

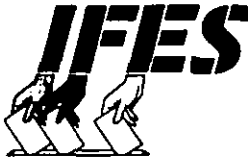
- ✓ Interfere with the conduct of the election in any manner;
- ✓ Attempt to influence voters or ask voters for whom they voted.

Reports

Montenegrin election law requires documentation of all pre-voting, voting, and counting procedures as well as irregularities alleged by polling board members.

- ✓ In each instance upon completion of polling station preparation, polling station closing, and counting votes the chairman will ask polling board members if there objections to the respective procedures. Objections regarding any of these phases or lack thereof are to be noted in the "Record of the Work of the Polling Board" including the name of the objecting polling board member.
- ✓ Prior to voting control statements verifying that ballot boxes are empty is signed by the first voter and placed in the boxes. The first step after unsealing the boxes and prior to counting ballots is verification of the control statement.
- ✓ The "Record of the Work of the Polling Board" contains key ballot accounting features including the total ballots received, unmarked ballots, number of voters according to the registry, void ballots, and number of votes received by each electoral list. If the number of ballots in the box is greater than the number of voters circled on the registry the election is voided and voting at the polling station is rescheduled.
- ✓ The "Record" is signed by all members of the polling board upon conclusion of all procedures.
- ✓ A copy of the "Record" is given to each member of the polling board when all work is complete.
- ✓ Three members of the polling board, each from a different party, turn over all polling station materials including ballots and the original "Record" to the municipality.

ANNEX XI: BRIEFING PAPER ON THE MONTENEGRIN ELECTION, No. 3
MINORITY REPRESENTATION



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As of 5 June 1998

Montenegrin Parliamentary Elections

BRIEFING PAPER #3

Minority Representation

Introduction

In February of this year, the Republican Assembly of Montenegro passed a new Law on the Election of Councilors and Representatives ("Election Law").¹ The law was signed by President Milo Dukanovic and became effective after being published in the Official Gazette on February 19.

The new Election Law passed by the Republican Assembly derived from the results of a working group on election law reform established by the Assembly to help implement the multi-party program for democratic political reform adopted in Fall 1997.² (The same agreement also contained a "commitment that preparations for free, fair and democratic parliamentary elections would be made and that such elections would be held at the latest by the end of May 1998".)

Under the multi-party program, elections for the Republican Assembly were to be based on "establishment of a proportional voting system (Montenegro – one electoral unit, modified so as to ensure adequate representation of the Albanians in the Assembly of Montenegro)". Originally, the working group proposed that a second, small election district be formed to include areas with a concentration of Albanian voters. When it appeared that the Assembly would not support this approach, an ingenious system was devised to help ensure that Albanian-based parties could achieve an equitable level of representation.

The objective of the provisions on minority representation in the Election Law was to provide the opportunity for Albanian-based parties to achieve parliamentary representation in the Republican Assembly approximately equivalent to the proportion of ethnic Albanians in the population. With about 7% of the population of Montenegro, Albanians could hope to obtain five of the 78 seats in the Republican Assembly. In the event, however, the two main Albanian-based parties won only two mandates – one apiece – in the May 31 republican parliamentary elections.

¹ Law on the Election of Councilors and Representatives, enacted February 18, 1998.

² *Agreement on the Minimum Principles for the Development of Democratic Infrastructure in Montenegro.*

Legislative Framework

The provisions of the Election Law concerning minority representation are found in the last part (XIV) of the law, entitled "Transitional and Final Provisions", and specifically in Article 118 thereof.³ The language of that article (in paragraph 1) -- which makes it clear that the current basis for parliamentary representation in the Republic applies only to the May 1998 elections -- also outlines the system for special minority representation:

"The next election of representatives to the Assembly of the Republic of Montenegro shall be conducted in the Republic as a single constituency in which five representatives, out of the total number of representatives, shall be elected in polling stations determined by a special decision of the Republican Assembly."

Thus, the system for ensuring minority representation in republican parliamentary elections is based on collecting votes in specially-designated polling stations. For the May 31 elections, the Assembly designated 59 such stations, including 31 in Ulcinj, the main municipality with a concentration of Albanian voters, and other sites in the municipalities of Bar, Rodije and Plav, in Malesija in Tuzi municipality, and in the capital, Podgorica.

³ Article 118 reads in its entirety as follows:

"The next election of representatives to the Assembly of the Republic of Montenegro shall be conducted in the Republic as a single constituency in which five representatives, out of the total number of representatives, shall be elected in polling stations determined by a special decision of the Republican Assembly.

"The confirmed and proclaimed electoral lists shall have equal rights at all polling stations in the Republic as a single constituency.

"At polling stations determined by a special decision of the Republican Assembly, only those electoral lists that have won at least 3% of votes out of the total number of electors that have voted at those polling stations shall be allocated seats.

"For the electoral list that fulfills the condition to participate in the allocation of seats at polling stations determined by a special decision of the Republican Assembly shall in the final allocation of seats be added the votes of electors that this electoral list has won at other polling stations in the Republic, on condition that it participates in the allocation of seats at those polling stations.

"The votes that an electoral list has won that, according to the number of votes it has won, does not participate in the allocation of seats at polling stations determined by a special decision of the Republican Assembly, shall be added to the votes that this electoral list has won at other polling stations in the Republic, on condition that it participates in the allocation of seats at those polling stations.

"The allocation of seats referred to in Para. 1 of this Article shall be conducted in accordance with Article 95 of this Law [*i.e.*, proportional representation using the D'Hondt method of allocating mandates]."

Under Article 118, furthermore –

- Any party which has a confirmed candidate list may compete for votes in the special polling stations;
- To be awarded assembly mandates based on votes obtained from the special stations, a party must win at least 3% of the total votes cast at them. It apparently does not have to achieve the similar percentage of votes republic-wide which are otherwise required to achieve parliamentary representation.⁴
- A party which is eligible to receive mandates based on votes obtained at the special polling stations may also apply votes there which it obtains elsewhere. (This provision would permit an Albanian-based party to collect votes from its supporters, presumably mainly Albanian, who live outside the special sub-districts, and apply these votes toward winning the mandates that would be awarded on the basis of votes obtained at the special polling stations.)⁵
- A party which fails to win mandates based on votes at the special polling stations may transfer those votes elsewhere – i.e., to its republic-wide total – provided that it is eligible to receive mandates based on the votes it has received elsewhere. (This would enable a non Albanian-based party to shift the votes it receives in the special sub-districts to the republic-wide contest, assuming it has votes left over after the award of mandates based on votes within the special polling stations, or fails to win any mandates there.)⁶

Results of Minority Representation Scheme

In the event, the minority representation scheme contained in the new Election Law resulted in only two Republican Assembly mandates being won by Albanian-based parties – one each by the Democratic League in Montenegro and the Democratic Union of Albanians. This is far short of the percentage of Albanians in the overall population (see above), who could potentially have elected as many as five republican representatives out of the special sub-districts.

⁴ See also Art. 94 of the Election Law, which contains that requirement. Prior to final adoption of the Election Law, at the same time that the system of minority representation was incorporated, a clause was added at the end, to the effect that a party must obtain the necessary republic-wide percentage, “unless otherwise prescribed by this Law.” That clause is presumably intended to exempt parties which are eligible to win mandates based on achieving the necessary threshold only within the special districts.

⁵ The last clause of Article 118(4) appears to prevent a party from doing so if it wins seats based on voting at other polling stations. Thus, a party could transfer votes to the total it received at the special polling stations only if it failed to win seats outright elsewhere, or failed to pass the republic-wide threshold of representation.

⁶ The last clause of Article 118(5) also appears to require that to do so a party would first have to gain parliamentary representation outside the special districts – viz., by winning seats based on votes cast elsewhere, and also obtaining the 3% of votes republic-wide that is the threshold for parliamentary representation.

Neither Albanian-based party would have achieved any representation in the Republican Assembly without some special system to promote minority representation. The Democratic League obtained some 5,423 votes republic-wide, or 1.583% of the total number of votes cast.⁷ The Democratic Union received 3,528 votes, or 1.030%. Without the special system, neither would have passed the republic-wide threshold for representation, which is set at 3% of all votes cast.

In view of the relatively poor showing of the Albanian parties, it was not necessary to implement in detail the provisions of Article 118 that relate to vote transfers between the special sub-districts and republic-wide elections. The two parties were able to win only a single seat apiece using all the votes they had obtained in the special polling stations, and also all other polling stations in the republic. Most votes for other parties that were cast at the special stations went to the ruling Democratic Party of Socialists (DPS)-led coalition called "To Live Better – Milo Djukanovic". The DPS coalition simply won the remaining mandates awarded on the basis of voting at the special polling stations outright, so that it did not matter if those votes were considered as applying within the special stations or republic-wide.⁸

Background

As mentioned previously, the minority representation system contained in the Election Law was developed after it became clear that an earlier proposal to form a small (and not completely geographically contiguous) second electoral district would not be accepted by the Republican Assembly. The scheme that was adopted is a variety of the approach to enhancing minority representation that is referred to as "side elections", but is ingeniously designed so as to deviate as little as possible from the "one person one vote" principle.⁹

Prior to 1996, Albanians had no representation at all in the Republican Assembly through ethnically-based political parties. This was true in the Assembly convened in 1992, for example. In 1996, however, Albanians achieved significant representation – five seats, corresponding to their proportion in the overall population. This is because the 1996 parliamentary elections were based on multiple districts, and Albanians predominated in two of them.

The two Albanian-based parties are said to have taken somewhat different positions with respect to how to achieve enhanced representation for ethnic Albanians in the 1998 parliamentary

⁷ All voting statistics concerning the May 31 election contained in this memorandum are based on results announced by the Republican Election Commission (REC) as of June 1 at 7:08 p.m. (They could be slightly affected by the results in two polling stations in which repeat elections are being run on June 3.)

⁸ Another article, no. 119, in the Election Law provides for the relevant municipal election commissions (*viz.*, those from municipalities in which special polling stations are located) to transmit a separate report to the REC on the results at these polling stations. This would enable the REC to implement the vote transfer provisions in Article 118, if required.

⁹ Two consultants retained by the International Foundation for Election Systems (IFES) previously commented on aspects of this problem, and the system ultimately adopted by the Assembly is consistent with both their recommendations. The first consultant (C. Barnes) recommended lowering the overall threshold for representation from 4% to 3%, which was done. The second consultant (D. Finn) suggested a range of alternatives, including "side elections". See IFES, *Republic of Montenegro: Voter Awareness Assessment and Legal Review*, November 1997 - February 1998.

elections. (One party consistently favored creation of a second district, while the other may have supported a side election approach for a time.) By the time the new Election Law was reaching final passage by the Assembly, however, both parties favored creation of a second district. Nevertheless, they appeared to be reasonably satisfied with the system that was adopted in the Law, and with the subsequent establishment of the special sub-districts by the Republican Assembly.

In the context of the recent election, however, representatives of the Albanian parties express two main concerns:

1. The Albanian parties claim that the ruling DPS party and DPS-influenced government officials made aggressive efforts to secure votes in Albanian areas. It is well known, and entirely understandable, that the DPS hoped to lure voters from other parties, including those which could potentially enter into partnership with it after the election. But Albanian politicians complain that DPS activists also toured Albanian areas offering benefits (including employment and infrastructural improvements, such as roads, schools, stadiums and telephone service) within the control of the state if Albanian voters in these areas would support the coalition in the elections.
2. The Albanian parties also hoped to secure a method of enhancing Albanian voting power at the municipal level, perhaps through extending the same approach of creating special sub-districts to the election of municipal councilors. (The recent elections were for both Republican Assembly, or representative, seats and councilor seats.) They did not achieve this objective, and as a result believe that the influence of their constituency at the municipal level is not adequately reflected. For example, while there is a sufficient number of Albanians in Ulcinj to be the predominant political force in that municipality, the same is not true of other municipalities even where a large number of Albanians live. This includes Tuzi, where Albanians are reported to be leaving due to a feeling that they cannot secure their political objectives there.

As a ethnically, linguistically and religiously distinct people (nationality) within Montenegro – and one which has many historical and social grievances both within Montenegro and in neighboring states – Albanians naturally also have a number of reasons to believe that their political interests should be protected through special electoral means. It is difficult for Albanians to participate in Montenegrin civil society, and particularly in an election process that is administered in a language many of them do not understand, or speak fluently. Often, in addition, Albanian voters have been prevented from exercising their electoral rights fully, including through defects in their registration as voters by the state.

On the other hand, the Montenegrin government is generally viewed as sympathetic toward the Albanians, and has taken a variety of actions to integrate them better into republican political and social affairs, including the elections process. For example, state radio and television makes time available for broadcasts in the Albanian language, and some election materials were printed in Albanian.

Analysis

The system for special representation of the Albanian minority contained in the new Montenegrin Election Law appears to be a carefully designed¹⁰ and workable system to achieve the objective of enhanced representation in the Republican Assembly for this group. It also has

¹⁰ This being said, it should be added that the provisions in the law are extremely confusing to interpret, and may have become problematic had the election results been different.

the positive aspects of not creating a highly artificial second electoral district, and avoiding conflict with the equal voting principle.

The system that was adopted for the just concluded elections to the Republican Assembly offered Albanian voters the chance to elect as many as five candidates of Albanian-based political parties if they chose. In the event, large number of Albanian voters apparently decided to vote instead for the DPS-led coalition. This may have been a rational calculation by these voters that their interests lay in supporting the coalition, which has a reformist economic and political orientation and which is much more sympathetic to minority (especially Albanian) concerns than the opposition.

In the tense atmosphere surrounding the election, Albanian voters may have concluded that only the DPS-led coalition could protect their interests against attacks by federal authorities and opposition parties. If in fact the votes of Albanians were obtained through unjustified and unwarranted promises of government benefits – and not merely a more general effort by the government to improve its image with voters before the election – that should be considered both inappropriate and impermissible. (No formal complaint was submitted to Montenegrin election authorities on this basis, however.)

Now that the parliamentary elections have been concluded, additional work should be done on how best to enable Albanians to realize their political aspirations in Montenegro, including through representation by Albanian-based parties. Particular attention should be paid to the possibility of strengthening Albanian political representation in municipalities in which they are not the dominant group.

**ANNEX XII: ASSESSMENT OF ELECTION SYSTEM PERFORMANCE WITH
RECOMMENDATIONS FOR REFORM**

REPUBLIC OF MONTENEGRO

TECHNICAL ASSESSMENT OF ELECTION SYSTEM PERFORMANCE PARLIAMENTARY AND MUNICIPAL ELECTIONS

31 MAY 1998

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ATTACHMENTS

- I. IFES PRELIMINARY REPORT ON ELECTION DAY OBSERVATIONS**
- II. GUIDELINES FOR THE ENHANCEMENT OF THE REGISTER OF ELECTORS
IN THE REPUBLIC OF MONTENEGRO**

I. INTRODUCTION

This analysis of election system performance reflects the cumulative findings of IFES' assessment and technical teams, the first of which visited the Republic of Montenegro in November 1997. It is based on their observations of the system in practice, a review of original source documents and consultations with the full range of participants in campaigns and elections. The analysis also reflects IFES' mandate as a technical assistance provider, which must be understood as being distinct from the observer missions also active in Montenegro for parliamentary and municipal elections. It focuses primarily on areas where IFES' project directly intersected with the electoral process, among them: election official and poll worker training, voter education, candidate information and outreach, voter registration, and legal reform. As such, the analysis has been designed not so much as a statement on the "freeness" and "fairness" of the election, but as a set of options for strengthening and enhancing Montenegro's electoral system and political process. It is presented as a reference tool for those tasked with pertinent legal, institutional, and procedural reforms

It should be acknowledged that the 31 May 1998 parliamentary and municipal elections in the Republic of Montenegro further advanced the democratization and professionalization of the electoral process in Montenegro. They constituted a positive step toward the ultimate realization of the *"Agreement on Minimum Principles for Development of a Democratic Infrastructure"*, signed in the Fall of 1997. That no complaints were filed with polling boards by any authorized party representative on election day, and that polling, the vote count, and the convocation of a new Republican Assembly were conducted without incident, are significant achievements given the broader political context. Observers and election officials alike were somewhat surprised to declare that polling had proved uneventful.¹ In light of these achievements, members of the parliamentary working group on electoral reform, election administrators, campaign participants, and the Montenegrin people should be congratulated.

At the same time, the preliminary statement of the OSCE delegation aptly noted that: "fierce competition and a high degree of distrust between the main contesting parties . . . resulted in a negative campaign and tense atmosphere. The lack of trust in the integrity of the electoral process expressed by some parties during the course of the campaign was unjustified." It may have also proven destructive to the evolution of public confidence so crucial to stability and democracy in Montenegro. And, despite noteworthy advancements made since the conduct of presidential elections in 1997, questions about voter eligibility and registration, ballot security, abuse of public office for overt campaign purposes, potential misuse of police and security forces for political purposes, the lack of responsiveness of the adjudication of grievances process and insufficiency of enforcement mechanisms, and the independence of responsible municipal authorities and agency bureaucrats - if not election commissions - continued to color the election campaign.

A unique opportunity currently exists to assess recent electoral events and adopt changes aimed at further strengthening the legal framework for campaigns and elections while eliminating on-going institutional and administrative weaknesses of the electoral system. It should be understood that previous reforms proposed by the multi-party working group and adopted by the Republican Assembly, while a significant

¹ For a copy of IFES' Preliminary Report on Election Day Observations, please see Attachment I.

and positive step, were incomplete. A number of factors have limited the scope of legal and regulatory reform, to date:

- (1) The politically unstable and highly polarized environment in which recent electoral reforms took place;
- (2) Extreme pressure to pass new legislation and conduct new elections as soon as possible;
- (3) Failure to engage practitioners, among them election administrators, in the legislative review, debate, and drafting process; and
- (4) The absence of public notification on proposed changes, thus precluding a period of public airing and debate.

More generally, Montenegrin lawmakers need to understand that election systems are evolutionary rather than finite and require refinements to safeguard voters' rights and maintain the efficiency, transparency, and integrity of the process over time. To minimize the degree to which politics surrounds electoral reform in Montenegro, and as a necessary and important means of building public confidence in the electoral system, this process should be initiated well in advance of the calling of new elections, practitioners at various levels must be brought into the dialogue, and proposed amendments must be subject to public notification and debate. This assessment of election system performance presents a number of technical suggestions and options for reform and is offered by fellow election practitioners in the spirit of co-operation and support.

IFES Montenegro wishes to acknowledge the immeasurable benefit received from the insights of the representatives of the executive, legislative, and judicial branches; the full spectrum of political parties; non-governmental organizations; minority groups; media outlets; and election bodies which participated in IFES consultations as well as its information, education, and training programs. Every effort has been made to incorporate the most practical and feasible proposals voiced by IFES contacts and co-operating partners into this assessment. Special thanks is due to former Deputy Prime Minister Miodrag Vukovic and Republican Election Commission Chairman Stevan Damjanovic. Recognition is also due to the US Agency for International Development, which provided funding for this important and constructive undertaking.

II. ELECTORAL REFORM AND THE LEGAL FRAMEWORK GOVERNING ELECTIONS

A. OVERVIEW

In February 1998, the Republican Assembly passed, and President Milo Djukanovic signed into law, new legislation governing the election of municipal and republican assemblies, voter registration, and public information. A new law governing political financing went into force earlier in the year. This package of legislation derived from the extraordinary results of a special working group on election law reform established by the Republican Assembly to help implement the multi-party *"Agreement on the Minimum Principles for the Development of a Democratic Infrastructure in Montenegro"* adopted in the Fall of 1997. The multi-party agreement was aimed at expediting democratic political reforms in the country and committed the signatories to initiate "preparations for free, fair, and democratic parliamentary elections... [to] be held at the latest by the end of May 1998." It also contained a set of specific objectives toward these ends, in particular "upgrading the Law on Election of Councilors and Representatives, the Law on Public Information, the Law on Financing of Political Parties, and the Law on the Register of Electors."

At the time of its assessment in the Fall of 1997, an IFES team noted that, "While the existence of such a multi-party forum brings a positive and necessary diversification of views to the electoral reform process, the absence of practitioners limits the quality of its proposals . . . election officials, judges, and journalists had not been involved [in the electoral reform process] nor ha[ve] they been given copies of the revised drafts of legislation . . . The lack of independent counsel [also] suggests that the process of electoral reform has become politicized, ie. with political interests rather than technical and legal considerations driving the reform process." As a result, some aspects of the election laws have been drafted in a way that is very difficult to implement and equally hard to adjudicate. Not surprisingly, novice election officials, journalists, and judges involved in the recent election campaign lodged similar complaints to those of their seasoned counterparts about the administrative sufficiency of the legislation governing the campaigns and elections process.

With respect to the development of election and related legislation, there has also been a tendency to try to work out contentious election issues through direct agreement among parliamentary parties. This method of establishing public policy and procedures on elections was occasionally followed rather than the more traditional approach of adopting comprehensive legislation and delegating rule-making to the competent body, in particular the Republican Election Commission. To a considerable degree, this tendency appears to have arisen due to the high level of tension and suspicion connected with the most recent elections. In some ways, what was agreeable to the parties involved in the election process tended to prevail, since failure to follow this course would increase the level of confrontation and could even precipitate a crisis. At the same time, responsible officials were often unwilling to risk taking steps that deviated in any way from the letter of the law which could open them to criticism. As a result of this unfortunate dynamic, it became very difficult for participants in the election process to address issues in a regular and orderly way.

1. Election of Legislative Bodies

The Law on Election of Councilors and Representatives governs elections to legislative assemblies at the republican and municipal levels.² Mandates at both levels are awarded through proportional representation using the d'Hondt method of allocation. Consistent with the multi-party program for democratization, the entire republic constitutes a single constituency for the purposes of election to the Republican Assembly – except as modified by a special system to promote the representation of ethnic Albanian communities in Montenegro. Each of the 21 municipalities of the republic also constitutes a single district for election to the relevant municipal assembly. The basic model of election administration and organization contained in the Law on Election of Councilors and Representatives is similar to that followed in the other republic of the current Federal Republic of Yugoslavia (FRY) as well as those of former Yugoslavia. A three-tiered system of election administrative bodies is employed with election commissions operating on a permanent basis, ie. appointed for four year terms. During the election campaign period, election commissions operate in their core and expanded membership³.

2. System of Voter Registration

In the Republic of Montenegro, as in many other formerly socialist countries, there is no autonomous voter registration system. Instead, eligible voters are identified for inclusion in the voter registry based on information contained in official files which are maintained for other purposes, such as internal security, law enforcement, and maintenance of vital statistics on the population. Based on information which is not directly election-related, the Register of Electors is assembled by non-election agencies at the municipal and republican levels. The results are subsequently made available to election administration authorities to be used by them as the basis for identifying eligible voters. So that voters may ensure the fulfillment of their electoral rights, the proposed voter registry is made available to the public for inspection for a certain period of time prior to the election. Voters are permitted by law to see if their names are properly included, and to appeal to the responsible authorities and, if necessary, the courts in the event they are not. Political parties with certified candidate lists are also permitted to obtain copies of the voter registry on computer diskette.

3. System of Political Financing

The system of political financing and control in Montenegro is established under the Law on Financing of Political Parties, except for a few provisions of the Law on Election of Councilors and Representatives (articles 113-114 thereof), which relate to financial and other support to candidates and nominating entities. The former envisions two methods for financing political parties. The first is state subsidies,

² Providing for both types of legislative elections, ie. both republican and municipal, on a single statutory vehicle creates many ambiguities, as well as gaps, redundancies, and conflicts in the language of various provisions. Consolidation of the provisions related to all legislative elections would be desirable since it could, at some point, become the basis of a more comprehensive electoral code. But, as currently drafted, the combination might result in considerable confusion as to which provisions apply to what kind of elections and which bodies are being referred to at any particular point.

³ For more information on the election commission structure, please refer to Chapter III of this assessment.

which are distributed in three tranches: prior to the election campaign to those parties represented in the relevant assembly and intending to participate in the elections; during the election campaign to those parties which have certified candidate lists; and after the election to those parties that have achieved representation. The second tranche includes private contributions. There are no requirements for periodic reporting and disclosure on contributions and expenditures.

4. Public Information

The Law on Public Information is intended to provide a comprehensive legislative framework for the establishment, licensing, operation, and supervision of a variety of public media in Montenegro. It applies both to state-owned and private media companies. Of particular interest with respect to campaigns and elections: Article 24 stipulates that the editorial policy of a public information medium must not be directed at the forceful destruction of the constitutional system, violation of the territorial integrity of either the Republic or the Federal Republic of Yugoslavia, to the infringement of the statutory human and citizens rights and freedoms, or rousing national, racial, or religious intolerance or hatred; Article 25 requires state media outlets to provide informational programming in minority language. The law also provides for fairness and accountability of news coverage and deals with the objectivity and fairness in reporting on parliamentary proceedings and the activities of political parties.

Specifically, Article 32 states in its entirety: "A public information medium founded by the Republic or by a local authority is obliged to report impartially on viewpoints and activities of parliamentary parties within its program activities, in conformity with the rules set forth by its editorial board, and to provide direct coverage of the sessions of the Republican and municipal assemblies in compliance with their respective decisions . . . Fulfillment of political parties' rights in public media during the pre-election campaign shall be defined by means of separate regulations that are prescribed and adopted by the competent assembly. Its enactment shall be controlled by editorial boards of public media . . . The editorial policy of public media referred to in paragraph (1) herein shall observe the standards of honest and impartial policy."

5. Enforcement Mechanisms

In many of the provisions dealing with enforcement against violations of elections, such as Chapter XIII of the Law On Election of Councilors and Representatives and related legislation, including laws on voter registration, campaign financing, and public information, the precise nature of the violation – i.e., civil or criminal – and the identity of the enforcing agency are not specified. A host of problems surfaced during recent elections as a result of poorly developed enforcement mechanisms. For example, questions about ultimate institutional responsibility for enforcement of campaign finance legislation and adjudication of pertinent grievances greatly frustrated the efforts of those parties whose right to state subsidies were violated. Similarly, the tendency for complaints regarding inaccuracies in the voter registry to be bounced back and forth between various responsible state agencies and municipal authorities and the Supreme Court contributed to the inefficiency of the adjudication of grievances and, in some cases, made enforcement difficult when decisions were forthcoming.

B. ISSUES FOR CONSIDERATION

- At this time it would appear that further efforts should go into working through the detailed provisions of the Law on Election of Councilors and Representatives to eliminate the problems caused by combining in a single law provisions applicable to republican and municipal elections. In addition, consideration should be given to creating two entirely separate sections, or even entire bills, which could nonetheless share a common legal and administrative basis. In the longer term, however, the current approach could provide a basis for the development of a more comprehensive electoral code.
- Montenegrin election and related laws do not contain any hierarchy of rights which might permit a better interpretation and application of the laws during an election period. In this connection, it might be useful to consider enacting legislation that would establish a basis for fundamental aspects of the electoral process, such as safeguarding voter's rights.⁴
- More clarity and detail is required through legislation governing campaigns and elections to ensure their correct and consistent interpretation, efficient and uniform administration, and equitable adjudication of grievances.
- Every effort should be made to include practitioners, among them election officials, in the process of reforming legislation on elections, voter registries, campaign financing, and public information.
- In the aftermath of the election campaign, an exhaustive review of the presidential, parliamentary, and municipal election experience should be undertaken with the intent of further refining the legislation governing campaigns and elections and continuing institutional, regulatory, and procedural reforms. Such an exercise, combined with election law reform in the immediate future, would eliminate the need for 11th hour amendments to legislation as occurred during the most recent election campaign.
- The practice of determining fundamental aspects of the electoral process by means of multi-party agreements, whether formal or informal, at the start or even in the midst of an election campaign rather than through law should be abandoned. Consideration may be given to incorporating worthy language from previous agreements into new legislation governing elections.
- A definition of terms or glossary section needs to be added either to the Law On Election of Councilors and Representative, or - if adopted - to a fundamental law on voter's rights, which identifies and defines all legal terms used in the Law, such as "campaign period" and "nominating entity," and which are to be consistently applied throughout all other legislation governing components of the election process.
- Decision-makers must thoroughly review whether the penalty and enforcement provisions of election and related legislation are fully enforceable. Future efforts aimed at improving the legislative framework for political and electoral processes need to place a greater emphasis on encouraging compliance and providing for enforcement. As part of this exercise, law-makers will also need to consider available budgetary resources.

⁴ The adoption of stand alone legislation on voting rights in the Russian Federation, for example, has been a major contributor to successful electoral reform in that country.

- In the future, the role of any agency providing support to the REC in the computerized tabulation and reporting of election results should be clearly stipulated in and governed by the Law on Election of Councilors and Representatives.

III. ELECTION ADMINISTRATIVE STRUCTURES

A. OVERVIEW

Elections in Montenegro are administered according to a three-tiered system of election bodies which consists of a Republican Election Commission (REC), 21 municipal election commissions (MECs), and polling boards. During the presidential election cycle, there were 879 polling boards. Difficulties in processing a high volume of voters during the hours prescribed and the introduction of new polling place procedures, however, led to an increase in the number of polling boards for parliamentary and municipal elections. The maximum number of voters to be processed at any one site was reduced from 2,500 to 1,000 and resulted in the creation of 1,087 polling boards. In accordance with the law, election commissions and polling boards operated according to a system of core and expanded membership. Core members of election commissions were appointed to concurrent terms by republican and municipal assemblies. MECs were subsequently responsible for appointing the core membership of polling boards within their jurisdiction at the time of elections. Persons ineligible for suffrage in the Republic of Montenegro or nominated as candidates for councilor or representative were barred from serving on the core or expanded membership of election commissions. In every instance, the leadership of election administrative bodies was appointed rather than elected. Decisions of all election administrative bodies are made by a majority of members, and their work is made public.

1. Appointment Process

Although the tradition of making direct appointments to election commissions by the relevant legislative assembly is consistent with the practice of most formerly socialist countries, it may contradict with the separation of powers doctrine enshrined in the Montenegrin Constitution. In many other constitutional systems founded upon this doctrine, it is interpreted to prevent the legislative branch from taking actions of an executive character. This would include most actions that cannot be addressed through the enactment of legislation. Appointment of officials to state bodies is usually considered to fall within the class of particular actions reserved for the executive branch of Government, although the legislative branch may legitimately play some role in the appointment process, either by nominating candidates or confirming their selection. The failure to follow the separation of powers principle in the appointment of the REC and MECs could contribute to the perception that the REC and MECs are unduly subject to the influence of political parties represented in parliament, particularly the ruling party or parties. It may therefore be preferable to find some alternative to the current appointment mechanism that is politically acceptable but more consistent with the principle of separation of powers.

2. Multi-Party Representation on Core Membership

During the process by which the current legislation was adopted, considerable discussion revolved around whether or not the independence of election commissions and polling boards, in their core membership, was best guaranteed by multi-party or non-partisan representation. In established democracies, membership or association with a political party is not a disqualifying factor for service in election administration, but it is expected that such membership will not influence the work of the individual in question. Ultimately, the law remained silent on this issue. However, a "gentlemen's agreement" was

struck between the parliamentary parties which provided for multi-party representation, particularly with respect to the two main rivals, on the core membership of all election administrative bodies. On the basis of this agreement between the parties, the Republican Assembly issued a recommendation that election bodies, in particular municipal election commissions, be formed on a multi-party basis. The recommendation, however, was not legally binding. Not surprisingly, allegations readily surfaced that this informal arrangement was not being adhered to by either side and that a significant number of MECs, and consequently polling boards within their jurisdiction, were under the control of one or the other party.

3. Expanded Membership

The expanded membership of election commissions and polling boards was constituted upon the certification of nominating entities forwarding a slate of candidates for elections to the Republican or municipal assemblies. Political parties, coalitions, and citizens' groups which met the requirements for ballot access were entitled to nominate authorized representatives to serve on election administrative bodies. Authorized persons were not permitted to take up their duties upon appointment, but were to assume their positions on election commissions beginning 15 days prior to election day, and in the case of polling boards 5 days prior to election day. Although the election law stipulates that authorized representatives appointed to election commissions and polling boards are full participating members, practice during the previous election varied from polling board to polling board. In some polling sites, expanded members assisted in the preparation of the polling site, processing of voters, and vote count, while in others these duties were relegated to the core membership only, if not the Chairman himself. In such instances, authorized representatives tended to function more as partisan observers than actual election administrators.

4. Responsibilities of Election Commissions

According to the law, the Republican Election Commission is responsible for: the legal conduct of elections and uniform application of the law; monitoring of and advising on the implementation of the law; coordinating the work of MECs, providing them with instructions, and supervising their work; establishing standards for election materials; developing administrative forms; deciding the manner for certification of candidate lists; creating procedures for handling and storing election materials; determining the validity of nomination applications for the election of representatives; rendering decisions on the certification of candidate lists; announcing the total number of voters in the country as well as per municipality and polling site; establishing the results of the election of representatives and determining the number of seats to be allocated to each candidate list; announcing general election results and the outcome of voting at each polling station; submitting a report to the Republican Assembly on the election of representatives; certification of elected representatives; provision of statistical data on the election of representatives to responsible state entities; and other activities provided for under the law. The REC is also legally mandated to promulgate all administrative regulations in support of the law within 20 days of its appointment. Absent from this enumeration of duties is any responsibility for the registration of voters, regulation of campaign financing, provision of official voter education or candidate information services, or conduct of training programs for election officials and poll workers.

Municipal Election Commissions are charged with: the legal conduct of elections; carrying out logistical preparations for elections; identifying polling stations; appointing the core membership and leadership of polling boards; determining the number of ballot papers to be issued to each polling site, stamping them, and delivering them along with a verified extract of the register of electors; and a written record to each polling board; determining the validity of nomination applications for election of councilors; rendering a decision on the certification of a candidate list; publicizing the number of voters in the municipality and per polling station; establishing the results of the election of councilors and determining the number of seats to be allocated to each candidate list; determining the number of votes cast for each candidate list in the municipality for election of representatives; certification of elected councilors; preparation of a report on the results of the election of councilors in the municipality and per individual polling site for submission to the REC; publication of the results of the election of councilors; preparation of a report on the election of councilors for submission to the Municipal Assembly; submission of statistical data on the election of councilors to responsible state entities; and the performance of other duties in support of the law.

Republican and municipal election commissions in Montenegro operate on a "permanent" basis in the sense that they are appointed for four year terms to coincide with the mandates of respective legislatures rather than being disbanded after a specific elections. In practice, however, the law works contrary to the existence of a full-time, professional election commission structure. Specifically: it enumerates virtually no responsibilities between electoral events; requires that the leadership and core membership be drawn from graduate lawyers, many of whom have other professional obligations to the State and who must return to their posts once elections are over; and disbands existing commissions, in their full membership, once new elections are called. The lack of adequate resources, including finances, personnel, and equipment further perpetuates election commission dependence on other state entities and contributes to the dissipation, and thus inefficiency, of election administrative duties. This approach also results in the delegation of key tasks to entities that do not clearly operate within the scope of the election law, such as is the case with the Register of Voters in which several government agencies are responsible for various aspects of updating, maintaining, and settling disputes on the registry.

B. ISSUES FOR CONSIDERATION

- The inefficient diffusion of election administrative duties previously cited by IFES and the OSCE persists. Legal and institutional reforms will be necessary to consolidate all responsibilities pertaining to the preparation and conduct of national elections under the Republican Election Commission (REC). A distinction between election administration and executive/logistical operations is required.
- Toward this end, a set of functions aimed at the improvement of election administration in Montenegro, to be conducted by the REC and MECs on a continuous basis, should be established through law. Recommended duties of the REC include: preparation of reports on election system performance for submission to the president, parliament, and the public; routine assessment of election practices and problems in Montenegro accompanied by periodic reporting to the Republican Assembly; provision of recommendations to the Republican Assembly to aid in the modification of election-related legislation; promulgation of regulations as required to improve election and related procedures within its jurisdiction at any time; enforcement of campaign finance laws and regulations;

design and implementation of official voter education programs; preparation and conduct of election official training programs; provision of all election and voter information at the republican level; and other duties associated with the overall management of electoral system.

- At this time, legal authority might also be provided to the REC and to MECs, under the supervision of the REC, to monitor the activities and compliance of other official entities responsible for the compilation and correction of the Register of Electors. In the longer term, serious consideration should be given to bringing direct responsibility for the maintenance of the voter registry within the jurisdiction of election commission structures, to better insulate it from other state functions.
- In addition, MECs should be directed, through law: to act in accordance with regulations and directives of the REC; assist in the development and implementation of voter education programs; analyze and report on election system performance; implement poll worker training programs; and act as providers of all election and voter information at the municipal level.
- Necessary financial, infrastructure, and human resources must be allocated to election commissions to allow them to perform these duties adequately. It may also be necessary to reconsider the recommended qualifications of REC and MEC members, in light of the increased administrative and managerial burdens of operating a commission with increased programmatic responsibilities.
- Provisions of the law dealing with the independence and impartiality of election structures need to be elaborated upon. First and foremost, the law should specifically address whether the core membership of election administrative bodies is to be multi-party or non-partisan. Leadership of commissions should be determined on the basis of secret ballot among the core members, and criteria for the removal of election commissions members, i.e. on the basis of criminal malfeasance or neglect, need to be built into the law to safeguard against the removal of members for political reasons.
- If a decision is made to mandate multi-party representation on the core membership of the REC, prospective members should be nominated by political parties and should reflect the political composition of the parliament. The list of nominations might then be made subject to public notification prior to appointment and confirmation of members. To maintain the separation of powers envisioned in the Constitution of Montenegro, commission members should be appointed by the President with the consent of the Republican Assembly. Similar procedures should be followed by political parties, authorities, and assemblies at the municipal level with respect to the formation of MECs.
- Staggered terms for core members also need to be introduced as a means of maintaining the institutional memory of election commissions. At the end of the current term of the REC, transitional legal provisions should be in place to constitute a new REC, to which four members will be appointed for two-year terms and five members appointed to four-year terms. Upon the expiration of the terms of the former, all subsequent appointments will be made for a period of four years, with the exception of those required to fill vacancies. An appointment made to fill a vacancy should be for the remainder of the term of the departing commissioner. A similar approach can be followed with respect to the appointment of MECs.

- It is also recommended that all REC, MECs, and polling board members, upon appointment, be administered a legally required oath to uphold, to the best of their ability, the laws and regulations of the Republic of Montenegro and to conduct their duties in accordance with the four standards of conduct of election administration: integrity, neutrality, transparency, and accuracy.
- The end of the term of the expanded membership of election commissions needs to be clearly defined in law and coincide with the certification of mandates of those elected.
- Expanded members should be permitted to assume the duties of election commissions and polling boards immediately upon their nomination and subsequent approval by the responsible election authority.
- The operating quorum and working majority of election commissions also needs to be defined. A quorum can be defined as a majority of the membership of the entire election commission, while a working majority can be defined as over one half of those members present and voting during a session.
- Public notice of all commission sessions should be provided at least 48 hours in advance.
- The law also needs to clarify the specific duties of core and expanded members of election commissions and polling boards, particularly on election day.
- Also, unrealistic timetables persist within legislation for with respect to the campaign, election, and judicial processes. As such, the campaign period needs to be elongated to provide more time for election commissions to adequately prepare for elections.

IV. VOTER ELIGIBILITY AND REGISTRATION

A. OVERVIEW

The new Law on the Register of Electors retains most of the elements of the previous law, but also incorporates several important new provisions that lay a foundation for improvements in the voter registration process. Article 2, for example, appears to create the basis for a more current and continuous voter registration program by requiring the register to be “regularly updated,” in addition to being obligatorily revised in election years.

Authority for compilation of the voter registry continues to be assigned to municipal governments. The law does not, however, specify which executive agency – at the republican or municipal level – is responsible for maintaining the registry. This situation may be explained by variations in practice at the local level and by attempts to retain flexibility and leave room for governmental reorganization at the republican level. If it was not prepared to make a specific assignment of responsibility for administering the registration process at the time it adopted this legislation, it might have been preferable from the standpoint of Separation of Powers for the Republican Assembly to, at the very least, formally delegate this authority to the President. This authority could be subject to the condition that he inform the parliament of his decision and report periodically on the actions being taken by the agencies he selected to perform these duties.

Under Article 2, and also Article 6 of the Law, agencies administering the voter registry are supposed to act *ex officio*, or in the performance of their official duty. Article 6 further describes the duty of agencies administering the Registry by specifying that inclusion or deletion of information about voters from the Registry is “done *ex officio* on the basis of information from vital statistics, other official records, public documents, and direct investigation”

In order to protect their voting rights, voters are provided with an opportunity to inspect the registry to determine whether they are included and whether their entries are accurate. During an election period, responsible agencies must, under Article 9, inform citizens within seven days following the calling of election, of their right to inspect the register and request changes. In accordance with Article 9, responsible agencies receiving requests for changes must render a decision within 48 hours and communicate it immediately to the requestor. Denial of requests for changes to the registry are appealable to the Supreme Court of Montenegro, provided the appeal is filed within 48 hours. Such appeals are actually received by the responsible agencies and must be forwarded to the Court within a day. In practice, however, the forwarding of appeals can be somewhat delayed while municipal authorities look into the underlying complaint.

Under Article 10, the Register of Electors is “closed” not later than 20 days prior to election day. For the recent elections this deadline occurred on the 11th of May. Article 11 stipulates that once the Register has been “closed,” changes can be made only by order of the Supreme Court based on the bringing of a judicial action. But no changes at all may be made later than five days prior to the election, ie. May 26th. After this date, the authorities finalize the register and prepare extracts for delivery to polling stations so that eligible voters can be identified on election day. Representatives of political parties which have

submitted candidate lists have the right under Article 12 to receive a copy, on computer diskette, of the final registry. Under Article 13, they have the right to inspect the official records which were the basis for entering or changing entries in the registry.

In an effort to improve the accuracy of the registry, which became the subject of controversy in connection with the presidential elections of 1997, the new Law on the Register of Electors requires inclusion with each entry of the appropriate personal number and/or national identity (ID) card number. Based on the practice in the former Yugoslav system, all citizens of the Republic of Montenegro are assigned personal numbers which reflect their date and place of birth, gender, and other vital statistics. Upon reaching the age of 18, citizens also obtain a national ID card, which carries its own numbers. These two separate numbers are the "personal" and "national ID" numbers referred to herein. Article 7(1) of the Law requires inclusion of voters' personal numbers, but also provides that "In special cases, if the citizen does not have [a] personal number, the Register will record [his] identification card number."

The provisions of the new Law On Election of Councilors and Representatives on voter identification were drafted in connection with revisions to the Law on the Register of Electors. Under Article 80 of the former, voters are required to prove their identities at the polling station prior to receiving ballots. They must do so by producing "either [a national] ID [card] or some other means of identification with a photograph and a personal identification or ID number on it." Also under that article, a voter may not cast a vote without producing proof of identity. After he/she does so, the chairman of the polling board circles the ordinal number before the voter's name in the extract from the register. Under Article 83, however, "No alterations to the extracts from the Register of Electors may be made on polling day."

Voters' rights are also defended in the Voter Registration Law by the creation of criminal and civil penalties against officials who wrongfully prevent registration, as well as other individuals who commit fraudulent acts with respect to it. Article 15 makes persons subject to imprisonment for one year if they fail to enter a voter in the registry, delete an entry with the intention of making it impossible for a person to vote, or provide false information about residence data and voting rights. Article 16 imposes substantial fines for lesser violations, including failure to maintain related records adequately.

1. Administrative Implementation

As mentioned previously, the Law on the Register of Electors does not create a clear line of authority at the republican level for supervision of the voter registration process. Under Article 4, voter registers created by municipal authorities are merely "compiled in a single (central) Register of Electors kept by a government authority in charge." However, the Law does envision the establishment of broader supervisory functions at the republican level. Article 7(2) provides: "The Ministry in charge of administrative affairs shall govern in more detail the manner of keeping, correcting, supplying, concluding, copying, and publicizing the Register of Electors and other matters needed for maintaining complete, accurate, and up-to-date registers and shall supervise the compliance of [sic] the regulations governing the maintenance of the Register of Electors."

It appears that not all the functions laid out in this paragraph have been fully implemented at this time. In order to help coordinate the preparation of the voter registry for the upcoming elections, however, the

Montenegrin government designated the Secretariat of Development as the responsible agency at the republican level. In order to execute these functions, a special sub-division was established within the Secretariat for this purpose. In connection with the Secretariat of Development's efforts to improve the quality of the voter registry through technical means, the Republican Assembly created through resolution a multi-party expert working group on voter registration. The group, which was comprised approximately half each of information specialists and lawyers, included representatives of all the parties in the Assembly as well as a professional staff. The group acted on the basis of consensus and its final report generally endorsed the registration exercise. In preparing for the recent election, the Secretariat emphasized the improvement of its basic role to compile registers prepared at the municipal level into a central registry, and provide a means for the correction of the register at the initiative of government, individuals, and political parties. This process was made more challenging by virtue of two innovations contained in the new law - the requirement to include national as well as personal identification (ID) numbers, and to enter all information in the register in computerized form. By April 1998, work on the central registry had developed to the point where the municipal authorities' computerized voter registers were successfully centralized.

In addition to the normally high levels of error associated with a voter registry assembled from other government files, these two factors led to large numbers of inaccuracies, particularly in earlier versions. Estimates of the error rate in these editions ran as high as 100,000, or 15-20% of the total entries. Such estimates mainly referred to errors that were evident on the face of the draft register, such as missing or duplicate information, which were relatively easily determined through cross-checking of files. They did not include the unknown number of instances in which entries in the register may have corresponded to persons ineligible to vote as a result of having moved or being deceased, or those which did not correspond to any real person. Software programs included roll cleansing and de-duping exercises were utilized to cull the obvious errors and duplications. These exercises, run following the transfer of data from the 21 municipal authorities to the central database, resulted in approximately 190,000 transactions

In light of these problems, the Secretariat of Development undertook a number of actions aimed at improving the quality of the voter register. These were highlighted in an open letter from the Secretariat in response to communications on this subject by the main opposition party: computer equipment was acquired and installed at the Secretariat and in the 21 municipalities. It was programmed with purpose-made software, including systems to detect and resolve discrepancies, and with electronic communication capabilities; systems support was made available through the Secretariat; and correction of the registry was ultimately placed on a "real time," ie. continuously updated basis.

In terms of voter access, arrangements were made for special telephone lines for voters to inquire about their status and offer corrections, as well as the posting of the updated registry on the Internet. The level of calls to the telephone inquiry service alone was in the order of 1,500 to 2,000 per day. Many corrections resulted from the telephone inquiries, duplications making up the bulk of the changes (8,000+). Static information centers were established to provide for public inspection of the voter lists and to service requests for changes. Mobile teams, equipped with computers, were fielded to enable voters in remote areas to check their registration. A public information campaign was also carried out through the media, and several appeals were made for voters to check the register specifically since a large number of existing entries were incomplete. As a result of these and other measures involving directing checking at

municipal offices, some 120,000 inspections of the register were made by individuals by mid-May. In accordance with Article 12 of the new Law on the Register of Electors, political parties were able to request copies of the registry on computer diskette and have their request filled within 48 hours. The Secretariat indicated that the main opposition party had received eight complete computerized data sets by the time the final voter registry was prepared. The Liberal Alliance and the Serbian Radical Party were also provided with copies upon request.

According to information provided by the Secretariat of Development, these measures, combined with other efforts, reduced the number of inaccuracies in the voter registry by 70% as of the time the registry was "closed" on May 10. Although the single largest category of errors in the database were those records without a place of birth or with incomplete date of birth, the most contentious issue remained the approximately 35,000 entries which lacked personal or national ID numbers. In the context of an election and the legal restriction on removal of records, it was not possible to act on these records.⁵ As a result, an extraordinary decision was made to publish a list of incomplete entries in hopes that voters would respond and request correction. This list was published as a special supplement to the state newspaper, *Pobjeda*, on 14 May. Some 20,000 copies were printed. Despite these extensive efforts by the Secretariat, and the instructions communicated by the republican government to municipal authorities, the error rate in the final voter registry remained significant. Of the total 457,633 entries in the registry, 33,796 entries still lacked a personal or national ID number. The number of duplicate entries within single municipalities ("duplicates"), however, was reduced from 8,075 to only 32. The number of entries registered in multiple municipalities ("multiples") was brought down from 8,581 to 836.

As a result of the administrative and technical measures described above, great progress was made toward improving the quality of the Register of Electors. Now that measures have been established for this purpose, it would be highly desirable to institutionalize them after the election. For example, means should be found so that errors in the registry corrected for this round of elections do not recur in future registries, since information for the registry continues to be derived primarily from information contained in other official files.

2. Adjudication of Registration-Related Grievances

Under the Law on the Register of Electors, the Supreme Court is the exclusive judicial authority for pre-election appeals concerning voter registration. In anticipation of its role in adjudicating such appeals, the Court organized itself to handle them efficiently through a special panel of five judges headed by the president of the administrative division. Based on past experience, the Supreme Court expected 10,000 or more appeals concentrated at the end of the registration period. During last year's presidential elections, the Court was confronted by some 14,000 individual cases. In fact, by the time the voter registry was finalized, the Court had decided 36,755 appeals concerning a total of 50,921 entries in the register. Of the total number of appeals, 32,618 were brought in a coordinated action by the Liberal Alliance, which submitted separate appeals to strike each entry then in the register without personal or national ID number.

⁵ The Law was silent on how to handle incomplete entries which existed within the register.

The Supreme Court allows political parties, as well as affected individuals, to make complaints to the authorities concerning voter registration and to pursue related appeals before it. In addition, the Court is prepared to hear such appeals regardless of whether complaints were filed prior to the closure of the voter registry or afterwards. Appeals to the Court in these two instances are governed by two separate articles of the Law on the Register of Electors, Articles 9 and 11. Perhaps the Court should have attempted to distinguish between them, and permit a broader scope of review, including the consideration of factual matters in cases submitted prior to the closing of the registry. But, as a practical matter, it would still have been difficult for the Court to examine such evidence in the amount of time available. The Court takes a very restrictive approach concerning what evidence is required in order to prove on appeal that an entry in the register should be corrected. The Court reads the phrase "*ex officio*" in the statute to limit acceptable evidence to that which is contained in official files.⁶ Under this doctrine, parties and even individuals wishing to appeal an entry in the register are highly unlikely to prevail in court, regardless of the merits of their claim, unless they first secure the cooperation of municipal authorities.⁷

In the past, the Supreme Court applied a similar approach to voter registration appeals. Last year, the Court speedily rejected the thousands of appeals filed primarily by the losing faction led by then-president Momir Bulatovic. This time, however, the Court did accept an early appeal filed by the successor to the same faction of the former ruling party. While the Court refused to order correction of the record based on non-official evidence submitted by the party, it did instruct municipal authorities to address such issues as part of their normal responsibilities. The response of the municipalities, however, was inconsistent. Both the ruling DPS and the opposition SNP separately alleged that the defects in the registry were due to malfeasance by officials at the republican and/or municipal levels, who were thought to be under the influence of the other party.

The evidentiary approach followed by the Supreme Court caused it to reject the great majority of requests for deletions from the registry. All the appeals submitted by the Liberal Alliance, concerning the over 30,000 entries without personal or national ID numbers, were denied. In addition, only 2,326 of 14,729 other requests for individual deletions were accepted.⁸ The Court accepted a much higher ratio of appeals that involved additions to the registry or modifications of items already there. Of 1,258 requests for addition, 1,201 were accepted; of 2,336 requests for modifications 2,217 were accepted. Presumably, these cases largely resulted from inspection of the registry by individuals. After finalization of the Register of Electors on 11 May, and as the judicially determined deadline for making changes (26 May) approached, the primary issue about the registry concerned the large number of entries without any

⁶ Despite applying this general doctrine, the Court sometimes accepts written evidence from other sources, such as death notices from newspapers, or attested statements by family members.

⁷ The explanation is as follows: *Ex hypothesi*, a person who appeals an unfavorable determination by a government body concerning registration must either challenge the internal consistency of the register, i.e. With respect to duplicate registration or the like, or external factual matters, eg. whether a voter has moved, died, or otherwise been rendered ineligible to vote, which may not be accurately reflected in official records. In the former case, the appellant cannot prevail since it is impossible to prove a negative; even in the case of a completely false entry, it would be impossible to find a record that shows that such an entry should not be included. In the latter case there is unlikely to be an issue since the presence of official records on such factual matters should presumably already have caused the administering agency to take action to correct the relevant entry in the register.

⁸ With respect to requests for deletions, the Supreme Court has taken the position that they cannot be accepted without official evidence, of a conclusive nature, that the entry in question does not represent a real voter. This approach, while commendable in terms of respecting voter rights would have been difficult to justify if it were already known that such individuals were not going to be permitted to vote anyway. While it appeared likely in the weeks leading into the elections that persons without personal or national ID numbers would in all probability not be allowed to obtain ballots, that decision was not formally made by the REC until 29 May after the voter registry was already finalized.

personal or national ID number. Some of the opposition parties threatened to boycott the election, the SNP going so far as to suggest it would make disturbances at the polls, if persons corresponding to those entries were permitted to vote.

The Government, acting through the Secretariat of Development, attempted to see if it would be possible to remove the names without numbers from the registry, which at that time would require a Supreme Court action. Since no decision had yet been made to exclude these potential voters from obtaining ballots, however, the Court felt that its doctrines prevented it from approving such a step. Because the Court did approve the removal of numerous duplicate entries by municipal authorities, it now appears that some real voters were inadvertently removed from the registry as a result. Finally, on 29 May, the REC – with the enthusiastic approval of all political party representatives present – determined to exclude from voting all persons who did not have a personal or national ID number included in the voter registry. As a result, an undetermined number of eligible persons were not permitted to exercise their right to vote. It is not known how many such cases occurred on election day, however, since records were not always kept by polling boards on this issues. Observers generally reported being told at individual polling stations that anywhere between a small number, ie. fewer than ten, and higher numbers, ie. in the range of 20, persons had been turned away from the polls for this reason. According to its final report, the OSCE indicated that 51.6% of its observers did note electors being refused the right to vote, more than half for reasons of missing personal or national ID number or other information within their entry in the extract of the Register of Electors.⁹

B. ISSUES FOR CONSIDERATION¹⁰

- The voter registration database and the Register of Electors should be compiled from individual claims and not by “*ex officio*” means and should be maintained exclusively for elections.
- The voter registration database should include only information required to identify electors for election purposes.
- The voter registration database should be easily accessible, but must also protect the privacy of the elector’s information.
- The voter registration database should be updated on an on-going basis. The database needs to be generally available for inspection and the lodging of claims, and should be updated through regular database cleansing exercises. Individuals should be able to inspect their entries in the registry, as well as the registration data of their immediate family and persons residing on their property. Political parties should also be able to obtain updated voter registration information outside the immediate election period.

⁹ See, OSCE “Republic of Montenegro, Parliamentary Elections, 31 May 1998,” pg. 16.

¹⁰ For a more detailed guidelines on improving Montenegro’s Register of Electors and the components of a good voter’s list, please refer to Attachment II of this assessment.

- Some thought should be given to instructing municipal authorities to inform citizens of their ability to check and, if necessary, correct their voter registration, whenever they come into municipal offices for other reasons.
- The Law on the Register of Electors needs to include a provision for registration and voting by electors temporarily abroad.
- The Law on the Register of Electors should include a provision for permanent residency as a condition for registration.
- The Law on the Register of Electors also needs to be modified to grant specific regulatory authority to a republican government body to supervise the preparation of the voter registry, issue instructions to municipal authorities, and undertake other central operations, such as prescribing the format of data. Serious consideration should be given to bringing direct responsibility for maintenance of the voter registry within the jurisdiction of election commission structures in order to better insulate it from other state functions.
- The Law may also be modified to permit individuals to submit complaints and, if necessary, file appeals between election periods with respect to their registration and that of immediate family members or persons residing in property owned by them. It might also instruct municipal authorities to submit to the Supreme Court appeals based on unresolved complaints received from voters between election periods, on a periodic basis, for adjudication.
- Consideration may also be given to instructing the REC to issue regulations which elaborate upon the circumstances under which a voter whose registration is defective may nevertheless be permitted to vote. Under such circumstances, "supplemental list" and "challenged ballot" procedures should be instituted to deal with voters who are permitted to vote in accordance with the previous recommendation.
- Polling board chairmen should also be directed to include in the official record of the work of the polling board every instance in which a person requesting a ballot is denied, and the precise circumstances under which this occurred.

V. SYSTEM OF REPRESENTATION

A. OVERVIEW

Under the multi-party program for democratization, elections to the Republican Assembly were to be based on the "establishment of a proportional voting system, with Montenegro constituting one electoral unit, modified so as to ensure adequate representation of the Albanian minority in Montenegro." Prior to 1996, Albanians had no representation at all in the Republican Assembly through ethnically-based political parties. In that year, however, Albanians achieved significant representation corresponding to their proportion of the total population. This is because the 1996 parliamentary elections were based on multiple districts, two of which had a high concentration of ethnic-Albanian residents. Originally, the parliamentary working group tasked with drafting the new Law on Election of Councilors and Representatives, proposed that a second small district be formed to include areas with a concentration of Albanian voters. When it appeared that the Republican Assembly would not support this approach, an ingenious alternative schema was adopted. The objective of the provisions on minority representation in the new Law was to provide an opportunity to the Albanian minority to achieve parliamentary representation approximately equivalent to their proportion within the population. With nearly 7% of the total population of Montenegro, ethnic Albanian parties could hope to obtain as many as five of the 78 seats in the Republican Assembly.

1. Legislative Framework

The provisions of the Law on Election of Councilors and Representations are found in the last Chapter (XIV) titled "Transitional and Final Provisions," and specifically in Article 118 thereof. The language of that article (in paragraph 1), which makes it clear that the current basis for parliamentary representation in the Republican Assembly applied only to the May 1998 elections, also outlines the system for special minority representation: "The next election of representatives to the Assembly of the Republic of Montenegro shall be conducted in the Republic as a single constituency in which five representatives, out of the total number of representations, shall be elected in polling stations determined by a special decision of the Republican Assembly." Thus, the system for ensuring minority representation is based on the collection of votes in specially designated polling stations. While both Albanian parties favored the creation of a second district, they appeared to be relatively satisfied with the alternate arrangement. For the 31 May elections, the Republican Assembly designated 59 such stations, including 31 in Ulcinj, the main municipality with a concentration of Albanian voters, and other sites in the municipalities of Bar, Rozaje, and Plav and in the communities of Malesija and Tuzi in the capitol of Podgorica.

Article 118 further stipulates that:

- Any party which has a confirmed candidate list may compete for votes in the specially-designated polling stations;
- To be awarded mandates in the Republican Assembly based on votes obtained from the specially-designated stations, a party must win at least 3% of the total number of votes cast at there. It

apparently does not have to achieve the similar percentage of votes republic-wide, which are otherwise required to achieve parliamentary representation.

- A party which is eligible to receive mandates based on votes obtained at the specially-designated polling stations may also apply voters there which it obtains elsewhere. This provision would permit an ethnically-based party to collect votes from its supporters, presumably mainly Albanian, who live outside of the special sub-districts, and apply votes toward winning the mandates that would be awarded on the basis of votes obtained in the specially-designated stations.¹¹
- A party which fails to win mandates based on votes at the specially-designated polling stations may transfer those votes elsewhere, ie. to its republic-wide total, provided that it is eligible to receive mandates based on the votes it has received elsewhere. This would enable a non-ethnically-based party to shift the votes it received in the specially-designated polling stations to the republic-wide contest, assuming it had votes left over after the award of mandates based on votes cast within the special sub-districts, or fails to win any mandates there.¹²

2. Results of the Minority Representation Scheme

In actuality, the minority representation scheme contained in the Law resulted in only two Republican Assembly mandates being won by ethnic-Albanian parties, one each by the Democratic League in Montenegro and the Democratic Union of Albanians. This is far short of the percentage of Albanians in the total population. However, two of the remaining mandates distributed according to this scheme went to candidates of Albanian ethnicity who were associated with the Democratic Party of Socialists (DPS) and ran on the candidate list of the coalition "To Live Better." Neither ethnic Albanian party would have achieved any representation in the Republican Assembly under the current proportional system without some method to provide for minority representation. The Democratic League obtained some 5,424 votes republic-wide, or 1.58% of the total number of votes cast. The Democratic Union received 3,529 voters, or 1.03%. Without the minority representation scheme, neither would have passed the republic-wide threshold for representation, which is set at 3% of all votes cast.

In view of the relatively poor showing of the ethnic Albanian parties, it was not necessary to implement in detail the provisions of Article 118 that related to vote transfers between the special sub-districts and republic-wide elections. The two parties were able to win only a single seat each using all the votes they had obtained in the special polling stations and all other polling sites throughout the republic. Most of the votes cast for other parties in the specially-designated polling sites went to the ruling coalition "To Live Better – Milo Djukanovic" which is led by the Democratic Party of Socialists. The DPS coalition won two of the remaining mandates (as noted above) outright, so that it did not matter whether those votes

¹¹ The last clause of 118(4) appears to prevent a party from doing so if it wins seats based on voting at other polling stations. Thus a party could transfer votes to the total it received at the specially-designated polling stations only if it failed to win outright seats elsewhere or failed to pass the republic-wide threshold of representation.

¹² The last clause of Article 118(5) also appears to require that to do so, a party would first have to gain parliamentary representation outside the special sub-districts, viz. by winning seats based on votes cast elsewhere, and also obtaining the 3% of voters republic-wide that is the threshold for parliamentary representation.

were considered as applying within the specially-designated polling sites or republic-wide. It transferred the necessary number of votes from elsewhere in order to win a third mandate in the special sub-district.

In the context of the recent election, representatives of the ethnic Albanian parties expressed a number of concerns. First, the Albanian parties have claimed that the ruling DPS party and government officials under its control made aggressive efforts to secure votes in Albanian areas. It was well known, and entirely understandable, that the DPS hoped to lure voters from other parties, including those which could potentially enter into partnership with it after the election. But, Albanian politicians complained that DPS activists toured Albanian areas offering benefits, such as employment and improvement of the local infrastructure, if Albanian voters in those areas would support the coalition in the elections. If in fact the votes of ethnic Albanians in Montenegro were obtained through unjustified and unwarranted promises of government benefits and not merely through a more general effort by the government to improve its image with voters during the campaign, that should be regarded as inappropriate and impermissible.

Claims were also made that the mobile voting process was abused in a number of the specially-designated polling sites in Tuzi by polling board members loyal to the DPS. In particular, it was suggested that ballots were cast on behalf of persons not currently in Montenegro, and that it was on the basis of this allegedly fraudulent voting that the DPS was able to win the third seat through voting at specially-designated polling sites. No complaints were filed with polling boards at these sites, however, nor have exhaustive efforts by IFES turned up any tangible evidence or statistical data in support of these allegations. Finally, the Albanian parties had also hoped to secure a method of enhancing their voting power at the municipal level, perhaps through extending the same minority representation scheme to the election of councilors. They did not achieve this objective, however, and as a result believe that the influence of their constituency at the municipal level is not adequately reflected.

At the same time, it appears that a large number of Albanian voters opted not to vote on the basis of ethnicity, ie. they genuinely decided to vote for the DPS-led coalition. This may have been a rational calculation by these voters that their interests lay in supporting the coalition, which has a reformist economic and political orientation and is considerably more sympathetic to minority concerns than the primary opposition. And, in the tense atmosphere surrounding the election, Albanian voters probably concluded that the DPS-led coalition was in the best position to protect their interests and safeguard their security against attacks by federal authorities and by unsympathetic opposition parties in Montenegro.

B. ISSUES FOR CONSIDERATION

- The introduction of a mixed system of representation, whereby a portion of the Republican Assembly is elected according to proportional representation on the basis of candidate lists and the remaining seats are selected through a majoritarian system in which individual candidates compete for mandates in regional constituencies, would have a variety of benefits. Among them are: reinforcement of the multi-party system in Montenegro; improved representation of minorities and regional interests; and the establishment of some direct relationship between constituents and their national legislators. The introduction of a mixed system would preclude the need for special voting arrangements.

- Consideration should also be given to re-instating the municipality status of Tuzi, so that its Albanian population can better achieve local political representation.
- From the standpoint of public administration, it may also be advisable to provide for greater representation of ethnic Albanians within the state bureaucracy at the republican and municipal levels, police forces, and the court system, particularly in those communities with a high concentration of Albanians.

VI. NOMINATION PROCESS/QUALIFICATION OF CANDIDATE LISTS

A. OVERVIEW

The Law on Election of Councilors and Representatives establishes the system for nomination of candidates to legislative office by political parties, coalitions, and citizen's groups. This system, which requires nominating entities to collect a substantial number of signatures in support of their candidate list is a departure from the previous law. This number is set at one percent of the total number of registered voters in the jurisdiction at the time of the last election and is at the low end of the prevailing international scale. Unlike many other electoral systems which tie the number of signatures required to forward a candidate slate to the type of nominating entity, Montenegro's does not apply a variable requirement. As such, political parties must collect the same number of signatures as coalitions of parties and as citizen's groups. The only exception to this rule is applied to ethnic Albanian parties which need only 1,000 signatures to forward a candidate list in the national constituency and 200 signatures in municipal constituencies.

1. Criteria for Review of Nomination Applications

The provisions of the law which pertain to the scrutiny and evaluation of signature petitions by competent election authorities are, unfortunately, rather sketchy. At the time of its first mission to Montenegro in the fall of 1997, an IFES team recommended that more specific and effective procedures and standards be applied to the signature collection and petition review process. At that time, it forwarded a proposal for the application of a double threshold requirement, which would establish the required number of valid signatures and an acceptable level of errors. The advantage of this proposal is that it would focus, from an administrative point of view, on whether or not a sufficient number of valid signatures have been submitted and a good faith effort has been undertaken by the nominating entity to collect them. Ultimately, a double threshold was not applied, and virtually no guidance was provided within the law on how, and to what extent, competent election commissions were to review nomination applications, including signature petitions. For example, Article 48 speaks only in terms of the relevant election commission finding "faults" in a petition.

2. Timetable for Submission of Nomination Applications

Moreover, the timeframe in which the candidate slate must be certified or rejected relative to the submission of the nomination application allows for little more than the most superficial review by the competent election authority. In accordance with Article 46 of the Law on Election of Councilors and Representatives, nomination applications can be submitted as late as 20 days prior to the election. And, under Article 47, the commission has only 48 hours to make its initial determination concerning the sufficiency of the signature petition. While this is twice as long as originally proposed, it is still insufficient to allow for a thorough evaluation of and reliable determination on the sufficiency and validity of signature petitions. Election officials confirm that they had neither the time nor the resources to closely scrutinize nomination applications, which may be evidenced by the fact that all 17 political parties and coalitions that submitted nomination applications for participation in elections to the Republican Assembly had their candidate slates certified by the REC. Given that this was more than twice the number

of expected contestants, and that 10 of 17 attained nowhere near as many votes as required signatures, it is a distinct possibility that some fraudulent lists successfully passed through the review process.

3. Control of the Signature Collection Process

There also exists a substantial lack of control with respect to the signature collection process. First and foremost, the eligibility and identity of persons charged with collecting signatures is not included in the petition. There currently exist no prohibitions on where and how signatures are collected. For example, signature collectors are not restricted from approaching voters in places of employment, government offices, or centers for the distribution of salaries and benefits. They are also not explicitly prevented from offering voters financial or material incentives in exchange for their signature, or threatening the loss of some privilege or benefit as a result of the failure to sign a petition.

4. Assignment of Mandates by Political Parties

One peculiar practice with respect to the development of candidate slates and, presuming a positive electoral performance, the assignment of mandates, also deserves mention. Montenegrin election law gives political parties the right to assign 50% of the mandates they have won at their own discretion from among names on their candidate list, regardless of ordinal ranking. This post-election exercise of power by nominating entities is not particularly democratic or transparent, and one may question whether or not this legal allowance is in full accordance with the voting rights of the Montenegrin people as indicated in Article 32 of the Constitution. Particular attention should be paid to clause (4) which states that "elections shall be free and *direct* . . ." (emphasis added). The Organization for Security and Cooperation in Europe, in its preliminary statement, noted that this practice is "contrary to commonly accepted standards."¹³

B. ISSUES FOR CONSIDERATION

- The law should clearly define procedures by which nomination applications, including signature petitions, will be evaluated, and dictate the specific grounds on which they may be rejected. Without specific legal guidelines, administrative steps in the review of petitions will remain potentially subjective. As a means of facilitating the development of these criteria, it may also be useful to consistently refer to *valid* and *invalid* entries (just as the law refers to valid and invalid ballots).
- Some thought should also be given to establishing a double threshold requirement. For instance, it could be determined that signature petitions must contain valid signatures equivalent to a percentage of the total number of voters in the constituency (currently set at 1%) *and* that errors or invalid signatures in excess of a legally established threshold will cause the petition to be declared null and void.
- Consideration may be given to establishing a variable signature requirement for citizens' groups, political parties, and coalitions of political parties, the lowest of which should not be less than 1% of the total number of eligible voters as of the last election.

¹³ See, OSCE, Election Observation Mission, Republic of Montenegro May 1998, Preliminary Statement issued on 1 July 1998, p. 3.

- To improve the scrutiny and evaluation of nomination applications and certification of candidate lists, the period of time prior to an election during which a nomination application may be submitted to the competent election authority should be lengthened, ie. the submission deadline should be moved to an earlier date prior to the election. Concurrently, the amount of time provided for review by the competent election authority must be increased.
- At the same time, the necessary human resources and technical means will need to be made available to election commissions to ensure a thorough review of all nomination applications, including signature petitions.
- The law should include prohibitions on places where signatures in support of candidate lists can be collected. Places of employment, government offices, and distribution centers for salaries or benefits should be restricted to protect against undue influence or outright coercion of voters.
- Similarly, providing financial or material incentives in return for signatures should be strictly prohibited.
- Provisions might also be built into the law which would require that each page of the signature petition include an attestation identifying the person who collected the signatures, stating that all signatures were personally collected by him/her and that he/she also confirmed the information put down by each elector. Signature collectors should also be held responsible for forging or knowingly submitting a fraudulent signature petition.
- Required documents to be included as part of a nomination application may be expanded to include a certified copy of the minutes of the meeting or convention at which the party officially adopted its candidate list and a copy of the statutes, ie. by-laws, of the party that govern such actions.
- To better facilitate the review of signature petitions and to encourage the accuracy of their entries, it may be advisable to stipulate that the number of signatures not exceed a certain percentage of total valid signatures required.
- The practice of allowing political parties and other nominating entities to assign half of the mandates awarded to candidates on their list, regardless of their ordinal ranking on the list, should be disallowed.
- Responsible election commissions should be authorized to undertake an investigation if there is reason to believe that fraud was committed in connection with the collection of signatures in support of a candidate list, and reject or annul the certification of such a list if it finds that there was deliberate and substantial fraud.
- Nominating entities may be permitted to re-assign a mandate which they have won in an election if the candidate who was awarded that mandate can no longer exercise his/her duties due to poor health, or if the mandate was withdrawn by the relevant legislative or election authority due to actions by the

individual candidate that are incompatible with the performance of his/her duties as a parliamentarian, with the exception of election fraud.

VII. CAMPAIGN FINANCE

A. OVERVIEW

The system of political financing and control in Montenegro is established under the Law on Financing of Political Parties. A few provisions of the Law on Election of Councilors and Representatives (articles 113-114 thereof) also relate to financial and other support to candidates and nominating entities. The former envisions two methods for financing of political parties. The first is through state subsidies, which are distributed in three tranches: prior to the election campaign to those parties represented in the relevant assembly and intending to participate in the elections, during the election campaign to those parties which have certified candidate lists, and after the election to those parties that have achieved representation. At the time of the recent elections, each tranche equaled 750,000 dinars. The first was to be divided among the seven political parties represented in parliament, all of which were contending in the elections, and the second to the 17 nominating entities certified by the REC. The Law also addresses private contributions. Both sources of funding are discussed in greater detail below.

1. Public Funding

With respect to state funding, subsidies to established political parties could have the benefit of consolidating the multi-party system in Montenegro and of stabilizing the overall political environment. It may, nevertheless, be undesirable to fund parties outside the election campaign period. The assurance of such funding could deter established parties from concentrating on and increasing their grassroots support, subsequently leading to public apathy or resentment. Such a system also works to the relative disadvantage of new political parties and citizens' groups, both of which are entitled to forward candidates for elections and to make a contribution to the political life of the country.

At the same time, the two leading political parties in Montenegro, the DPS and the SNP, have, for various reasons, enormous financial advantages over other parties, thereby tilting the political playing field. Other parties may, for the time being, need state support in order to be competitive during election cycles and to maintain their organizational structures in the interim. And, given the damage to Montenegro's formal economy as a result of economic sanctions and Yugoslavia's continued international isolation, it may be difficult to raise funds from legitimate sources, either individual or commercial, at this time. If political parties were stripped of their state subsidies and were unable to solicit legal contributions, one can assume that it would be very difficult for them to survive using legal and proper means.

With respect to state subsidies received during the campaign period, it appears that these funds had relatively limited value and probably led to many negative side effects. First and foremost, discussions with political parties suggest that not all received their state subsidies. Given the absence of required reporting and public disclosure, it is difficult to reliably ascertain which political parties received what sum of money. To the extent that any failure to provide state subsidies tended to affect opposition political parties or those otherwise unaffiliated with the coalition "To Live Better – Milo Djukanovic" is of particular concern. The democratically-oriented opposition party, Liberal Alliance, had not received neither the first nor the second tranche of money as of the writing of this report, and did not appear to be on the verge of receiving these funds, despite repeated inquiries addressed to the Ministry of Finance.

Ethnic Albanian parties, as well as the People's Party and Social Democratic Party, did receive the first tranche of money but not until the last week of May, and were still awaiting campaign period funds as of early August. In these cases, however, the former appeared more keenly affected by the delay than their coalition counterparts.

Although subsidized funding may not have fully materialized during the election campaign, the promise of such funds may have contributed to a situation whereby a number of minor, largely unrepresentative political parties submitted candidate lists in order to obtain state financing and related benefits, particularly free air-time, during the campaign period. Certification of candidate lists enabled smaller parties to get their message out in a manner that would not normally be available to them. There is some speculation that such incentives may have been so great, in fact, that some smaller parties submitted fraudulent signature petitions in order to obtain them.¹⁴ Ultimately, 17 parties, nearly twice as many as expected, participated in the election. Of those, 10 received significantly fewer votes than signatures required (one-percent of eligible voters in the national constituency as of the last elections) for certification of their candidate lists. Some concern was also expressed that an inordinately high number of political parties participating in the election would deplete the overall amount of money available for state-subsidized campaign financing. Even if one were to envision a scenario with a smaller number of contestants, the amount of subsidized financing that political parties could have expected to receive from the State for campaign purposes was relatively small. As such, it could not realistically support campaign activities, particularly if they involved radio or television advertising.

2. Private Funding

Private funds available to a political party may, under Article 8 of the Law On Financing of Political Parties, be used both for campaigning and for other pre-election activities. Paragraph 2 specifies that only after a nominating entity has successfully met ballot access requirements and has had its candidate list certified, can it collect private contributions. The manner of collection is stipulated under paragraph (3) of that article. The article does not, however, expressly state that contributions may not be solicited or accepted in other locales such as places of business, employment, or disbursement of state benefits. Paragraph (4) does state that "contributions to individual candidates or to candidate lists can be made by individual citizens," but it does not place any restrictions on other legal entities, in particular businesses. It also fails to address both in-kind contributions and the practice of "bundling" separate, ostensibly legal contributions from individuals at the initiative of another individual or legal entity.

It would appear that there should be some limitations on contributions from any one source and on the permissibility of certain sources. While the Law establishes a ceiling on total expenditures by a party, it might also be advisable to reduce the dependency of parties on large contributions by a single or small group of private contributors. It should be noted that while public disclosure on large, single source or small group contributions might well affect the image of the party, that prospect alone is probably not sufficient to deter it from accepting such donations during the heat of the election campaign.

¹⁴ One theory suggests that such groups may have been inadvertently aided in their efforts to develop fraudulent signature petitions, by the official web-site created by the Secretariat of Development for the purposes of checking voter registration data.

It is also noteworthy that the Law on Financing of Political Parties does not contain any prohibition on political contributions from foreign or external sources, in this case outside Montenegro but within the FRY. Such provisions are extremely common in most other national jurisdictions. Again, the effect of sanctions against Yugoslavia and its formal isolation may have exacerbated political party dependence on outside monetary support given the limited opportunities to raise funds at home, including the ability of the state to provide legally mandated subsidies. It is also entirely plausible that certain political parties sought the support of like-minded entities or benefactors abroad to neutralize the impact of allegedly large cash flows from neighboring Serbia in support of pro-Milosevic political parties and organizations in Montenegro. Although not illegal under current legislation, such practices tended to evoke strong reactions from competing parties, in particular allegations of inappropriate and unfair campaign finance activities, and led to further polarization in an already tense political environment.

3. Limitations on Campaign Spending

Article 9(2) of the Law on Financing of Political Parties establishes an overall ceiling on the total campaign expenses of a political party, which is equal to 250 net average salaries paid for the previous month in the Republic of Montenegro, as officially published. Aside from the difficulty in determining that figure¹⁵ and applying it during the campaign period, the expenses in question are only those of the types specified in paragraph (1) of that article, which include various kinds of political advertising, but do not include operating and other general expenses. That is to say, the ceiling established for the expenditure of funds by a party applies to only a portion of its expenses during an election campaign. There is no direct limitation on the amount of money a party can receive, either during the campaign or at any other time. At the same time, the limit on campaign spending on political advertising is unrealistically low, and therefore encourages non-compliance, in the current market place. Longtime activists and observers suggest that campaign activities could not be carried out within the existing ceiling, particularly if they involved radio or television advertising. The going rate for television advertisements was YUD 80 – 400 (approximately USD 8 – 40) per second at the time of the election campaign.

4. Control, Reporting, and Oversight

To the extent to which reporting and oversight requirements exist within the Law, they are not specific about the extent of disclosure on sources, amounts, and purposes of funding and how this disclosure is to be carried out. The main method of control established with respect to compliance with limitations on campaign expenditures is, according to the Law, to be determined by agreement of the political parties in Parliament. According to Article 10, parties which have representatives in the Assembly shall enter, within 15 days of the date of calling of elections, into a special agreement ensuring compliance with the limits set for campaign expenses. It further specifies that this agreement shall establish the manner of controlling funds spent for the election campaign, and the results of this control shall be published in the news media. Given that the parliamentary parties failed to enter into such an agreement for the

¹⁵ Repeated inquiries by IFES to various responsible persons within the Ministry of Finance, for example, proved futile in determining this amount and discussions with political parties revealed differing impressions of the applicable figure. The Republican Election Commission was not in a position to provide any information on this subject as, under new legislation, it was excluded from playing any role in campaign financing, beyond determining those nominating entities qualified to receive state subsidies.

parliamentary and municipal elections, just as they failed to do during the previous presidential elections, it is clear that the parties cannot be relied upon to police their own fundraising and spending activities.

The issue must also be raised as to whether or not bestowing such important authority on a group of non-governmental entities, namely political parties, is an unconstitutional delegation of legislative and regulatory, ie. quasi-executive, power under the Separation of Powers and other constitutional doctrines. While it would be desirable to bring the parties together to discuss the modalities of regulating campaign expenditures, that would be better done on a universal basis, ie. including all parties which have successfully put forward candidates for election. It would also be preferable for such an inter-party agreement to be made on the basis of regulations and procedures developed by competent government bodies.

Not only does the Law on Financing of Political Parties fail to establish precise record-keeping rules, but it also does not provide for standard, regular, and periodic disclosure of party fundraising or a comprehensive post-election report on contributions and expenditures. Beyond the virtual absence of reporting and disclosure requirements, the Law fails to specifically identify the institution responsible for campaign finance regulation, thereby increasing the likelihood of non-compliance and contributing to the non-transparent nature of Montenegro's campaign finance system.¹⁶ The removal of the Republican Election Commission from the administration of public financing of campaigns and the implementation and enforcement of a campaign finance regulatory system was ill-advised if not politically motivated.¹⁷ The limited access to and transparency of the Ministry of Finance, not to mention its questionable efficiency and responsiveness given a broader institutional mandate, made it extremely difficult for parties and observers to precisely and reliably identify the amount of money available to subsidize the campaign activities of qualifying political parties, the division of available funds among those parties, or the timing of transfer of funds. Beyond the questionable role of the Ministry of Finance in administering and enforcing the Law on Financing of Political Parties, it was clearly not equipped to redress the pertinent grievances and to provide administrative remedies.

B. ISSUES FOR CONSIDERATION

- Throughout the process of improving Montenegro's campaign finance regulatory system, primary emphasis should be placed on encouraging compliance and public disclosure as well as limiting excesses, rather than discouraging political activity.
- Responsibility for the administration of public financing of campaign activities of political parties and for the implementation and enforcement of the campaign finance regulatory system should be returned to the REC and the MECs and clearly established both within the Law on Election of Councilors and Representatives and in the Law on Financing of Political Parties.

¹⁶ Specifically, the Article 11 of the law requires parties to "keep records of the revenues and expenditures" and stipulates that they are "subject to control." It does not however, require pro-active and periodic reporting, according to a standard format or timetable, nor does it identify the competent authority or grant it rule-making authority.

¹⁷ Under previous legislation, the REC was responsible for administering state subsidies for campaign purposes and the overall campaign finance regulatory system. Under current legislation, the Ministry of Finance is directly tasked with the execution of existing legal provisions on campaign financing.

- A timetable for the transfer of state subsidies, in three tranches, to qualifying political parties and nominating entities, should be established in law.
- In accordance with this responsibility, the REC and MECs will, within their jurisdictions, promulgate regulations on campaign financing, develop standardized reporting forms, and provide for periodic public disclosure - according to a pre-established schedule - during the campaign and after the election.
- In addition to proactive public disclosure, the REC and MECs will also be advised to make arrangements for public access to and inspection of campaign finance reports and, if possible, provide for duplication of those reports for a reasonable fee, not to exceed the customary copying rate.
- If a fully proportional system is to be retained, it may be advisable to identify political parties or nominating entities as the sole recipients of campaign contributions. The ability of individual candidates to also receive contributions under a proportional system makes control more difficult. If Montenegro moves to a mixed system, whereby political parties would compete on the basis of candidate lists and through individual candidates forwarded in regional constituencies, contributions directly to the latter would be appropriate. Nonetheless, if provisions allowing for contributions to either political parties and individual candidates under the current system are to be retained, mechanisms for reporting and disclosing each type of funding and expenditure will need to be developed.
- In the interests of compliance and enforcement, language should be incorporated into the appropriate laws and regulations which provides for the establishment of special bank accounts through which political party financial operations, as well as those of individual candidates, must be conducted.
- The responsibility of political parties to periodically – according to a pre-established schedule – provide campaign finance reports to the REC or responsible MEC should be established in the law. It may also be advisable to require concurrent reporting by the responsible financial institution on the activities of the special bank accounts as a means of checking data included in the financial reports submitted by political parties.
- Upon the certification of their candidate lists, nominating entities might be required to name a treasurer who will be responsible for signing all financial documents and reports, serve as the primary point of contact for all the financial matters of the political party, and be held liable for failure to submit campaign finance reports in accordance with required norms and deadlines and for the provision of falsified reports.
- If some entity other than the REC is to be responsible for the administration of state subsidies in support of political party activities outside of the election campaign, ie. the third tranche of state funding, it should be clearly identified in law and tasked with promulgating regulations, developing standardized reporting forms, and providing for periodic public disclosure between electoral events.

- The mechanism for control of the campaign finance regulatory system by means of an agreement of parliamentary parties should be struck from the law.
- The law needs to provide greater detail and clarity with respect to allowances, limitations, and prohibitions. In particular, the issues of foreign and external funding; large, sole-source or small group funding; the right of legal entities, including businesses, to contribute to campaigns; bundling of contributions; and in-kind contributions, require further consideration and elaboration. Limitations on the amount of money an individual or legal entity may contribute to a given campaign should be established in law.
- Similarly, the law should identify locales where it may be inappropriate to solicit funds, such as places of employment, distribution of benefits, and government offices, where – at the very least – the perception may arise that financial support is expected in return for job security, continued benefits, or other incentives.
- The experience of recent campaigns and elections also suggests that limitations on the use of public office and resources for overtly political purposes, to be understood as a phenomenon distinct from the natural benefits of incumbency, need to be elaborated upon within the law and *strictly* enforced.
- All printed and electronic campaign materials should include a notice naming the individuals or legal entities which paid for the advertisement and provide information on the bank account from which the funds were paid.

VIII. MASS MEDIA AND THE ELECTION CAMPAIGN

A. OVERVIEW

The Law on Public Information is intended to provide a comprehensive legislative framework for the establishment, licensing, operation, and supervision of a variety of public media in Montenegro. It applies both to state-owned and to private media companies. Of particular interest with respect to campaigns and elections: Article 24 stipulates that the editorial policy of a public information medium must not be directed at the forceful destruction of the constitutional system, violation of the territorial integrity of either the Republic of Montenegro or the Federal Republic of Yugoslavia, to the infringement of the statutory human and citizens rights and freedoms, or rousing national, racial, or religious intolerance or hatred. Article 25 requires state media outlets to provide informational programming in minority languages. The law also provides for fairness and accountability in news coverage, and deals with the objectivity and fairness in reporting on parliamentary proceedings and the activities of political parties.

Specifically, Article 32 states in its entirety: "A public information medium founded by the Republic or by a local authority is obliged to report impartially on viewpoints and activities of parliamentary parties within its program activities, in conformity with the rules set forth by its editorial board, and to provide direct coverage of the sessions of the Republican and municipal assemblies in compliance with their respective decisions . . . Fulfillment of political parties' rights in public media during the pre-election campaign shall be defined by means of separate regulations that are prescribed and adopted by the competent assembly. Its enactment shall be controlled by editorial boards of public media . . . The editorial policy of public media referred to in paragraph (1) herein shall observe the standards of honest and impartial policy."

In addition to the provisions of this law, Chapter VII of the Law on Election of Councilors and Representatives also contains several provisions, in particular articles 51-59, regarding the coverage of the election campaign by both state and private media outlets. With respect to state media, these provisions require broadcasting of equal informational segments regarding the various parties in the format prescribed by the State. For their part, private media are also required to report fairly and objectively on the programs and activities of different parties. In addition, Article 57 (2) calls for the media and political parties to consult after the various electoral lists have been registered, in order to develop more detailed rules on fair coverage. A similar approach proved unworkable during last year's presidential election (see OSCE 1997, pp. 20-21). For the May election, in accordance with the Law on Public Information, the Republican Assembly adopted a detailed, although somewhat convoluted, resolution on this subject. This resolution details the rights and responsibilities of nominating entities and state media outlets during the course of the election campaign as well as establishing the parameters for public statements, press conferences, the announcement and coverage of election rallies, special programming, the presentation of party platforms, and advertising.

1. Media Coverage

The consensus of the political parties, as voiced to IFES, appeared to be that the government-sponsored official programming, *Izbori 98*, carried by state radio, television, and print media, generally afforded fair

and equitable access to participants in the campaign process. The main problem was that the large number of registered parties (17) meant that the time or space allotted to each one was necessarily very limited. The need to publish the views of so many political parties also required the state media to devote a considerable segment of their programming to this endeavor, particularly in the later stages of the campaign. This led to a situation whereby many consumers felt that they had been overexposed to these programs. In addition to the high level of saturation, particularly with respect to television, the style of presentation was formal and tedious. As a result, such programming largely failed to attract and retain the attention of voters, thus ultimately limiting its informational and educational value.

This level of objectivity was, however, said to be lacking with respect to reporting on campaign and other political developments by press organizations. In its preliminary statement of findings, issued on 1 June 1998, the OSCE concluded that, "In state television, programs outside of *Izbori '98*, such as the news, have been clearly in favor of the ruling party, and state affairs are reported on in a neutral or positive way without any critical comments." The OSCE also found that the greatest share of air time on the state television news program went to the government and ruling party and was overwhelmingly positive, while coverage of the main opposition party was considerably less, and was substantially negative in tone. It also noted that a similar editorial policy prevailed within the print media, both state and independent. Opposition parties complained regularly that they were being unfairly portrayed by both the public and private media. At the same time, however, the Government and the DPS counter-argued, not without justification, that state radio and television programming broadcast into parts of Montenegro by the Republic of Serbia were even more unbalanced in their coverage of the Montenegrin political situation and the election campaign. Serbian violations of Montenegro's Law on Public Information were not limited to television broadcasts, but also include print media, a number of which violated both restrictions on the publication of polling data¹⁸ in the immediate pre-election day period and the 48 hour black-out on campaign activities.

2. Control of the Mass Media

As noted elsewhere in this report, many of the problems surfacing during recent elections resulted from poorly developed enforcement mechanisms. With respect to the media, Chapter VI of the Law on Public Information stipulates that a Council for the Protection of Public Information Freedom is to be established and charged with monitoring the activities of the press, broadcasting media, movie production, and news services, and with making proposals on measures to be taken to ensure freedom of public information and the fulfillment of public interest. Proposals forwarded by the Council are to be considered and adjudicated by the parliament and competent state or local authorities.

The Council is authorized to consider and adjudicate:

- (1) Objections made by citizens and legal entities to any information publicized by a public information media;
- (2) Objections made by journalists and publishers pertaining to actions of either state or local authorities which restrict the freedom of public information;

¹⁸ In at least one instance, it would also appear that Radio Television Montenegro also violated the legal provision barring the release of polling data within 5 days of the election.

- (3) Objections made by journalists with respect to any action by state or local authorities acting as the source of information; and,
- (4) Objections made by journalists, editors and professional associations regarding actions of the founder or publisher/broadcaster of a public information media with respect to the freedom of expression;

As a result, it is likely that it could receive complaints pertaining to the public media's coverage of the election campaign or treatment of participants in the campaign. For example, an editor-in-chief of a public information medium is liable if the outlet fails to publicize the viewpoints and activities of political parties in accordance with Article 32 of the Law on Public Information. As of the time of elections, more than 4 months after the adoption of new legislation on public information, the Council had yet to be formed. Given that the Constitutional Court does not consider questions about the broader election campaign to be within its jurisdiction, it is not clear where an aggrieved party could go to file a formal complaint.

B. ISSUES FOR CONSIDERATION

- In order to comply with the Law on Public Information¹⁹, the Republican Assembly must act immediately to ensure the formation of the Council for the Protection of Public Information Freedom. The charter and operations of the Council should be strengthened. In particular, it should specifically be responsible for adjudicating disputes with respect to the coverage provided by state media outlets of the Government and political parties during an election campaign, and it should be presenting regular reports on its findings to the Republican Assembly.
- The Law on Public Information also needs to specify which government agency has enforcement power with respect to fair coverage regulations, as specified in the Law, or practices which are discovered by the Council.
- The Montenegrin delegation to the upper house of the Federal Assembly is encouraged to propose legislation requiring each of Yugoslavia's constituent republics to refrain from unfair political coverage in their state media, which often violated the Montenegrin Law on Public Information during the May elections, specifically concerning elections being conducted in the other republic. In order to ensure that the law is respected and that there is a forum for disputes to be aired and settled, a similar review panel, with equitable membership from each republic, would need to be formed at the federal level.
- It may also be necessary to better recognize and distinguish between the technical capabilities of various media with respect to the drafting of future regulations governing state-subsidized media. For example, more comprehensive coverage might be required by the print media, while allowing the broadcast media to highlight campaign statements and events.

¹⁹ IFES does not necessarily endorse every aspect of this law, but a thorough analysis of its provisions is beyond the scope of this report.

IX. ADJUDICATION OF GRIEVANCES PROCESS

A. OVERVIEW

The main provisions regarding the resolution of complaints related to election administration are contained in Part XI on "Protection of Suffrage," of the Law on Election of Councilors and Representatives. Under these provisions, appeals regarding the actions and decisions of polling boards and election commissions are heard by the superior commission or, in the case of the REC, by the Constitutional Court. The only exception to this involves complaints regarding voter registration, which are under the exclusive judicial authority of the Supreme Court, as granted under the Law on the Register of Electors.²⁰ Under Article 107 of the Law on Election of Councilors and Representatives, "[e]very elector, candidate, and nominating entity" may complain to the relevant commission. Grievances are to be filed within 72 hours of the alleged violation. The actual rules governing appeals and their consideration, in a procedural sense, are not fully specified except through the provision in Article 111, which states that, "All the procedures with regard to the delivery of decisions, conclusions, and other records, documents, means of identification, petitions, and the like shall be regulated in accordance with the rules on administrative procedure, unless otherwise prescribed by this Law."

The absence of detailed complaint procedures in the election laws of neighboring Serbia, combined with references, such as the one above, to other legislation, together created a chaotic situation in the aftermath of the hotly-contested municipal elections in the Fall of 1996. The former Federal Republic of Yugoslavia and its constituent republics had a highly developed civil law system, including detailed procedures for judicial appeals which are still present in the laws of the current FRY and separate republics. In increasingly competitive political situations, these systems can prove vexatious if relied upon by antagonists to contest electoral outcomes. As such, it may be well advised for Montenegrin authorities to inquire further into this matter and to draft an election-specific set of complaint procedures, if necessary.

1. Interpreting Jurisdiction of the Constitutional Court

For its part, the Constitutional Court largely sees its role in considering the validity of an election as limited to an examination of the circumstances at individual polling sites. In part, this is because the explicit grounds for invalidation of results are specified in the law primarily with respect to violations at polling sites. Within the sphere of irregularities at a polling site, the Court would be free to examine all the facts and fashion an appropriate remedy, but only in those circumstances in which the law does not require a specific remedy, eg. invalidation of results or repeat voting at a polling site. Even with respect to specific factual circumstances, the Court takes a very cautious approach to its jurisdiction. For example, the Court believes it would probably not have any jurisdiction over a case of multiple voting by an individual elector. Instead, this would be considered a criminal matter, to be heard by another court. The Constitutional Court might only become involved if it was shown that such wrongful voting was permitted by an election authority, or if it influenced the outcome of an election, the results of which were certified by an election commission.

²⁰ The jurisdiction of the Supreme Court is presented in greater detail in Chapter IV on the voter registration process.

The Court takes a similarly conservative approach to its jurisdiction over alleged irregularities by an election commission. Regarding the actions of a municipal election commission, the tabulation of the results of an election for example, the Court could intervene, but would do so only with respect to that particular voting process. That is to say, the Court could halt or annul some part of the tabulation conducted by an MEC. In the case of the Republican Election Commission, the role of the Court is primarily seen by its members as limited to legal issues pertaining to decisions of the REC. This form of appeal is expeditious, with only 24 hours available to the aggrieved party to bring an appeal, and 48 hours for the Court to issue a decision.

The approach of the Constitutional Court, which is based on the review of the actions or decisions of election administrative bodies, and even then in a very limited manner, may make it difficult or impossible for the Court to address broader questions of electoral fairness. This would include matters concerning the overall environment in which elections are conducted, or their specific. In particular, the Court does not consider the media environment or actions by state authorities other than election officials, ie. those who may be responsible for voter registration or other support or the electoral process, as being within its jurisdiction.²¹

Additional factors pertinent to the approach of the Constitutional Court toward its jurisdiction over the electoral process follow:

- (1) The authority of the Constitutional Court over elections is specifically based on Article 113(8) of the Montenegrin Constitution;
- (2) The Law on the Constitutional Court also gives it power to decide on relevant procedures. The Court interprets this to mean that it has the right to formulate norms to govern the adjudication of election-related cases.
- (3) The Court believes it has the power to adjust relevant procedures to the nature of the electoral process. This is said to be based on its authority under articles 111-116 of the Montenegrin Constitution, which establish the Court and define its jurisdiction and powers. Thus, the Court feels justified in requiring that election-related appeals be personally delivered to it within the time period specified.
- (4) The timelines indicated above derive from the Court's own rulemaking. Most of the statutory timelines regarding appeals to the Constitutional Court were deleted prior to the enactment of the new Law on Election of Councilors and Representatives. This appears to have led to some confusion for participants in recent elections, who filed appeals to the Court in an untimely manner, apparently believing that the 48 hour time limit previously contained in the law continued to apply, or assuming that the 72 hour deadline for submission of complaints to a superior election commission also applied to the Court.

²¹ The latter is of particular concern as election administration duties are highly dispersed within the Republic of Montenegro, as noted elsewhere in this report.

2. Voter Registration and the Question of Jurisdiction

In connection with recent elections, members of the Constitutional Court expressed their opinion that new voter identification procedures created under the Law on the Register of Electors actually infringed upon the Constitutional right to vote, especially in the case of those persons who were deprived of the right to vote due to faulty registration by the State. This is a reference to persons whose registration lacked personal or national identification numbers. The members of the Court believe that the right to vote, which is grounded in the Constitution, is self-enforcing. At the same time, they appeared to believe that any decision to change the rules governing the current election process would require an action of the Republican Assembly. It was difficult for them to imagine how a case on the infringement of voters' rights stemming from the registration process and administrative rules established through election law and regulations could be within their jurisdiction.

With respect to voter registration itself, the Constitutional Court does not have jurisdiction. The Supreme Court is identified in law as the court of jurisdiction responsible for appeals of voter registration decisions.²² The Constitutional Court does not have jurisdiction over Supreme Court decisions. Instead, the jurisdiction of the Constitutional Court over electoral matters primarily applies to appeals of decisions by election administrative bodies, in the final instance the REC. In a more general way, the members of the Constitutional Court conceive of voter registration as a state function which should be kept entirely distinct and separate from election administration. The division of voter registration from other election administration procedures is said to be necessary to protect the independence of electoral bodies. This approach is somewhat unusual from the perspective of Western countries, where many, if not most jurisdictions, try to insulate voter registration from other state functions – often by assigning it to autonomous election commissions.

The Constitutional Court does, as mentioned, hear appeals from election administration bodies. If an individual who is denied his right to vote were to make a complaint to such a body, originally to the polling board and then to superior commissions, the Court could, nonetheless, receive an appeal of their decisions. Such an appeal could be brought by an individual citizen or perhaps a nominating entity. Such a case would be given full consideration, even with respect to its factual aspects, but it is unclear what evidentiary standard would be applied.

3. Automatic Nullification of Election Results at Polling Sites

Another problematic component of election systems in the FRY is the presence of legal provisions which allow for the automatic invalidation of election results in polling stations where certain violations are found to have occurred. In the case of the Serbian municipal elections, these provisions tend to lead to provocations by political parties which are losing in certain areas and whose leadership or activists wish to create reasons to challenge the results and, if possible, to nullify them. Moreover, strict rules on ballot accounting may also provide an opportunity for unscrupulous officials to add ballots into the ballot stream in order to create a violation. The language in Article 69 of Montenegro's Law on Election of Councilors and Representatives requires the invalidation of election results at polling stations under certain

²² For a more detailed discussion of the Supreme Court's approach toward the adjudication of such complaints, please refer to the chapter on voter eligibility and registration in this assessment.

circumstances. Some of these involve discrepancies in the ballot count, and other technical violations at a polling station.

In the case of Serbian municipal elections, a large number of the violations that were reported – which usually ended in the nullification of results – were probably provocations or overreactions. For example, challenges were entered against polling stations near which campaign propaganda was observed, even though it could not be shown that these materials were actually present during polling hours or had influenced voters. In Montenegro, results in two polling sites²³ were nullified as a result of allegations raised by the main opposition party despite the fact that its authorized representative in each site had actually signed the official record of the work of the polling board which signaled their concurrence with the normality of the voting process and integrity of the results. The case worked its way through the complaint process and repeat voting was conducted in both locales, despite the fact that the results would not affect either the outcome of the election or the distribution of mandates. What the action did succeed in doing was to delay the finalization of results, the convocation of the new Republican Assembly, and – likely the ultimate goal - parliamentary debate on a measure intended to modify the composition of Montenegro's delegation to the upper house of the Federal Parliament.

As a result, it seems unwise to retain legal provisions that call strictly for the invalidation of results as a result of specific events that may occur at a polling site. Instead, general standards should be established through statute. In particular, the results of balloting should be nullified only when it can be proven that malfeasance actually affected the election outcome. Relevant election commissions and the courts should also be granted the discretion of applying appropriate remedies based on a set of graduated penalties, which take into account the actual seriousness and impact of the violation.

B. ISSUES FOR CONSIDERATION

- Re-insert definite timetables for bringing an appeal to the Court into the Law on Election of Councilors and Representatives, thereby preventing confusion arising as a result of the Court's adopting its own regulations on this subject that may not be known to potential appellants. Toward this end, timetables for bringing an appeal to the Court might also be made consistent with those for filing a complaint with election administration bodies.
- Enable the appellate court – viz., the Constitutional Court – to address the overall conditions under which an election occurs, not only the technical and administrative aspects of operations at individual polling sites. In such cases, the Constitutional Court should be empowered to fashion an appropriate remedy if it concludes that the fairness of an election was in some way compromised by the circumstances under which it was conducted.
- To the greatest extent possible, all relevant appeal procedures should be delineated in the Law on Election of Councilors and Representatives and should not be left to other republican or federal statutes.

²³ The results of balloting were nullified in one polling site in Zabljak and another in Herceg Novi.

- The requirement that certain actions at polling sites should automatically lead to annulment of election results there and that repeat voting must then be conducted should be eliminated and replaced with a directive to the Court to fashion an appropriate remedy, based on a set of graduated penalties. The Court should be permitted to allow election results to stand if there is no evidence that they were substantially affected by the irregularity in question.

X. BALLOT SECURITY AND ACCOUNTABILITY

A. OVERVIEW

In the aftermath of the presidential election in Montenegro, international commentators (IFES, 1998; OSCE; 1997) noted the absence of ballot stamping or other validation procedures at polling stations. The issue quickly resurfaced as one of the most hotly contested issues during the lead-in to the parliamentary and municipal elections. Questions were posed by participating parties about the total number of ballots to be printed and the number to be distributed to individual polling sites. Suspicions were also raised that, if there were excess ballots, the opportunity existed to introduce fraudulently marked ballots into ballot boxes or the counting stream. At the same time, there was also a possibility that excess ballots might have been introduced into the count as a provocation, ie. with the specific intent of nullifying election results at polling sites.²⁴ As such concerns pre-dated the election campaign and political parties were directly involved in electoral reforms, it is not entirely clear why such an important issue was not addressed more thoroughly during the debates on and the drafting of new election legislation. Such an oversight contributed to the crisis atmosphere in the final days of the election campaign and overall political instability.

Consequently, the new Law on Election of Councilors and Representatives contained relatively sparse language on ballot security and accountability. Article 69 of the Law stipulates that ballot papers must be verified in order to be valid. The role of municipal election commissions in stamping ballots is specifically authorized under Article 27. The law remains silent on verification of ballots at polling sites, although competent election commissions are charged with the responsibility of determining the procedures for verification and distribution of ballots, as well as the procedures for the form and layout of ballots, control of printing, and prevention of disruption and destruction of printing plates (see Article 74). In accordance with Article 75, election materials are to be delivered no later than 48 hours prior to election day, but there are no specifications on the secure storage of these materials until the opening of the polls.

1. Practical Considerations

Consistent with previous elections in Montenegro, the Republican Election Commission had planned to have ballot papers pre-verified as part of the printing process. When it became apparent that there was strong opposition among participating parties to this procedure, a subsequent decision was made by the REC leadership to have the ballots stamped at the REC premises in the presence of the entire core membership. On the 12th of May, less than three weeks before election day, all but one of the parliamentary parties petitioned the REC to adopt an additional set of ballot verification measures, including: printing on the back of the ballot the municipality and polling station name to which it was destined, and providing a line on which the polling site number was to be entered; stamping of the back of the ballots by the MECs; filling in the number of the polling site by its board, and; signing of the ballot by the polling board president and two representative members. The REC resisted this proposal on the grounds that, according to its interpretation of the various legal provisions, the additional ballot security measures were not authorized by the law. Given the extremely polarized and intensely scrutinized

²⁴ Montenegrin election law requires that every single ballot received and cast must be accounted for.

environment under which the election campaign was proceeding, the REC may also have been unwilling to adopt any measures that strayed from traditional practice and that were not expressly provided for under the law. Concerns may also have existed about controlling the verification process once it was decentralized.

2. Introduction of Amendments

The inability of the REC and participating parties to bring this issue to closure resulted in the convocation of a special session of Parliament. On 19 May, well within the period during which printing and packaging of ballots was proceeding on an expeditious basis, the Republican Assembly adopted amendments to the Law on Election of Councilors and Representatives that provided for some of the additional ballot verification measures sought by the parties. These amendments provided for: printing on the back of the ballots the name of the municipality and polling site to which it was destined, plus a space for entering the polling site number; stamping both on the front and back sides by the REC for republican elections and the MECs for the municipal elections, and; stamping by the polling boards. The REC also opted to proceed with its prior decision to preside over stamping of all ballots for republican and municipal elections.

Although 11th hour changes to election legislation should be *strongly* discouraged in the future, the measures undertaken by the Republican Assembly did represent an important means of assuring ballot security and the integrity of the count, and eliminated much of the controversy surrounding this particular election. This is because, in general, ballot verification procedures become more effective with greater redundancy, proximity to the site of voting, and closeness in time to the issuance of ballots to voters. Some of the intended security provided by the amendments may have been undermined, however, as a result of polling board practices. The validation of ballots is intended as a means by which to recognize officially issued ballots from any others put into the ballot box fraudulently. This security mechanism is effective, however, only if those ballots issued are validated. If ballots are validated in advance or if unissued ballots are also validated, the intended security factor is nullified. Thus, the highest level of security is provided by affixing the final stamp to the ballot as it is issued to the voter. Limitations in human resources, time, and space may limit the feasibility of this approach. One acceptable alternative is to pre-stamp a limited number of ballots several times on election day. While some polling boards used this method in the recent election, most validated all the ballots prior to the opening of the polls. Ironically, at least one polling board chairman validated ballots in stages throughout the day, but felt obliged to validate all unused ballots at the end of the day so that he could enter them into the minutes as "valid ballots that had not been cast."

B. ISSUES FOR CONSIDERATION

- The more detail that can be built into the law on ballot security and accountability the better, as this will reduce uncertainty. Recent innovations to provide for the validation of ballots at the polling site should be retained. The introduction of any additional verification measures should be handled as part of the on-going electoral reform process and not left until the next election campaign.

- Polling site procedures need to be modified in order to realize the level of security intended by verification measures. Options include the validation of ballots at the time they are issued or in limited numbers throughout the day. Any unused, validated ballots left at the closing of the polls should be invalidated prior to initiating the count. Any requirement in law, regulation, or procedures which mandates the verification of ballots well in excess of those that are actually needed for issuance to voters should be eliminated.
- Consideration may be given to using a special stamp which is not only unique to the polling site but also the election, ie. containing a specific marking. One innovative and cost-effective proposal voiced by a local party is to actually mark the stamp²⁵ at the polling site on the morning of the election in the presence of all core and expanded members and observers. The stamp would first be used on the control sheet placed in the ballot box, once inspected by the first voter. Any stamp used for a specific election should be destroyed upon closing of the polls.
- Legal requirements for double stamping, ie. both front and back, by the REC can be dropped, as they are time-consuming, labor intensive, and do not serve to significantly enhance ballot security.
- Official records of the work of the REC and MECs should be modified to include the detailed numbers of each type of ballot printed, transferred from the printer, shipped to the MECs, received by the MECs, and delivered to polling stations.
- The law should be modified to provide for multi-party receipt of ballot paper upon delivery to the designated point of contact in Montenegro and to the printing house, as well as the use of watermarked paper, multi-party escort of printed ballots to the REC, and multi-party escort of ballots from the REC to MECs.
- The amount of time between delivery of ballots to polling board officials should be reduced from 48 to 24 hours prior to opening of the polls and specify what security measures should be applied during this period.
- The polling board chairman and a core member representing an opposition party should pick up ballots and other election materials from the MEC and deliver them to a secure site, to be stored until pre-voting procedures begin.
- Add the categories of challenged and spoiled ballots to the official record of the work of the polling board, MECs, and REC.
- The law should also provide for the secure storage of all sensitive election materials between elections, preferably with election commissions.
- Language should be added to the law which provides for voters to receive a new ballot in the event that he/she spoils the first one and returns it to the chairman of the polling board. In these cases, a

²⁵ The suggestion is to mark the stamp with a knife, pen, or flame.

special notation on spoiled ballots should be entered into the record of the work of the polling board and the spoiled ballot should be immediately invalidated.

XI. POLLING PLACE PROCEDURE

A. OVERVIEW

Polling boards are responsible for the following tasks: the direct administration of voting at the polling site and outside the polling site, as provided for by law; ensuring the regularity and secrecy of voting; maintaining order at the polling site; keeping accurate records of all information called for in the record of the work of the polling board; determining the results of voting at the polling station; and performing other duties provided for by the law. More detailed rules on the activities of polling boards with respect to pre-voting activities, opening of the polls, processing of voters, maintaining order at the polling site, vote counting and determination of results, completion of the official report of the work of the polling board, and provision of election materials to relevant MECs are established by the REC.

Current polling place procedures in Montenegro are generally adequate to ensure free and fair elections. In general, observers found polling sites to be managed strictly, following the letter of the law, providing for maximum transparency, and placing an emphasis on consensual decision-making and diffusion of potential conflicts. If anything, there may have been an overabundance of security measures employed in the process due to the contentious nature of the elections. Voters were inked, required to produce picture identification, their names and ordinal numbers were checked in the extract, and they were asked to sign a special extract verifying that they had received a ballot. Copies of the extract of the register of voters were also brought by some authorized representatives to check the eligibility of voters and keep a tally of voters who had cast ballots. Polling booths were placed to face the polling board and observers were present to deter any possibility of chain-voting. For a more detailed account of IFES' election day observations of polling site procedures, please refer to Attachment I of this Assessment.

B. ISSUES FOR CONSIDERATION

- In the future, the rules on the work of the polling board should seek to maximize the efficiency of polling site operations by providing for a greater division of labor between the chairman, core and expanded members.
- To ensure that polling sites are not out of communication at any time on election day, some thought may be given to modifying the provisions that prohibit the use of mobile phones in polling sites. In particular, in polling sites where no land line is available, the chairman of the polling board or a specially designated board member should be permitted to use mobile phones as necessary to consult with municipal election authorities.
- All provisions within the law which provide for the nullification of voting based on technical violations should be removed. It is possible that minor technicalities may be breached as a result of mistakes rather than malfeasance. Moreover, the ease with which polling stations can be dissolved and voting nullified is open to purposeful manipulation by political participants. The invalidation of election results should be based only upon fraudulent acts which can be proven in a court of law to have affected the actual outcome of the elections. Technical violations should be dealt with through a graduated penalty system.

- Currently, no language exists within the law for dealing with spoiled ballots. Language should be incorporated which would allow polling site boards to issue a new ballot if a voter incorrectly marks his/her ballot at the polling site, provided a proper audit trail is kept and the spoiled ballot is immediately invalidated.
- The introduction of a special list of voters and a challenged voter procedure at the polling site level might also serve to minimize the number of voters disenfranchised due to administrative errors, while discouraging illegal voting, and ultimately improving the accuracy of the voter registry. Specifically, voters whose names do not appear on the extract or whose data is incomplete could be provided with a special ballot upon provision of a picture ID and proof of residence. All information typically recorded in the extract should be entered by the chairman of the polling board on a special list of voters. Voters for whom no data appears on the extract should be required to state the reason or reasons why he/she should be permitted to cast a special ballot. Reasons for the issuance of a special ballot and all pertinent information should be thoroughly documented in the official report of the work of the polling board. All such specially cast ballots should be held out of the count until the voter's records can be researched and data confirmed by the responsible MEC and counted or disqualified based on its findings and prior to the certification of results. Responsible municipal authorities should then be required to update the accuracy of their voting records based on these findings.
- Also, voters suspected of voting illegally could be subject to challenge. The challenger must state a specific reason or reasons that a voter should not be allowed to cast a ballot. The voter suspected of attempting to illegally cast a ballot would then be required to mark a special ballot and sign a written statement of the reason or reasons he/she should be allowed to vote. All such specially cast ballots should be held out of the count until the voter's records can be researched and data confirmed by the responsible MEC and counted or disqualified based on its findings prior to the certification of results. Responsible municipal authorities should then be required to update the accuracy of their voting records based on these findings.
- Among the criteria for determining a ballot invalid, the following should be included: ballots of non-standard form, ie. those which are not of the official format and stock approved by the REC and which have not been validated by the responsible election administration body.
- Legal requirements that a written application to vote by letter, ie. outside of the polling site premises, be received by the polling board by noon on election day require improved enforcement. Clarification is needed, however, on what sort of documentation is necessary in order to vote via this mechanism. Requiring a notice from a medical practitioner may not be entirely feasible, especially in cases where voters are frail and elderly rather than ill or injured. A signed statement including the reason for voting outside the polling site premises might be deemed sufficient.
- Legal provisions which require voting by letter to be administered by two members of a polling board representing different parties must be strictly enforced.

- With respect to the efficiency of the vote count, the provision contained in the election law which requires sorting of invalid ballots from valid ones prior to counting votes cast for each candidate list can be removed. This requirement is unrealistic and unworkable in practice.
- Further improvements to the Register of Electors and the continuation of recently adopted ballot and polling site security measures may ultimately eliminate the need for using indelible ink and optical scanners. If the use of these commodities is still deemed necessary in the nearer term, legal provisions governing their use should provide the REC with greater flexibility with respect to commodities selection. For example, the use of "spray" ink, mandated by law, led to greater purchase and shipping costs. More efficient and cost effective forms of indelible ink are available. If indelible ink and optical scanners are retained as a means of controlling the election process, further instruction on their proper use will be required for polling board members.
- At a minimum, two hours of legally mandated training should be provided to all polling board members by municipal election commissions prior to each election. The REC should provide training plans and reference materials, paying particular attention to modifications in election law, regulations, and practice since the last election cycle. The law should authorize the REC, by means of regulation, to provide additional training for first time polling board members and when new procedures are to be introduced.
- Language from the REC's regulations governing the rights and responsibilities of domestic monitors and international observers needs to be incorporated into the Law on Election of Councilors and Representatives to provide a clear legal basis for control of the election process.
- Absentee and/ or early voting procedures also need to be built into the Law to guarantee the voting rights of those persons who will not be in their constituency or will be abroad on election day.

ATTACHMENTS

- I. IFES PRELIMINARY REPORT OF ELECTION DAY OBSERVATIONS
- II. IFES GUIDELINES FOR IMPROVING THE VOTER REGISTRATION PROCESS IN MONTENEGRO

**ATTACHMENT I:
IFES PRELIMINARY REPORT OF ELECTION DAY OBSERVATIONS**



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IFES PRELIMINARY REPORT ON ELECTION DAY OBSERVATIONS
Republic of Montenegro
31 MAY 1998

Based on anecdotal evidence collected during observations in Podgorica, Tuzi, Danilovgrad, Niksic, Pluzine, and Plav, with a total of 33 polling sites visited, and supplemented by discussions with municipal and republican election authorities.

The International Foundation for Election Systems (IFES) deployed its technical assistance team to observe voting for parliamentary and municipal elections in select locations throughout the Republic of Montenegro. This preliminary report reflects the consensus of the team's members and developments as of 2 June 1998.

Opening of the Polls

IFES did observe some delay in the opening of the polls stemming from procedural steps added to the preparatory process as a result of 11th hour amendments to the election law. These amendments were adopted on May 19th and was intended to provide for additional ballot security controls. At the polling sites, this entailed stamping of ballots previously verified at both the republican and municipal levels. Delays at sites visited ranged from five to 25 minutes. One station reported that it had not received all election materials in a timely manner. Also in one instance, the first voter had been allowed to cast her ballots prior to confirmation that the ballot boxes were empty.

Polling Place Procedures/Processing of Voters

In general, polling sites were managed in a stringent fashion, following the letter of the law, providing for maximum transparency, and deterring any possibilities for disturbances on the polling site premises. In some instances, provisions in the law requiring that the Chairman of the polling board be responsible for virtually all administrative steps at the polling site, despite the presence of two additional core members, deputies, and the expanded membership, tended either to slow the processing of voters or led to delegation of tasks that proved to be more efficient, but not technically in compliance with current legislation.

Voters were either eager to vote or were influenced by threats of street demonstrations late on election day, as lines began forming prior to 7:00 a.m. and were witnessed throughout the morning. IFES did receive some reports of persons waiting up to 2.5 hours to cast their ballots. By early afternoon, polling sites visited by IFES representatives were reporting anywhere from 40% to 50% turnout. The number of voters casting ballots by letter (mobile voting off the premises) was relatively low and did not appear to be abused either by voters or polling board members. In all instances where voting by letter was undertaken, at least two members of different political parties administered this process.

In some stations, inexperience with the use of invisible ink led to liberal application of ink, which doused not only the voter but also the table at which the board members were seated and the election materials on it. IFES representatives witnessed one voter who had not yet cast his ballot, mark himself with ink simply by resting his hand

on a damp table top and was subsequently denied the right to vote. In a couple of other incidences, voters were sprayed prior to their ordinal number being located on the extract of the Register of Electors. This proved problematic if the voter had come to the wrong polling site. In at least one case, a polling board chairman accompanied such a voter to a neighboring site to testify that the voter had not yet cast his ballot. Consistent with IFES recommendations, a polling board member tasked with applying ink in a site in Niksic was wearing a plastic glove. IFES was also informed of one site in Niksic where polling board members had failed to place batteries properly in the optical scanner. By and large, however, the ink was applied correctly, provided an important safeguard, and was accepted by voters.

Voter Registration, Eligibility, and Identification

At every site visited, representatives of the opposition Socialist People's Party (SNP) brought replicas of the extract of the Register of Electors generated from the computer diskette made available to participating parties by the Ministry of Development. These were used by the SNP representatives to record each voter announced by the Chairman of the Polling Board. In some cases, representatives of other Serb oriented parties also had copies of the extract, most likely generated by the SNP. Other party representatives, including those of the DPS, did not have such elaborate preparations, but did make notations on sheets containing ordinal numbers of voters assigned to each site.

In no polling station visited was any voter challenged by party representatives on the basis of ineligibility. Even at polling stations with large numbers of persons listed on the extract of the Register of Electors, generally only a small number were turned away as a result of not having valid personal or national ID number listed. The fact that such a small number of voters without complete or confirmed personal or national ID numbers were turned away by election authorities on election day tends to neutralize the issue as a basis for intervention by federal authorities, especially the federal courts based on supposed concern for human rights. It may also lessen any chance of post-election appeals to the republican Constitutional Court on this issue.

The fact that so few voters without complete or confirmed personal or national ID numbers attempted to cast ballots may reveal the root of on-going registration problems, which persisted despite the government's repeated appeals to the public to check their entries. It would appear that the vast majority of people failing to correct their registration did not intend to vote. This factor tends to reduce the significance of voter registration issues, especially since international practice supports denial of voting privileges to persons who fail to complete required registration formalities.

At the same time, there did not appear to be any official recording by polling board members of the number or identities of those persons who were turned away because they lacked a complete or confirmed personal or national ID number. It would have been advisable to make a notation to this effect in the official record of the work of the polling board.

Reorganization of Polling Site Locations

Due to the number of administrative procedures added to the processing of voters, from checking them with optical scanners and applying invisible ink to having them sign the Book of Voters, the maximum number of voters at polling sites was reduced from 2000 to 1000 in order to guarantee that voters could cast their ballots within the hours stipulated. This had proved a significant problem in the previous presidential elections. The reorganization of polling site locations, increasing the total number of sites, greatly facilitated the timely processing of voters. At the same time, there was clearly confusion among voters about the location of the site where they were to vote. IFES observed a considerable number of people who came to the traditional location of their polling site only to be informed that they had to go somewhere else. This was despite efforts by municipal authorities, including the invitation to vote, to inform people of their polling site location.

Transparency/Control of the Election Process

A high level of transparency was realized through open floor plans (in most but not all cases), limitations on the number of voters permitted to enter polling sites at any one time (this was tied to the number of secrecy booths available), and public announcement of the voter's name and ordinal number. SNP representatives insisted that secrecy booths be positioned so that voters' backs were to the polling board membership. While this might have somewhat compromised secrecy of the ballot, it was requested as a means of controlling for polling chain voting, i.e. replacing an unmarked ballot with one previously marked outside the polling site premises. No instances of chain voting or violation of voter secrecy were witnessed, however. The number of party representatives on the expanded membership of polling boards was significant and the make-up diverse. IFES observed representatives from the DPS, SNP, Liberal Alliance, Serbian Radical Party, JUL, Party of Savings, and the Serbian People's Party. Domestic monitors from the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights (CEDEM) were also either spotted or reported at most of the sites visited by IFES observers with the exception of Pluzine. Nearly 100 domestic observers were reportedly drawn from the Helsinki Commission of Montenegro, CEDEM, and the Center for Election Systems and Democracy of Serbia (CESID). An additional 150 multinational observers were fielded by the OSCE.

Election Day Inquiries and Complaints

While no formal complaints were lodged with the REC on election day (nor have any been filed as of noon on 2 June 1998), the Commission did receive inquiries from the municipalities concerning the handling of mis-spelled entries on extracts of the Register of Electors, transposition of figures in some identification numbers listed on the extract of the register of electors, and the required form of identification at military polling sites. Voters whose names had been misspelled and persons whose identification numbers contained a mistake in the last five numerals (residency code) were permitted to vote, while those with mistakes in the first seven numerals (personal code) were not permitted to vote. In accordance with special regulations on military voting, soldiers were required to present their military IDs in order to cast their ballots. At the polling site level, IFES observed no formal complaints either by voters or members of the core or expanded members of the polling boards. In several sites, however, there was considerable discussion as to what type of documentation was required in order to vote by letter (mobile voting off premises).

Closing of the Polls

IFES teams observed disparities between polling sites in the efficiency of the balloting counting and reporting process. In each case observed, the Chairman of the polling board assumed sole responsibility for announcing/counting ballots, while core and expanded members were relegated to the role of observers. In every instance, the counting process was extremely transparent. The efficiency with which votes were counted and reports completed, however, varied considerably. In one polling site, the Chairman felt the need to review provisions of the law with respect to the counting process for the membership and to discuss and debate each point of the official report of the work of the polling board in order to establish a consensus. In this particular site, ballot boxes were not opened until 10:30 p.m., fully 2.5 hours after closing of the polls. Determination of results for elections to the Republican Assembly were not determined until 1:00 a.m. and the polling site was still engaged in determination of results for municipal elections as of 3:00 a.m. At other sites visited, the entire process was completed by about 10:30 p.m.

Interaction with the Media and Observers

Members of the IFES team were readily received by the membership of polling boards. Access to superior level commissions on election day was not a problem, and all questions were answered and requests fulfilled. The

Chairman of the REC made himself available to IFES personnel several times throughout the day to exchange information. Press conferences were also held every several hours to provide reporters and representatives of international and domestic monitoring groups with information on voter turn-out by municipality and to answer questions. As statistics were announced, Ministry of Development personnel pulled up municipal maps and pertinent data on a large screen in the front of the hall. Journalists were permitted to remain in the hall to work on their computers and place phone calls in between statements and interviews.

Security Incidents

IFES teams did not encounter any disturbances at the polling sites visited, nor had any incidents been reported to the Republican Election Commission as of 7:00 p.m. on election night. IFES teams sensed that DPS representatives on the core and expanded membership of polling boards had received clear instructions about non-confrontation with the SNP and some training in conflict-resolution skills. Unlike during the campaign period, differences of opinion in sites visited appeared to be adequately resolved and tensions diffused. In no instances observed by IFES were police personnel required on the polling site premises. The IFES Office did receive a complaint from the Socialist People's Party (SNP) late on election night that all access to and from the SNP's office, including Vezirov Bridge, had been cut off by police forces. An IFES team was deployed to the area and found that observers were being allowed to pass, but other cars were not. Following discussions between the Organization for Security and Cooperation in Europe (OSCE) and the Ministry of Interior, police forces were pulled back to allow for greater freedom of movement. The Deputy Minister of Police subsequently informed IFES that the police deployment was solely to prevent obstruction of the road and that there was no provision in the law for the conduct of rallies on election day.

Preliminary Reporting of Results

The following information on voter turn-out and *preliminary* results was provided at an REC press conference at 7:00 p.m. on 1 June 1998, based on information reported by municipal election commissions. This is inclusive of balloting in 1091 of 1093 polling stations or 99.724% of votes cast. Voter turn-out was 75.866% of the total number of voters appearing on the Register of Electors.

Liberal Alliance	6.308%
Serbian Radical Party	1.182%
Coalition for the Serbs	0.378%
Serbian People's Radical Party: Ceko Dacevic	0.222%
Yugoslav United Left (JUL)	0.101%
Democratic League: Mehmed Bardhi	1.583%
United List of Bosnians-Muslims	0.122%
Party of Natural Law	0.178%
Socialist People's Party: Momir Bulatovic (SNP)	36.075%
Serbian People's Party: Bozidar Bojovic (SNS)	1.924%
Party of Savings	0.058%
Communist Party	0.550%
Coalition "For a Better Life;" Milo Djukanovic	49.542%
Party of Foreign Currency Savings	0.108%
Party of Democratic Action (SDA)	0.583%
Democratic Union of Albanians (DUA)	1.030%
Human Way Party	0.057%

Of the 17 political parties/coalitions participating in the election, 10 did not receive as many votes as signatures required to qualify for ballot access. Elections will be repeated at one polling station each in Zabljak and Herceg Novi on Wednesday 3 June 1998. Based on the vote totals currently known, the following distribution of mandates is anticipated:

Coalition "To Live Better:" Milo Djukanovic	42 seats
Socialist People's Party (SNP)	29 seats
Liberal Alliance	5 seats
Democratic Union of Albanians	1 seat
Democratic League in Montenegro	1 seat

While a total of 5 seats were allotted for voting in specially designated polling sites in areas densely populated by Albanians, the Albanian community turned out heavily in favor of Milo Djukanovic's coalition "To Live Better" in elections to the Republican Assembly, thus denying ethnically-based parties the maximum number of mandates.

Reach of IFES Programming

Throughout the day, IFES-developed polling site manuals were clearly visible in the possession of both the core and expanded (party) membership of polling boards at 27 of 33 sites visited. On several occasions, the members of the polling boards were seen referring to the manuals in order to clarify procedural issues or resolve disputes. IFES voter mobilization posters were also seen in the localities visited.

**ATTACHMENT II:
IFES GUIDELINES FOR THE ENHANCEMENT OF THE REGISTER OF
ELECTORS IN THE REPUBLIC OF MONTENEGRO**

GUIDELINES FOR THE ENHANCEMENT OF THE REGISTER OF ELECTORS IN THE REPUBLIC OF MONTENEGRO

Prepared by Chedomir Flego

I. RESPONSIBILITY FOR REGISTRATION

Elector registration can be done in one of two ways: governments can be responsible for the compilation and maintenance of the voter's list, or the individual elector can be held responsible for his/her own registration while the local government authorities are held responsible for maintaining the voter's list.

There are problems with both approaches. In Montenegro the government has added too much detail to the voter registration database which is compiled from 'ex officio' records. This has created an opportunity for a debate on the validity of the register. The compilation of a voter's list from information collected from individual electors would inevitably result in a slow update, as authorities will find electors do not advise change of address or other information to election administrations as regularly.

The first option leads to an overly detailed and cumbersome record-keeping, with inevitably inaccurate data and challenges to the voter's list. The second option will depend on innovation from the election administration to maintain up to date data.

In Montenegro, the Register of Electors will continue to be a cause of concern to political parties if in the future it were to be compiled in the same way as it was for the May 1998 election. Local government authorities were unclear what procedures would be adopted after the election to update the database. If they were to update the registry by cross-referencing to records of other government departments as they did before the last election by 'ex officio' means, they would face the same problems of inaccuracy and duplications. There is no reason to believe the records they would be depending on would not again be as inaccurate, since the primary reason of other departments for maintaining records is not for the purpose of electoral rolls but for their own needs.

The electoral database established for elections needs to be maintained as a separate electoral program, updated with information obtained from individual electors and corrected by local authorities from election-specific programs. Changes in legislation should make the individual responsible to advise on changes of information, to inspect the voter's list, and to be able to lodge objections. A restriction must be in place, making electors eligible to be enrolled only once, and only for their permanent place of living.

II. WHAT CONSTITUTES A GOOD VOTER'S LIST?

A good voter's list will:

- be a snapshot of electors at election time; electors enrolled where they live and vote;
- be responsive to elector changes of address and other details;

- be accurate and inclusive;
- be an elector specific database; only elections data and available only for elections;
- be simple and understandable; and
- be open to the public but protect privacy of data.

A. A Snapshot

** A voter's list must be a snapshot of all eligible electors showing where they live and vote at election time.*

In proportional representation systems, it could be argued that being enrolled at your permanent address is less important than some other factors. But, since the voter's list is maintained at the local level, it remains an important objective as a guard against duplications and fraud.

In Montenegro, the Register of Electors was compiled 'ex officio' with data extracted from the records held by other government departments, such as the police, the registrars of births, deaths and marriages, as well as local council records.

The Montenegrin Register of Electors was not an 'elections' snapshot, as much as a compilation of records from other government departments. Some of these records were up to date, but many were not. The centralization of the roll highlighted approximately 100,000 defective records (approximately 20% of the total records). The Secretariat of Development made significant attempts to clean up the defects:

- they advertised the Register of Electors in the press;
- placed the Register of Electors on the Internet;
- sent local authorities out to the villages with a copy of their list; and
- called on the electors in public campaigns to inspect their record and make corrections where necessary.

This program was successful to the extent that at election time only one third of those defective records were still unresolved. The Supreme Court dealt with the bulk of the remaining records, those with incorrect or missing personal number, by ruling them out of the voter's list. This action left the question of those elector's right to vote under the constitution versus their rights under the election procedural laws, unresolved.

The Montenegrin voter's list was a snapshot of official records corrected by individuals and legal adjudication.

RECOMMENDATION: The Voter Registration database and the voter's list should be compiled from individual claims and not 'ex officio'.

B. Responsiveness to Elector Changes

- * *The voter's list must be responsive to elector changes of address and other information.*

In Montenegro, the Register of Electors was published in newspapers, in local government office windows, and on the Internet, and was taken to villages for inspection. Electors were able to inspect the voter registry and complete a form to advise corrections.

Of the approximately 35,000 entries not corrected in this program the bulk were records without personal number. The Socialist People's Party (SNP) claimed that at least some of these were "phantom" voters. As they had been compiled 'ex officio', the SNP had good reason to suspect that officials had the opportunity to manipulate the data. In past elections, it was common practice to stack the Register of Electors. On this occasion the SNP may not have been entirely correct in their assessment. It is just as likely that records were on the Register of Electors because they were put on the computer database after the introduction of the electronic format for the voter's list in 1992. Local authorities advised that their biggest problem in computerizing the Register of Electors was the poor condition of the records, in addition to mistakes made by the operators working with computers for the first time. The local authorities must keep the registry for its unique purpose. To be responsive to electoral changes, the Register of Electors must be open to electors lodging change of address requests at any time. Appropriate forms would be available through local authorities and post offices.

In addition, the local authority must make efforts on a regular basis to 'cleanse' the Register of Electors. Local authorities could use a combination of programs, including sending letters to electors verifying missing or unclear data on the database, conducting a door-to-door census type check of electors, sending out a form annually asking the householder to list all persons over 18 years who are permanently living at that address, with rate notices or other government notices, (such as gas, water, electrical bills). These programs would be used to keep the electoral database up to date.

RECOMMENDATION: The voter registration database should be updated on an on-going basis. The database needs to be generally available for inspection, the lodgment of claims and be updated by regular database cleansing exercises.

C. An Accurate and Inclusive Voter List

- * *The Register of Electors must be an accurate and inclusive voter list.*

In Montenegro, the Register of Electors compiled from the 'ex officio' records left many questions about the accuracy of the data and the accuracy of the names that should or should not have been on the registry.

The Register of Electors must be accurate in the data it holds. It must contain the records of all eligible (and only eligible) electors. Allowing eligible electors to update the data records is the quickest, cheapest, and best way to achieve accuracy and inclusiveness.

Individual electors must be able to provide information about themselves and other electors in their neighborhood. An elector must be able to lodge an 'objection' to the inclusion of another elector in their neighborhood (or designated electoral area) on the grounds of non-residency. This procedure, in conjunction with the local authority 'database updating' programs, will assist in maintaining a more accurate and inclusive registry. The registrar would be required to investigate each objection lodged. Official records, as well as a personal check, could be made in deciding the validity of the objection. A letter should be sent to the elector concerned to give an opportunity to verify address or place of living.

An inclusive registry would also make provision for electors temporarily absent from the Republic. A provision to include registration and voting for electors temporarily abroad should be adopted. Postal voting for overseas electors through embassies should be a procedure adopted for future elections.

RECOMMENDATION: The Voter Registration database should be available for inspection and the lodging of objections. The Voter Registration law needs to include a provision for registration and voting for electors temporarily abroad.

D. An Elector-Specific Database

* *The voter's list needs to be an elector-specific database to be used exclusively for elections.*

In an elector-specific database the electors can only be recorded once, and only for their current permanent place of living.

Legislative changes may be required to include a provision ensuring that current permanent residence is a qualification for registration eligibility. This provision is necessary to ensure an elector specific database. In Montenegro, the Register of Electors was compiled from various government sources leaving it open to many problems.

The registry needs to be a unique database maintained separately from other government functions and used solely and exclusively for election purposes. The local authorities must have an ongoing program for updating and maintaining the elector database, which can be centralized to compile a registry at relatively short notice. The database will be able to form the registry for federal, republic, or local elections.

RECOMMENDATION: The Voter Registration law should include a provision requiring residency as a condition for registration. The database needs to be compiled from individual claims and must be maintained exclusively for elections.

E. Be Simple and Understandable

* *The voter's list must be simple and understandable both for the authorities to maintain and for the electors to inspect and correct.*

In Montenegro, the database of records contains more detail than normally necessary for election purposes adding to the difficulty of maintenance and accuracy. These details include national and personal

numbers. The voter list database needs to have only as much detail as is necessary to identify electors for the purpose of ensuring that each elector is recorded accurately and votes only once.

RECOMMENDATION: The Voter Registration database should include only information required to identify electors for election purposes.

F. Be Open to the Public and Protect Privacy

* *The Voter's List must be open to the public but at the same time must protect private information.*

In Montenegro, the Secretariat of Development made great attempts to have electors check their records and update any discrepancies in their individual records. In an effort to correct their database, the Secretariat of Development placed the voter list on the Internet.

The administrators charged with maintaining the Register of Electors must also take steps to protect any personal information about electors, such as date of birth, place of birth, etc. They also need to limit the availability of other information, such as names and addresses of electors, to their local area (or a designated electoral area) to protect non election use of the registry.

Electors can only lodge information and objections about records on the ground of non-residency, and this information can only be relevant in a designated electoral area. For privacy reasons, there is no need to publish the registry on a republic-wide level. The publication of the Register of Electors was seen in Montenegro as a need because it had been compiled 'ex officio', and it was known that electors' addresses were not up to date. The registry was published in full on the Internet and local authorities published and displayed the municipal voter's lists.

If electors were responsible for their own enrollment and had ongoing access to their records, there would be less or no need to publish the Register of Electors.

Records of the registry made available to the political parties would continue to be an exception to restrictions on distribution. The political parties would continue to receive the full voter's list for election purposes.

RECOMMENDATION: The Voter Registration database should be easily available to the public but also protect the privacy of the elector's information.

**ANNEX XIII: PRELIMINARY REPORT OF ELECTION DAY FINDINGS,
INCLUDING ELECTION RESULTS**



International Foundation for Election Systems

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representatives, including those of the DPS, did not have such elaborate preparations, but did make notations on sheets containing ordinal numbers of voters assigned to each site.

The SNP's intent to use replicas of the extracts of the Register of Electors, to identify, exclude, and possibly deter supposedly ineligible voters did not result in any such actions that were reported to IFES. This is despite the fact that the SNP made repeated threats before election day to challenge voters it had targeted as ineligible both within and outside polling sites. Clearly, their scenario of people being bused in to cast ballots fraudulently under the names of allegedly "phantom" voters did not materialize. It would appear that the decision by the Republican Election Commission (REC) to prohibit individuals without personal or national ID numbers on the Registry from obtaining ballots prevented implementation of the SNP strategy.

Ultimately, the SNP's emphasis on identifying possible ineligible voters rather than mobilizing registration (or confirmation of registration) among its own support base proved to be a tactical error which ignored the basics of party organization in favor of legal and rhetorical maneuvering. Specifically, it was determined to bar voters without complete and confirmed identification from going to the polls. This is despite the fact that many of these voters – many of whom were probably elderly and living in remote rural areas – might have been expected to be SNP sympathizers. At the same time, it does not appear that the SNP made a significant effort to motivate its supporters to check their registration.

In no polling station visited was any voter challenged by party representatives on the basis of ineligibility. Even at polling stations with large numbers of persons listed on the extract of the Register of Electors, generally only a small number were turned away as a result of not having valid personal or national ID number listed. The fact that such a small number of voters without complete or confirmed personal or national ID numbers were turned away by election authorities on election day tends to neutralize the issue as a basis for intervention by federal authorities, especially the federal courts based on supposed concern for human rights. It may also lessen any chance of post-election appeals to the republican Constitutional Court on this issue.

The fact that so few voters without complete or confirmed personal or national ID numbers attempted to cast ballots may reveal the root of on-going registration problems, which persisted despite the government's repeated appeals to the public to check their entries. It would appear that the vast majority of people failing to correct their registration did not intend to vote. This factor tends to reduce the significance of voter registration issues, especially since international practice supports denial of voting privileges to persons who fail to complete required registration formalities.

At the same time, there did not appear to be any official recording by polling board members of the number or identities of those persons who were turned away because they lacked a complete or confirmed personal or national ID number. It would have been advisable to make a notation to this effect in the official record of the work of the polling board.

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Due to the number of administrative procedures added to the processing of voters, from checking them with optical scanners and applying invisible ink to having them sign the Book of Voters, the maximum number of voters at polling sites was reduced from 2000 to 1000 in order to guarantee that voters could cast their ballots within the hours stipulated. This had proved a significant problem in the previous presidential elections. The reorganization of polling site locations, increasing the total number of sites, greatly facilitated the timely processing of voters. At the same time, there was clearly confusion among voters about the location of the site where they were to vote. IFES observed a considerable number of people who came to the traditional location of their polling site only to be informed that they had to go somewhere else. This was despite efforts by municipal authorities, including the invitation to vote, to inform people of their polling site location.

Transparency/Control of the Election Process

A high level of transparency was realized through open floor plans (in most but not all cases), limitations on the number of voters permitted to enter polling sites at any one time (this was tied to the number of secrecy booths available), and public announcement of the voter's name and ordinal number. SNP representatives insisted that secrecy booths be positioned so that voters' backs were to the polling board membership. While this might have somewhat compromised secrecy of the ballot, it was requested as a means of controlling for polling chain voting, ie. replacing an unmarked ballot with one previously marked outside the polling site premises. No instances of chain voting or violation of voter secrecy were witnessed, however. The number of party representatives on the expanded membership of polling boards was significant and the make-up diverse. IFES observed representatives from the DPS, SNP, Liberal Alliance, Serbian Radical Party, JUL, Party of Savings, and the Serbian People's Party. Domestic monitors from the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights (CEDEM) were also either spotted or reported at most of the sites visited by IFES observers with the exception of Pluzine. Nearly 100 domestic observers were reportedly drawn from the Helsinki Commission of Montenegro, CEDEM, and the Center for Election Systems and Democracy of Serbia (CESID). An additional 150 multinational observers were fielded by the OSCE.

Election Day Inquiries and Complaints

While no formal complaints were lodged with the REC on election day (nor have any been filed as of noon on 2 June 1998), it did receive inquiries from the municipalities concerning the handling of mis-spelled entries on extracts of the Register of Electors, transposition of figures in some identification numbers listed on the extract of the register of electors, and the required form of identification at military polling sites. Voters whose names had been mis-spelled and persons whose identification numbers contained a mistake in the last five numerals (residency code) were permitted to vote, while those with mistakes in the first seven numerals (personal code) were not permitted to vote. In accordance with special regulations on military voting, soldiers were required to present their military IDs in order to cast their ballots. At the polling site level, IFES observed not formal complaints either by voters or members of the core or expanded members of the polling boards. In several sites, however, there was considerable discussion as to what type of documentation was required in order to vote by letter (mobile voting off premises).

Closing of the Polls

IFES teams observed disparities between polling sites with respect to the efficiency of the balloting counting and reporting process. In each case observed, the Chairman of the polling board assumed sole responsibility for announcing/counting ballots, while remaining core and expanded members were relegated to the role of observer. In every instance, the counting process was extremely transparent. The efficiency with which votes were counted and reports completed, however, varied considerably. In one polling site, the Chairman felt the need to review provisions of the law with respect to the counting process for the membership and to discuss and debate each point of the official report of the work of the polling board in order to establish a consensus. In this particular site, ballot boxes were not opened until 10:30 p.m., fully 2.5 hours after closing of the polls. Determination of results for elections to the Republican Assembly were not determined until 1:00 a.m. and the polling site was still engaged in determination of results for municipal elections as of 3:00 a.m. At other sites visited, the entire process was completed by about 10:30 p.m.

Interaction with the Media and Observers

Members of the IFES team were readily received by the membership of polling boards. Access to superior level commissions on election day was not a problem and all questions were answered and requests fulfilled. The Chairman of the REC made himself available to IFES personnel several times throughout the day to exchange information. Press conferences were also held every several hours to provide reporters and representatives of international and domestic monitoring groups with information on voter turn-out by municipality and to answer questions. As statistics were announced, Ministry of Development personnel pulled up municipal maps and pertinent data on a large screen in the front of the hall. Journalists were permitted to remain in the hall to work on their computers and place phone calls in between statements and interviews.

Security Incidents

IFES teams did not encounter any disturbances at the polling sites visited, nor had any incidents been reported to the Republican Election Commission as of 7:00 p.m. election night. IFES teams sensed that DPS representatives on the core and expanded membership of polling boards had received clear instructions about non-confrontation with the SNP and some training in conflict-resolution skills. Unlike the campaign period, differences of opinion in sites visited appeared to be adequately resolved and tensions diffused. In no instances observed by IFES were police personnel required on the polling site premises. The IFES Office did receive a complaint from the Socialist People's Party (SNP) late on election night that all access to and from the SNP's office, including Vezirov Bridge, had been cut off by police forces. An IFES team was deployed to the area and found that observers were being allowed to pass, but other cars were not. Following discussions between the Organization for Security and Cooperation in Europe (OSCE) and the Ministry of Interior, police forces were pulled back to allow for greater freedom of movement. The Deputy Minister of Police subsequently informed IFES that the police deployment was solely to prevent obstruction of the road and that no provision in the law for the conduct of rallies on election day.

Preliminary Reporting of Results

The following information on voter turn-out and *preliminary* results was provided at an REC press conference at 7:00 p.m. on 1 June 1998 and based on information reported by municipal election commissions. This is inclusive of balloting in 1091 of 1093 polling stations or 99.724% of votes cast. Voter turn-out was 75.866% of the total number of voters appearing on the Register of Electors.

Liberal Alliance	6.308%
Serbian Radical Party	1.182%
Coalition for the Serbs	0.378%
Serbian People's Radical Party: Ceko Dacevic	0.222%

Yugoslav United Left (JUL)	0.101%
Democratic League: Mehmed Bardhi	1.583%
United List of Bosnians-Muslims	0.122%
Party of Natural Law	0.178%
Socialist People's Party: Momir Bulatovic (SNP)	36.075%
Serbian People's Party: Bozidar Bojovic (SNS)	1.924%
Party of Savings	0.058%
Communist Party	0.550%
Coalition "For a Better Life;" Milo Djukanovic	49.542%
Party of Foreign Currency Savings	0.108%
Party of Democratic Action (SDA)	0.583%
Democratic Union of Albanians (DUA)	1.030%
Human Way Party	0.057%

Of the 17 political parties/coalitions participating in the election, 10 did not receive as many votes as signatures required to qualify for ballot access. Elections will be repeated at one polling station each in Zabljak and Herceg Novi on Wednesday 3 June 1998. Based on the vote totals currently known, the following distribution of mandates is anticipated:

Coalition "To Live Better;" Milo Djukanovic	42 seats
Socialist People's Party (SNP)	29 seats
Liberal Alliance	5 seats
Democratic Union of Albanians	1 seat
Democratic League in Montenegro	1 seat

While a total of 5 seats were allotted for voting in specially designated polling sites in areas densely populated by Albanians, the Albanian community turned out heavily in favor of Milo Djukanovic's coalition "To Live Better" in elections to the Republican Assembly, thus denying ethnically-based parties the maximum number of mandates.

Reach of IFES Programming

Throughout the day, IFES developed polling site manuals were clearly visible in the possession of both the core and expanded (party) membership of polling boards at 26 of 33 sites visited. On several occasions the members of the polling boards were sighted referring to the manuals in order to clarify procedural issues or resolve disputes. IFES voter mobilization posters were also be seen in the localities visited.

ANNEX XIV: LETTERS OF APPRECIATION

9 June 1998

Ambassador Robert Gelbard
Special Assistant to the President and Secretary of State for Implementation of the Dayton Peace Accords
Department of State
2201 C Street, NW
Room 6219
Washington, DC 20520

Dear Mr. Ambassador:

The Government of the Republic of Montenegro expresses its sincere appreciation to the United States of America for the technical assistance provided during recent parliamentary and municipal elections by the International Foundation for Election Systems (IFES).

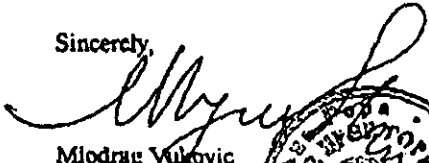
As you are aware, these elections took place in an extremely tense political environment. Despite these circumstances, representatives of IFES were able to establish a constructive working relationship, one based on mutual respect, with each of the participants in the process. Their political astuteness, cultural sensitivity, and emphasis on the democratic process were notable. As the Government official responsible for election issues, I interacted routinely with IFES' cooperating partners. Their praise for the utility and quality of informational, educational, and training programs undertaken by IFES was universal. From my own perspective, I would admit to some initial trepidation upon realizing that a foreign organization would be conducting a voter education campaign through the mass media. Upon reviewing the spots and other materials, however, I was taken aback by their appropriateness to the Montenegrin spirit and culture.

The efforts taken by the Government of Montenegro to ensure the transparency and integrity of the election process and the will of the Montenegrin people are clear. Yet, the political situation remains unstable as Federal authorities refuse to recognize the outcome of two elections in the Republic of Montenegro and seek to circumvent the democratic process at every opportunity. Despite objections of the Government of Montenegro, war is being made in Kosovo and refugees continue to cross over the border. Plans within the Federal Parliament to amend the Constitution in a manner contrary to the interests of Montenegro is of great concern. As a result, continued cooperation with proven and trusted organizations, such as IFES, are seen as crucial to consolidation of institutions and traditions that can withstand anti-democratic pressures over time.

On behalf of the Government of Montenegro, I formally request a continued IFES presence in the Republic of Montenegro to provide on-going technical assistance in the areas of political and electoral reform and civic education and offer the fullest possible cooperation in the realization of this joint effort.

Thank you for your support of democracy in the Republic of Montenegro.

Sincerely,


Miodrag Vukovic
Deputy Prime Minister
Government of the Republic of Montenegro



Poštovani Richard Miles
Opravnik poslova
Ambasada Sjedinjenih Američkih Država
Beograd
Republika Srbija

Dragi gospodine Miles:

Vlada Republike Crne Gore izražava iskrenu zahvalnost Sjedinjenim Američkim Državama zbog tehničke pomoći koju nam je Međunarodna Fondacija za Izborne Sisteme (IFES) pružila tokom nedavnih parlamentarnih i lokalnih izbora.


Kao što znate, ovi izbori su održani u krajnje napetom političkom ambijentu. Uprkos ovim okolnostima, predstavnici IFES-a su uspjeli da uspostave konstruktivan radni odnos, zasnovan na uzajamnom poštovanju, sa svakim od učesnika u procesu. Njihova politička oštroumnost, osjećaj za kulturu i naglašavanje demokratskog procesa su bili zapaženi. Kao zvanični predstavnik Vlade zadužen za izborna pitanja, ostvarivao sam redovnu komunikaciju sa saradnicima IFES-a. Svi su bili jedinstveni u pohvalama za korisnost i kvalitet informativnih, edukacionih i programa obuke, koje je IFES sproveo. Moram priznati da sam u početku, gledajući iz sopstvene perspektive, imao izvjesnu bojazan kada sam saznao da će inostrana organizacija da vodi kampanju edukacije birača putem sredstava javnog informisanja. Međutim, nakon uvida spotova i drugih materijala, bio sam prijatno iznenađen timu koliko su u saglasnosti sa crnogorskim duhom i kulturom.


Napori koje je Vlada Crne Gore preduzela da obezbijedi transparentnost i poštenje u sprovođenju izbornog procesa i volje građana Crne Gore su jasni. Ipak, politička situacija je i dalje nestabilna s obzirom da Savezne vlasti odbijaju da priznaju ishod dvaju izbora u Republici Crnoj Gori i pokušavaju da osujete demokratski proces u svakoj prilici. Uprkos protivljenju Vlade Crne Gore, na Kosovu započinje rat, a izbjeglice nastavljaju da prelaze granicu. Planovi Savezne skupštine da promijeni Ustav na način suprotan interesima Crne Gore stvaraju veliku zabrinutost. Zbog toga, nastavljajući saradnju sa dokazanim organizacijama, u koje imamo povjerenje, kao što je IFES, možemo biti prolomno za konsolidaciju institucija i tradicije koje mogu podnijeti anti-demokratske pritiske u budućnosti.

U ime Vlade Crne Gore, upućujem zvaničnu molbu za nastavak boravka IFES-a u Republici Crnoj Gori da bi se obezbijodila kontinuirana tehnička pomoć u oblasti političke i izborne reforme i edukacije birača i nudim svu moguću saradnju u realizaciji ovog zajedničkog cilja.

Hvala Vam na Vašoj podršci demokratiji u Crnoj Gori.

S poštovanjem,


Miodrag Vuković
Potpredsjednik Vlade Republike Crne Gore



REPUBLIC OF MONTENEGRO
PARLIAMENT

IIIIIIIIII II

IFES-INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

-Office in Podgorica-
Street: Dalmatinska 22

Regarding the previous parliamentary elections in Montenegro, I want to thank you personally, for your support in putting the election process into effect and for the general contribution of IFES in providing a regular, dignified and peaceful election.

At the same time, I am looking forward for any type of future cooperation.

With respect,

PRESIDENT OF PARLIAMENT
REPUBLIC OF MONTENEGRO

Marović Svetozar

Republika Crna Gora
SKUPŠTINA

Podgorica, 9. juna 1998. godine

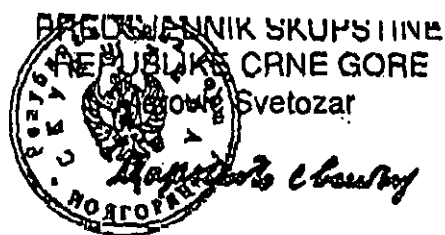
IFES - MEĐUNARODNA FONDACIJA ZA IZBORNE
SISTEME U VAŠINGTONU (SAD)

-kancelarija u Podgorici-
ul. Dalmatinska br. 22

Povodom održanih prijevremenih parlamentarnih izbora u Crnoj
Gori, upućujem vam izraze zahvalnosti za podršku u sprovođenju izbornog
procesa i ukupnom doprinosu što su izbori protekli regularno, dostojanstveno i u
miru.

Istovremeno, izražavam zahvalnost i za svaki drugi vid naše
buduće saradnje.

S poštovanjem,



Republic of Montenegro
PODGORICA MUNICIPALITY
MUNICIPAL ELECTION COMMISSION
Podgorica, June 17, 1998

To: INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS
Mr. TOM PARKINS

PODGORICA

I

All relevant international and domestic entities rated our parliamentary elections, held on May 31, 1998, as highly organized. The general opinion is that we had a fair, correct, Montenegrin people.

The International Foundation for Election Systems made a great contribution in the organization and direct regulation of the elections. Although this foundation was actively involved in elections in Montenegro for the first time, its positive influence could be felt during the whole election process.

Particularly, the education that this foundation did with representatives from municipal election commissions and all interested party representatives contributed considerably to uniform application of all election law regulations and law.

The manual had special significance in the training program for the polling board members. Members of the polling board used this manual as basic instruction on how to do their jobs in polling places. In the manual they could find all details about application of election regulations.

Because of this, our polling boards did extremely well and a great part of this is the result of IFES.

II

Parliamentary elections held on May 31, 1998 are the best sign that the democratic process in Montenegro is going forward very quickly and that our republic is approaching traditional democratic practices of western countries. My opinion is that this process is going faster in Montenegro than in any other Eastern European country.

In order to obtain democracy, one of the main prerequisites is a good legal infrastructure for elections and political participation and I think that for further development in this area IFES' presence in Montenegro is necessary. IFES can be of great assistance in the establishment of a professional organization of election officials and public administrators which can have a positive impact on the Montenegrin electoral system.

In a very short time the International Foundation for Election Systems made a great contribution and there is no doubt that this Foundation with its vast experience could help Montenegro in improving its legal infrastructure.

III

By the Law of Election of Councilors and Representatives the core membership of election commissions is chosen and named for a period of 4 years. The Republic Election Commission consists of the president, secretary and 7 core members named by the Parliament of Montenegro. Municipal Election Commissions consist of the president, secretary and 3 core members named by Municipal Parliaments. Authorized representatives from the parties are named by political parties which are on the general electoral list.

The president, secretary and members of election commission are amateurs because they are engaged only for the period of elections and their duty is to organize and conduct elections. One of the questions raised by IFES pertains to changes in the role of these commissions and making them permanent structures, whose core members would work on a full-time and professional basis. This is the question that deserves a detailed analysis because of its importance. Particularly, those kind of permanent election structures where the president and secretary of the commission would be professional persons could certainly improve our election system. Beside this, the president and secretary could be actively involved in making recommendations for legal reform and in changing election regulations. These recommendations would be of great help to our electoral system.

With respect,

PRESIDENT of
MUNICIPAL ELECTION COMMISSION

Republika Crna Gora
OPŠTINA PODGORICA
OPŠTINSKA IZBORNA KOMISIJA
Podgorica, 16.06.1998. godine

MEĐUNARODNOJ FONDACIJI ZA IZBORNE SISTEME
- n/r gospodina TOMA PERKINSA -

PODGORICA

Parlamentarni izbori u Crnoj Gori koji su održani 31.05.1998. godine su po ocjeni svih relevantnih međunarodnih i domaćih faktora organizovani na veoma visokom nivou. Opšta je ocjena da su izbori održani u fer, korektnoj i demokratskoj atmosferi i da konačni rezultati izbora odražavaju pravu volju građana Crne Gore.

Svoj veliki doprinos ukupnoj organizaciji, a time i direktnoj regularnosti izbora u Crnoj Gori dala je Međunarodna fondacija za izborne sisteme sa sjedištem u Vašingtonu. Ova organizacija po prvi put je aktivno učestvovala na izborima u Crnoj Gori, ali se njeno djelovanje snažno osjećalo u toku čitavog izbornog postupka.

Naime, edukacija koja je vršena od strane ove Fondacije sa članovima izbornih komisija u Crnoj Gori, zatim sa predstavnicima svih zainteresovanih političkih stranaka koje su učestvovala u izbornom postupku, je znatno doprinijela jedinstvenoj primjeni svih izbornih pravila.

U tom pogledu je imao ~~poseban~~ značaj priručnik za biračke odbore, u kojem je Međunarodna fondacija za izborne sisteme do detalja razradila primjenu izbornih pravila, što je poslužilo članovima biračkih odbora kao osnovno uputstvo u postupku organizacije rada na biračkim mjestima.

Sve je to uticalo ka maksimalnoj funkcionalnosti biračkih odbora, što je velika zasluga Međunarodne fondacije za izborne sisteme.

II

Parlamentarni izbori u Crnoj Gori koji su održani 31.05.1998. godine su nesumljivo pokazali da demokratski procesi u Crnoj Gori snažno idu naprijed i da se u mnogim segmentima približavaju tradicionalnoj demokratiji zapadnih zemalja. Nesumljivo je u tom pogledu da ovi procesi u Crnoj Gori napreduju znatno brže u odnosu na ostale Istočno-evropske zemlje.

Kako je za razvoj daljih demokratskih procesa jedan od osnovnih preduslova zakonska izborna infrastruktura, smatram da je prisustvo Međunarodne fondacije za izborni sistem u Crnoj Gori za dalji razvoj tih odnosa neophodno.

Međunarodna fondacija za izborni sistem je za relativno kratak period, što je rečeno u prvom djelu ovog akta, dala svoj veliki doprinos, pa je nesumljivo da bi ova Fondacija sa svojim velikim iskustvom, koje je očigledno, uticala da se izborna infrastruktura dalje poboljša.

III

Prema Zakonu o izboru odbornika i poslanika Izborne komisije u stalnom sastavu će imati na periodu od 4 godine.

Republičku izbornu komisiju čine: predsjednik, sekretar i 7 članova u stalnom sastavu koje bira Skupština Republike Crne Gore.

Opštinsku izbornu komisiju čine: predsjednik, sekretar i 3 člana u stalnom sastavu koje bira nadležna Skupština opštine.

Upravo ovi predstavnici predstavljaju izborne liste sa imenima od strane političkih stranki čije su izborne liste potvrđene.

Predsjednik, sekretar i članovi Izborne komisije ovu funkciju obavljaju amaterski, što znači angažuju se samo u vrijeme održavanja izbora i zadatak im je da organizuju i sprovedu izbore.

Postavlja se međutim pitanje, koje je pokrenula Međunarodna fondacija za izborne sisteme, da li je potrebno da izborne komisije budu stalna profesionalna tijela, koja će raditi u stalnom sastavu, za period na koji su inače izabrani.


Ovo pitanje zaslužuje, zbog svog značaja, temeljnu analizu.

Naime, zakonsko ustrojstvo izbornih komisija, gdje bi predsjednik i sekretar bila lica koja bi se profesionalno bavila ovim poslom, sasvim bi sigurno doprinijelo efikasnijoj organizaciji izbora.

Pored toga, predsjednik i sekretar aktivno bi učestvovali u radnim tijelima u postupku predlaganja izmjena nekih izbornih pravila, a njihovi predlozi u tom pogledu bili bi od značajne koristi

S poštovanjem,

PREDSJEDNIK
OPŠTINSKE IZBORNE KOMISIJE,
Bodo Dobrović



SDP SOCIJALDEMOKRATSKA PARTIJA CRNE GORE
SDP SOCIALDEMOCRATIC PARTY OF MONTENEGRO

IFES-PODGORICA

Ms. CATHERINE BARNES

PODGORICA, June 16, 1998

Dear Ms. Barnes

On the behalf of the Social Democratic Party, I would like to thank IFES for its assistance and for contributing to the necessary conditions for regular elections in the Republic of Montenegro.

IFES' Voter Awareness Assessment with Recommendations for Legal Reform was and it continues to be of great help in documenting the current Montenegrin political scene and this is an incontestable fact. This analysis was good not only from a public information perspective but was also a successful analysis of all political variables at play and will be used in the future.

The manual for polling board members was the first of its kind in Montenegro. It was very helpful for each polling board member because had uniform instructions in common, understandable language. Training for polling board members was also of great use.

I am well aware of the fact that IFES also had a considerable contribution in improving the voter list and in motivating voters through TV and radio commercials. In addition I want to thank you for considering appeals that our party gave to the RTC and Supreme Court of Montenegro.

Based on these facts I must reemphasize IFES' contribution in the development of a democratic relationship between all election officials.

Our wish is that you will have a long-term presence in Montenegro and that our cooperation would be even more effective in the immediate future.

With best regards,

President of SDP
Zarko Rakcevic

**SDP***Socijaldemokratska partija Crne Gore***Crne Gore***Сопијалдемократска партија Црне Горе*

Ul. I Proleterske br. 6, 81 000 Podgorica

Tel/Fax ++(381) (81) 612 133/ 612 298/ 612 394 e-mail: sdpcg@cg.yu

IFES-Podgorica

g-dja Catherine Barnes

Podgorica, 16.06.1998.god.

Draga g-djo Barnes,

Ovim pismom želim da u svoje lično ime i u ime Socijaldemokratske partije Crne Gore izrazim duboku zahvalnost za doprinos IFES-ove kancelarije u Podgorici stvaranju uslova za obavljanje regularnih izbora u Crnoj Gori i njihovom praćenju.

Nepobitna je činjenica da je IFES-ov pregled propisa i dokument o procjeni informisanosti birača veliki doprinos dokumentacionoj bazi crnogorske političke scene na engleskom jeziku. On je ne samo dovoljno iscrpan i tačan da bi se izbori sagledali iz pozicije objektivno informisanog posmatrača, već je i uspješna analiza političkih faktora koja će biti od ogromne koristi i u budućnosti.

Priručnik za biračke odbore, dakle do sada nepostojeće upustvo, pokazao se vrijednim u smislu osposobljavanja svih onih koji su učestvovali u procesu direktne kontrole regularnosti procesa izbora. U istom smislu se može okarakterisati veoma korisnim i seminar za instruktore kontrolora na biračkim mjestima.

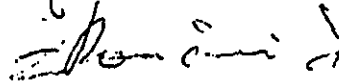
Svjestan sam da je IFES-ov doprinos uređenju biračkog spiska i motivisanje birača da izadju na izbore putem TV i radio opolova takodje vrijedan. Isto tako, zahvalan sam i u pogledu razmatranja primjedbi koje je SDP učinila Republičkoj izbornoj komisiji i Ustavnom sudu Crne Gore.

Sagledavajući gornje činjenice i upućujući Vam dužnu zahvalnost, moram istaći da je doprinos IFES-ove kancelarije u Podgorici razvoju demokratskih

političkih odnosa u gornjem vidu značajan, te izraziti nadu da će IFES ostati prisutan u Crnoj Gori i u budućem periodu, što bi, siguran sam, itekako koristilo bržem osvajanju demokratije.

Sa srdačnim pozdravima,

Predsjednik SDP-e
Žarko Rakčević



IFES

Mrs. Catherine Barnes – Chief of the Mission for Montenegro

Dear Mrs.,

On behalf of the People's Party, I would like to use this opportunity to thank you personally and your organization for the cooperation and assistance provided to us during the recent parliamentary elections.

The experience of your team and their efforts significantly helped the People's Party in the organization of the election campaign and control of electoral process.

Please express our appreciation to the entire IFES' staff and our wishes to continue our cooperation in the future.

With respect,

People's Party
Vice-president
Dragan Soc
signature



IFES

g-da Cathrine Barnes - šef misije za Crnu Goru

Poštovana gospodo,

Koristim priliku da, u ime Narodne stranke, Vama lično i Vašoj organizaciji zahvalima na saradnji i pomoći koju ste nam ukazali tokom proteklih izbora.

Iskustvo Vaših saradnika i naponi koje su oni uložili da ga prenesu značajno su pomogli Narodnoj stranci u organizovanju Izborne kampanje i kontroli izbora.

Molim Vas da prenesete našu zahvalnost osoblju IFES-a i našu želje da se naša saradnja nastavi i u narednom periodu.

S poštovanjem

Narodna stranka
Potpredsjednik
Drazen Šoc
201016

DEMOKRATSKA UNIJA ALBANACA
DEMOCRATIC UNION OF ALBANIANS
ULCINJ, June 13, 1998

To: IFES

The Democratic Union of Albanians expresses thanks to the International Foundation for Election Systems(IFES), and is open to any kind of cooperation in the future.

We must say that training conducted by Mr. Tom Parkins was of great help and of great use to our polling board members especially under current political circumstances. We are expecting to have some similar type of assistance and cooperation in the future.

Training held in Ulcinj was done both expertly and systematically, including modern methods of instruction and that are a novelty here and which need to be continued in the future.

It is our opinion that this type of cooperation improved the development of democracy, democratic institutions, political culture, pluralism, and tolerance in Montenegro.

Once more, the Democratic Union of Albanians wants to thank you for providing us with all the necessary information and training materials on Albanian language.

With best wishes for future cooperation.

Sincerely,

President of Democratic Union of Montenegro

Bajram Rexha



**UNIONI DEMOKRATIK I SHQIPTARËVE
DEMOKRATSKA UNIJA ALBANACA**

Nr./Br. 159/98

ULCINJ - ULCINJ, 13.6.1998

Demokratska Unija Albanaca ostaje zahvalna institutu za razvoj demokratije IFES-u za sve učinjeno te ujedno ostajemo otvoreni za svaki oblik daljnje saradnje.

Napominjemo da pružena stručna usluga za obučavanje kadrova za praćenje izbornih procesa u ovom ambijentu i u ovom trenutku, za DUA-a je dobrodošla i veoma korisna, ono predstavlja osnovni oblik saradnje u cilju razmjene i dopune iskustava na ovom planu.

Održani stručni i metodološki usavršeni seminari, uključujući najsavremenije metode nastavnog procesa seminarskog tipa, predstavlja novinu koju treba stalno primjenjivati. Po našoj ocjeni ovakav oblik saradnje predstavlja

konkretni doprinos razvoja demokratije, demokratskih odnosa, političke kulture i pluralne tolerancije.

Demokratska Unija Albanaca ovom prilikom izražava svoju stranačku zahvalnost na oskrbu stručne i zakonske regulative na albanskom jeziku. Mi uvažavamo uloženi napor i trud instituta IFES i ovo predstavlja konkretni dokaz demokratskog svijeta zamljama u tranziciji kako treba raditi.

Još jednom primite našu iskrenu zahvalnost sa iskrenom željom za daljnju saradnju.

ULQIN - ULCINJ 13.6.1998
PREDSJEDNIK DUA

KRYETAR I UDSH-s



BAJRAM REXHA

BAJRAM REXHA

**DEMOCRATIC PARTY OF SOCIALISTS
OF MONTENEGRO**

TO:

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS

Podgorica, 9/06/98

Dear Ms. Barnes:

The Democratic Party of Socialists supports Your endeavors and work in this region. We believe that democratic reform in Montenegro can serve as a wedge to a broader political opening throughout Yugoslavia that could provide for peace, progress, and regional development.

The presence of international organizations, such as IFES, can serve to strengthen and support the pioneering efforts currently underway in Montenegro. It is believed that the consolidation of democratic institutions in Montenegro can serve as a model to the rest of Yugoslavia. And, political opening and harmony in Montenegro will directly impact our economic prosperity, especially if a way can be found to limit the effect of sanctions against Yugoslavia.

In the event of federal elections, the presence of international organizations can also serve to prevent the interference of federal structures in Montenegro and send a strong message that manipulation of the political and economic situation in Montenegro and contravention of its laws and Constitution is not acceptable.

The cooperation of Montenegrin and American organizations would also demonstrate that relations with foreign countries is not only normal and constructive, but in the best interest of citizens of each country. The symbolic importance of Montenegro's reintegration into the community of democratic nations should not be underestimated.

IFES is positioned in Montenegro to provide technical assistance depending upon the priorities of the United States Government. It could assist Montenegro with:

- Cooperation with parliamentary working groups and technical experts in reforming legislation and regulations concerning the political and electoral process;
- Providing support to the Republican Election Commission in the realization of a system of a professional election commission structure at the national and municipal levels and working on a permanent basis as well as assisting the Faculty of Law in establishing a study program in election law and administration;
- Working with the Ministry of Education and the Republican Election Commission to develop voter education programs for first time voters to be introduced in secondary schools, universities, and student organizations;
- Support of the development of the NGO sector in Montenegro;
- Technical assistance leading into federal elections.

We look forward to cooperation in the future.

Best Regards
PRESIDENT

DEMOCRATIC PARTY OF SOCIALISTS
OF MONTENEGRO
MILICA PEJANOVIC-DURISIC
Signature

RADIO-TELEVISION OF MONTENEGRO

to: IFES – office in Podgorica
Dalmatinska 22

Dear, Ms. Barnes

We thank you for our exceptionally successful cooperation during pre-election campaign in Montenegro. We are certain that early elections in Montenegro were conducted correctly thanks, in part, to your help.

We sincerely hope that we will have an opportunity to cooperate on similar efforts in the future, because we think that IFES engagement in Montenegro contributed greatly to voter mobilization and information and the conduct of democratic elections in Montenegro.

with respect,

chief editor of RTCG
Velibor Čović

FROM : IFES

PHONE NO. : 381 212415

Jun. 24 1998 01:47PM P3

FROM : RTUCG-Izbori '98

PHONE NO. :

JUN. 18 1998 11:57AM P1



IFES - KANCELARIJA U PODGORICI
Dalmatinska br.22

Poštovana gospodo,

Zahvaljujemo vam na izuzetno uspješnoj saradnji tokom predizborne kampanje u Crnoj Gori, uvjereni da su i vašom zaslugom prijevremeni parlamentarni izbori u našoj Republici korektno sprovedeni.

Iскрено се надамо да ћемо и убудуће бити у прилици да сарађујемо на истим пословима, јер цијенимо да је IFES својим ангаџманом значајно допринио популаризацији и спровођењу демократских избора у Црној Гори.

S poštovanjem,

GLAVNI I ODGOVORNI UREDNIK
TELEVIZIJE CRNE GORE

Veljko Čović

IFES office in Podgorica

to Mrs. Catherine Barnes

I would like to thank you, on behalf of Radio of Montenegro, for all that IFES did to promote democratic spirit leading into early parliamentary elections in Montenegro.

In our opinion, motivational spots which were made with great knowledge, had a positive influence on turnout of voters. Our national Radio broadcasted these spots regularly and with pleasure. Considering your considerable influence on the development of a parliamentary system and your continued work in Podgorica would be both desirable and useful.

with great respect,

chief editor of RM
Radovan J. Miljanic

GOSPODI KETRIN BARD I.F.E.S

Podgorica

U prilici sam da Vam u ime Radija Crne Gore zahvalim na svemu što je I.F.E.S uradila da se nedavni prijevremeni parlamentarni izbori u našoj državi završe u demokratskom duhu. Osobito su, po našem mišljenju, podsticajno na glasački odziv uticali takozvani motivacioni spotovi, koje ste znalački pravili a naš nacionalni Radio priželjno i redovno emitovao. Imajući u vidu Vaš znatan doprinos razvoju parlamentarizma i demokratije u Crnoj Gori, držimo, da bi Vaše dalje prisustvo i djelovanje u Podgorici bilo poželjno i od koristi.

S poštovanjem

Radovan J. Miljanić
GLAVNI I ODGOVORNI UREDNIK RCG

Radovan J. Miljanić

CEDEM-CENTER FOR DEMOCRACY AND HUMAN RIGHTS

To: Miss. Catherine Barnes
IFES
Podgorica, June 10, 1998

The recent parliamentary and municipal elections in Montenegro were an event of extreme importance for further political progress in the Republic, and at the same time in the Federation (SRJ). Taking into account opinions of CEDEM observers for this election (together with CESID - Center for Free Elections and Democracy of Belgrade), our evaluation is that we had the most regular elections since 1990.

There is no doubt that the help of international experts was of great value in these elections. One of the organizations which made the greatest contribution was IFES. Despite the circumstances, your foundation was able to work on: training of polling board members, providing information for candidates and voters, helping with voter registration, providing ink and optical scanners for elections.

We had the pleasure to work directly with IFES through the training program. Of the core training group, four of six trainers were CEDEM members, this cooperation was useful for both sides. Our members evaluate this training program as very useful and top-quality (all major parties participated in this program). IFES consultants said that the team of core-trainers was the best they ever had.

Having in mind the role that IFES had in these elections, we think your foundation must expand it's mission and to assist with the transition process and development of democracy. It is our opinion is that your international experts could play a great role in Montenegro, especially under the current circumstances when the transitional and democratization process is not over.

Possible cooperation areas for IFES include: help in implementation of election laws, realization of a permanent election commission (with cooperation with REC), education the whole population in Montenegro, cooperation with NGO's on several election programs, introduction of program on Election Law at the Faculty of Law and Faculty of Economics, etc.

We sincerely hope that your foundation will find the way to extend its mission in Montenegro, and in any case, CEDEM is open for future cooperation.

With respect and best wishes,

Srdan Darmanović
Director

CEDEM**CEDEM - Centar za demokratiju i ljudska prava**

81 000 Podgorica, Hercegovacka 92
 Montenegro (FR)
 tel: 81/81 613 119
 e-mail: cedom@cg.yu

Miss Catherine Barnes
 IFES, Podgorica

Podgorica, June 10, 1998

Vanredni parlamentarni izbori u Crnoj Gori bili su događaj od izuzetnog značaja za dalje političke procese u Republici, a timu i u federaciji (SRJ). Obzirom da je, zajedno sa CeSID-om (Centar za slobodne izbore i demokratiju) iz Beograda, CEDEM imao status formalnog posmatrača ovih izbora, naša je ocjena da su to bili najregularniji izbori koji su ikada održani u Crnoj Gori.

Nesumnjivo je da je međunarodna eksperstska pomoć, izražena u raznim vidovima, bila pri tome od nemjerljivog značaja. Jedna od organizacija koji su u tom pogledu dali najveći doprinos svakako je bio IFES. Vaša organizacija radio je, pored ostaloga, na obuci članova biračkih odbora, objavila publikacije koji su služili obrazovanju glasača i samih kandidata, imala savjetodavnu ulogu u kompiriranju biračkog spiska, angažovala se na pribavljanju tehničkih pomagala za regularno sprovođenje izbora, itd.

Imali smo posebno zadovoljstvo što je došlo i do direktne saradnje CEDEM-a i IFES-a koja je ostvarena na programu obuke članova biračkih odbora. U tom IFES-ovom programu četiri od šest predavača bili su iz CEDEM-a i, po svemu sudeći, saradnja je bila korisna za obje strane. Naši instruktori ocijenili su IFES-ov program izuzetno kvalitetnim, dobro zamišljenim i korisnim (kroz njega su prošle gotovo sve parlamentarne stranke), a IFES-ovi rukovodioci ovog programa dali su nezvaničnu ocjenu da su malo gdje radili sa ovako dobrim timom instruktora.

Imajući u vidu ulogu koju je IFES odigrao u celom izbornom procesu, mi smatramo da bi za dalji proces tranzicije i demokratizacije u Crnoj Gori bilo izuzetno korisno da Vaša organizacija produži svoju misiju i ostane dalje u našoj Republici. Po našem mišljenju međunarodna eksperstska pomoć ne bi trebala imati samo ad hoc već stalniji karakter, pogotovo u situacijama kada prodemokratski i tranzicioni procesi nijesu još stabilizovani.

Kao oblasti daljeg IFES-ovog angažmana mi vidimo, između ostalih: pomoć u implementaciji izbornih zakona; pomoć (u saradnji sa Republičkom izbornom komisijom) na formiranju stalne, profesionalne i dobro obučene izborne administracije na republičkom i lokalnom nivou; eventualnu savjetodavna pomoć republičkom parlamentu prilikom izbornih reformi; edukativne programe za širu populaciju; saradnju sa nevladinim organizacijama na projektima vezanima za izbore; pomoć u edukativnom programu Pravnog i Ekonomskog fakulteta na predmetima koji sadrže izbornu materiju, itd.

Iskreno se nadamo da će Vaša organizacija naći načina da produži svoju misiju u Crnoj Gori, a u svakom slučaju CEDEM ostaje otvoren za dalju međusobnu saradnju na različitim projektima.

S poštovanjem i najboljim željama,

Srdan Darmanović
 direktor

COMMISSION for REAL PROPERTY CLAIMS
of Displaced Persons and Refugees
Regional Montenegro Office
PODGORICA, Vuka Karadzica 41, Telephone\381 81 622-380, Tel.Fax\381 81 622-642
E-mail address: crpcival@cg.yu

KOMISIJA za IMOVINSKE ZAHTJEVE
raseljenih lica i izbjaglica
Regionalna Kancelarija Crna Gora

Podgorica,
June 5, 1998

IFES

Postovani,

Bila mi je cast i zadovoljstvo, vrsiti trening clanova birackih odbora za izbore za Republički Parlament i Opštinske Skupštine odrzane 31.05.1998.g., ispred IFES-a.

Imao sam priliku, da neformalno razgovaram sa posmatracima OSCE-a, CEDEM-a i CESID-a, i da od svih dobijem odgovor da su clanovi birackih odbora veoma uspješno obavili svoj posao. Smatram da je ovo uspjeh treninga IFES-a. Takodje osjecam zadovoljstvo pri ovim saznanjima, jer kao clan Opštinske izborne komisije 1990., Republike izborne komisije 1992. i Savezne izborne komisije 1996. dobro znamo koliko je bilo problema u radu birackih odbora.

Primijetio sam, da je clanovima birackog odbora, ispred DPS-a u Herceg Novom, trebalo objasniti neke pojedinosti koje su im ostale nejasne. Iz ovih razgovora sam stekao utisak da je ova uticajna partija pogriješila sto nije u programu IFES-a, vrsila obuku clanova birackih odbora.

Duboko sam ubijedjen, da bi bilo veoma korisno da se mislja IFES-a u Crnoj Gori nastavi kontinuirano, a za ovo ima vise razloga. Prije svega, ocito je da je edukacija izbornih organa dala odlicne rezultate, te bi stoga trebalo nastaviti sa ovim aktivnostima. Takodje sam misljenja da bi se u crnogorskom Parlamentu, donosenjem novih ili izgledno postojećih zakona, mogao jos vise unaprijediti izborni sistem. IFES bi mogao da prenese iskustva radi poboljšanja kvaliteta birackog spiska. Naravno, ovo nijesu svi razlozi za nastavak misije IFES-a u Crnoj Gori.

Bicu slobodan da dam i sasvim licni komentar, premda radim sa izuzetno ugrozenom populacijom - izbjeglicama. Njihova tragicna zivotna iskustva najbolje pokazuju do cega dovodi rjesavanje politickih problema nasilnim putem, a ne na izborima po demokratskoj proceduri.

S postovanjem,
Sef Regionalne kancelarije
Aleksa Ivanovic

Aleksa Ivanovic

COMMISSION for REAL PROPERTY CLAIMS
Of Displaced Persons and Refugees
Regional Montenegro Office

Podgorica
June 15, 1998

IFES

Dear,

It was an honor and a pleasure to be a part of IFES polling board training program for elections held on May 31, 1998.

I had some informal conversations with OSCE, CEDEM and CESID observers, and we unanimously agreed that members of the polling boards did an excellent job on Election Day. I think this is the result of IFES training. Also I must tell you that I am stunned with the results of the training because I was a member of municipal election commission-1990, REC-1992 and Federal election commission-1996. As such, I know the difficulties associated with polling place procedure.

I am deeply convinced that IFES must have a continuous presence in Montenegro. There is more than one reason to say this. First, it is obvious that the training had a great impact so it would be desirable to continue with this program. I also think that IFES could and must help our Parliament in drafting new laws and regulations aimed at improving political/electoral processes. Certainly, IFES could help in improving voter registration. There are many reasons for IFES to stay in Montenegro.

I will be free to give my personal comment as Head of office in Commission and as a person who is working with imperiled population-refugees. Their tragic life experiences show us what is happening when political problems are solved by weapon, and not by elections and democratic processes.

With respect,
Head of office in Montenegro
Aleksa Ivanović

UNIVERSITY OF MONTENEGRO
LAW FACULTY
D e a n

IFES
Office in Podgorica
Dalmatinska 22

At the session of administrators and teaching staff of the Law faculty in Podgorica held on May 6, 1998, we announced a new academic plan. With this plan our previous curriculum has fundamentally changed. Not only have we changed the method of studying, but also have introduced some new disciplines. One of the new disciplines is a course offered in the third year: ELECTIONS AND ELECTION LAW.

In relation to this, I would take the liberty to point out some of the possibilities of future cooperation between our faculty and your foundation. Cooperation with IFES as a foundation that gathers many experts from election law is a once in a life-time chance and a privilege for all people in education. This is especially true in countries like Montenegro where the process of transition from an undemocratic society to a democratic one, is taking place.

Having in mind, that Montenegro now more than ever needs people well educated in law, it is my responsibility, to do everything in my power to provide conditions for quality and efficient education for my students. Therefore, our future cooperation with IFES is a guarantee that we will have the highest educational level for students especially in Election and Election Law courses.

Hoping that our two institutions will have a long-term cooperation in the upcoming period, it's a pleasure to give you my best wishes.

Podgorica, June 11, 1998

D E A N

Prof. Dragan Radonjić-P.H.D. in Law

PS:

- Copy of resolution about changing the academic plan
- Draft of the teaching plan for Election and Election Law course

UNIVERZITET CRNE GORE
PRAVNI FAKULTET

broj 01-962

PODGORICA, 15.06.1998 god

UNIVERZITET CRNE GORE
PRAVNI FAKULTET
D e k a n

а ф в о

Kancelarija u Podgorici
Momišići 22

Nastavno-naučno vijeće Pravnog fakulteta u Podgorici, na sjednici održanoj 06.05.'98. godine, u skladu s odredbama svog Statuta, usvojilo je novi Nastavni plan. Ovim planom u osnovi se mijenja dosadašnji režim studija na našem fakultetu, kako sa stanovišta režima studiranja tako isto i sa stanovišta izučavanja novih, specijalističkih disciplina. Jedna od novih disciplina, odnosno novi predmet koji će se izučavati na trećoj godini studija od nove školske godine biće i predmet IZBORI I IZBORNO PRAVO.

Imajući u vidu naprijed navedeno, slobodan sam ukazati na moguće, očekivane efekte saradnje našeg fakulteta i vaše ugledne fondacije. Naime, saradnja sa IFES-om, odnosno asocijacijom koja okuplja najeminentnije eksperte iz oblasti izborne problematike, sama po sebi, predstavlja jedinstvenu priliku i privilegiju za sve koji se bave edukacijom mladih naraštaja. To se naročito odnosi na ona društva koja se nalaze u procesu tranzicije iz nedemokratskog u demokratski politički sistem.

S obzirom da se Crna Gora nalazi upravo u fazi naznačene tranzicije, to me sa stanovišta osnovne funkcije koju ima kuća na čijem se čelu nalazim čini obaveznim da učinim svaki napor da u što većoj mjeri obezbijedim uslove za stručnu i efikasnu nastavu našim studentima. U tom smislu, eventualna buduća saradnja sa IFES-om garantuje da se, u skladu sa usvojenim nastavnim programom, na predmetu Izbori i izbornu pravo može očekivati najviši nivo obrazovanja studenata u ovoj, za sve nas izuzetno važnoj oblasti društvenog i političkog života.

U nadi da će naše dvije institucije uspostaviti trajnu saradnju u narednom periodu, čini mi zadovoljstvo da vam uručim iskrene i srdačne pozdrave.

Podgorica, 11.06.'98.



DEKAN

Dragan RADONJIC

Prilog:

- Ovjereni kopija Odluke NN vijeća
- Skica nastavnog programa za predmet Izbori i izbornu pravo

UNIVERSITY OF MONTENEGRO
LAW FACULTY

RESOLUTION

ABOUT CHANGING THE SCHOOL PLAN FOR NEXT YEAR

Second table:

ELECTIVE COURSES ON THE THIRD YEAR

Point six – ELECTIONS AND ELECTION LAW

Professor: Vesko Pavicevic

This class is in V semester, 2 lessons in week and takes 2 points

Na osnovu člana 105 stav 1 Zakona o Univerzitetu ("Sl. list RCG", br. 37/92),
Naučno-nastavno vijeće Pravnog fakulteta u Podgorici, na sjednici od 06. 05. 1998.
godine, donijelo je sledeću

ODLUKU O IZMJENAMA NASTAVNOG PLANA

Član 1.

Prestaje da važi dio Nastavnog plana ovog fakulteta, koji se odnosi na Nastavne grupe-
usmjerenja i opcione predmete, a uvode se Izborni predmeti na III i IV godini studija, kako
slijedi :

III GODINA	V Semestar	VI Semestar
1. Obligaciono pravo	4+1	4+1
2. Upravno pravo	3+1	3+1
3. Krivično-procesno pravo	3+1	3+1
4. Međunarodno javno pravo	3+1	3+1
5. Međunarodno javno pravo	3+1	3+1
6. Kriminologija sa penologijom	2+1	2+1

IZBORNI PREDMETI NA III GODINI			
PREDMET	SEMESTAR	ČASOVI	BODOVI
1. Osnovi ekološkog prava	VI	2	4
2. Pravna informatika	VI	2	4
3. Ljudska prava	V	2	4
4. Evropska ustavnost	VI	2	2
5. Federalizam i autonomija	V	2	2
6. Izbori i izborna prava	V	2	2
7. Sociologija prava	V	2	2
8. Sociologija politike	V	2	2
9. Sociologija porodice	V	2	2
10. Međunarodno radno pravo	VI	2	2
11. Međunarodno krivično pravo	VI	2	2
12. Komparativno nasljedno pravo	VI	2	2
13. Autorsko pravo i pravo industrijske svojine	V	2	2
14. Teorija dokaza	VI	2	2
15. Veliki pravni sistemi	V	2	2



IV GODINA	VII Semestar	VIII Semestar
1. Građansko procesno pravo	4+1	4+1
2. Privredno pravo	4+1	4+1
3. Međunarodno privatno pravo	3+1	3+1
4. Finansije i finansijsko pravo	3+1	3+1
5. Političke i pravne teorije	2+1	2+1
6. Pomorsko pravo	2+1	2+1

IZBORNI PREDMETI NA IV GODINI			
PREDMET	SEMESTAR	ČASOVI	BODOVI
1. Osnovi prava EU i Common Law	VII	2	4
2. Međunarodno trgovinsko pravo	VIII	2	4
3. Poresko pravo	VIII	2	4
4. Bankarsko pravo	VIII	2	2
5. Kompanijsko pravo	VII	2	2
6. Pravo osiguranja	VIII	2	2
7. Pravo turizma	VIII	2	2
8. Arbitražno pravo	VII	2	2
9. Međunarodno pravo mora	VII	2	2
10. Međunarodni odnosi i organizacije	VIII	2	2
11. Kriminalna politika	VIII	2	2
12. Kriminalistika	VII	2	2
13. Pravna medicina	VIII	2	2
14. Sudska psihologija	VII	2	2
15. Filozofija prava	VII	2	2

Član 2

Nastava na svim izbornim predmetima se izvodi u jednom semestru sa fondom od dva časa nedjeljno. Režim nastave na izbornom predmetu određuje predmetni nastavnik. U pravilu se organizuje mentorska nastava, a u slučaju većeg broja studenata može se organizovati i uobičajena redovna nastava. Ispiti iz izbornih predmeta se polažu u okviru postojećih ispitnih rokova.

Student slobodno bira predmete koje će pohađati i polagati prilikom upisa u V odnosno VII semestar. Broj predmeta zavisi od izbora studenta, koji da bi stekao uslov za upis u IV godinu studija odnosno da bi stekao diplomu mora da sakupi najmanje 10 bodova iz izbornih predmeta, uz položene obavezne predmete u roku odnosno školske godine.

Ova odluka se primjenjuje u skladu sa odlukom Odluke o izmjenama i dopunama Statuta ovog Fakulteta od _____ 1998. godine



UNIVERSITY OF MONTENEGRO
LAW FACULTY

ELECTIVE COURSE:
ELECTIONS AND ELECTION LAW
COURSE PROGRAM

- I Theoretical determination of the elections for the central representative body
- II Elections - basic functions and value
- III Evolution of the application of basic principles in election system for the central representative body
 - 1. Restricted, general and equal voters rights
 - 2. Direct and indirect voters rights
 - 3. Secret and public voting
- IV Election systems-structure and characteristics
 - 1. Methods of elections for central representative body in the power
 - 1.1 Rule by majority election methods-systems
 - 1.2 Majority election methods-systems
 - 1.3 Half-proportional election methods-systems
 - 1.4 Proportional election methods-systems
 - 2. Election lists-basic structure and characteristics
 - 2.1 Closed (tied-up) list
 - 2.2 Flexible list
 - 2.3 Open list
 - 2.4 Free list
 - 3. Election units and problems of election geography
 - 3.1 Way of determining
 - 3.2 Magnitude effects of the election units
 - 4. Mandates of the representatives - Character, Verification and Dissolution of mandates
 - 5. Methods of distribution the mandates
- V Election administration
 - 1. Announcing the election and conducting the election
 - 2. Evidence of the voters rights
 - 3. Authorities in charge of conducting the elections
 - 4. Control of elections
 - 5. Reporting the results of elections
- VI Election campaign
 - 1. Regulations and methods of election campaign
 - 2. Goals and effects of election campaign
- VII Efficiency of the election and election system
 - 1. Influence of the election and the election system on voters
 - 2. Influence of the election and the election system on parties
 - 3. Influence of the election and the election system on constitution and functioning of the parliament and parliament democracy

Professor
Veselin Pavićević
Dr. Veselin Pavićević

UNIVERZITET CRNE GORE
PRAVNI FAKULTET

IZBORNI PREDMET:
IZBORI I IZBORNO PRAVO
NASTAVNI PROGRAM

- I TEORIJSKA ODREĐENJA IZBORA ZA PREDSTAVNIČKU VLAST
- II IZBORI - OSNOVNE FUNKCIJE I VRIJEDNOSTI
- III EVOLUCIJA PRIMJENJENIH OPŠTIH PRINCIPA II SISTEMI IZBORA
ZA PREDSTAVNIČKU VLAST
 - 1. OGRANIČENO, OPŠTE I JEDNAKO PRAVO GLASA
 - 2. NEPOSREDNO I POSREDNO PRAVO GLASA
 - 3. TAJNO I JAVNO GLASANJE
- IV IZBORNI SISTEMI - STRUKTURA I KARAKTERISTIKE
 - 1. METODI IZBORA ZA CENTRALNE PREDSTAVNIČKE ORGANE VLASTI
 - 1.1 Većinski izborni metodi - *sistemi*
 - 1.2 Majoritetni izborni metodi - *sistemi*
 - 1.3 Poluproporcionalni izborni metodi - *sistemi*
 - 1.4 Proporcionalni izborni metodi - *sistemi*
 - 2. IZBORNE LISTE - OSNOVNI TIPOVI I KARAKTERISTIKE
 - 2.1 Zatvorena (vezana) lista
 - 2.2 Fleksibilna lista
 - 2.3 Otvorena lista
 - 2.4 Slobodna lista
 - 3. IZBORNE JEDINICE I PROBLEMI IZBORNE GEOGRAFIJE
 - 3.1 Način određivanja
 - 3.2 Efekat magnitude izborne jedinice
 - 4. POSLANIČKI MANDAT - KARAKTER, VERIFIKACIJA I PRESTANAK MANDATA
 - 5. METODI RASPODJELE PREDSTAVNIČKIH MJESTA - MANDATA
- V IZBORNA ADMINISTRACIJA
 - 1. RASPISIVANJE I ODRŽAVANJE IZBORA
 - 2. EVIDENCIJA BIRAČKOG PRAVA
 - 3. ORGANI ZA SPROVODJENJE IZBORA
 - 4. KONTROLA IZBORA
 - 5. UTVRĐIVANJE REZULTATA IZBORA
- VI IZBORNA KAMPANJA
 - 1. PRAVILA I METODI IZBORNE KAMPANJE
 - 2. CILJEVI I EFEKTI IZBORNE KAMPANJE
- VII UČINCI IZBORA I IZBORNOG SISTEMA
 - 1. UTICAJ IZBORA I IZBORNOG SISTEMA NA GRAĐANINA
 - 2. UTICAJ IZBORA I IZBORNOG SISTEMA NA STRANKE
 - 3. UTICAJ IZBORA I IZBORNOG SISTEMA NA KONSTITUISANJE
I FUNKCIONISANJE PARLAMENTA I PARLAMENTARNE DEMOKRATIJE

PREDMETNI NASTAVNIK.


Dr. Veselin PAVIĆEVIĆ

UNIVERSITY OF MONTENEGRO
FACULTY OF ECONOMICS
D e a n

IFES
Office in Podgorica
Dalmatinska 22

For the past two years, the Faculty of Economics has provided for it's students some basic information about democracy and democratic systems of governance, through the course POLITICAL SYSTEMS. This course was taught by professor Milan Popovic from the law faculty and Professor Veselin Pavicevic from the Institute for socio-economics research. based on the importance of the course and interest of the students, our teaching staff decided to change our academic plan and have a special course in the third year - THEORY ABOUT ELECTIONS AND ELECTION SYSTEMS.

I understand that there is a possibility for your respected foundation to have a on-going cooperation with some institutions in Montenegro. Personally, I would be very pleased if one of these institutions would be the Faculty of Economics. That kind of relationship would certainly guarantee the quality of the course - Theory about Elections and Election Systems. Our faculty would also benefit by making direct connections with an eminent institution like yours.

In the name of our future cooperation, accept my best regards.

Podgorica, June 11, 1998

D E A N

Prof. Predrag Ivanović-P.H.D. in Economics

PS.

- Draft of the teaching plan for Theory about Election and Election System course

UNIVERZITET CRNE GORE
EKONOMSKI FAKULTET

Broj 01-779

15. 6. 1998. g.
PODGORICA

UNIVERZITET CRNE GORE
EKONOMSKI FAKULTET
D e k a n

IFES
Kancelarija u Podgorici
Momišići 22

Ekonomski fakultet u okviru predmeta Politički sistem već dvije godine svojim studentima pruža osnovna znanja iz oblasti demokratije i demokratskih režima vlasti. Nastavu na ovom predmetu izvode kolege prof. dr Milan Popović sa Pravnog fakulteta i dr Veselin Pavićević, naučni saradnik na našem Institutu za društveno-ekonomska istraživanja. Međutim, imajući u vidu značaj predmetne materije i interesovanje studenata Ekonomskog fakulteta za ovu oblast, Nastavno-naučno vijeće našeg fakulteta odlučilo je da se od naredne školske godine, na trećoj godini studija, uz predmet Politički sistem, u formi mentorske nastave izučava i specijalizovani kurs pod nazivom TEORIJA IZBORA I IZBORNIH SISTEMA.

Kako sam informisan da postoji mogućnost da vaša ugledna asocijacija uspostavi trajne oblike saradnje sa odgovarajućim institucijama u našoj republici, odnosno da Kancelarija IFES-a i u narednom periodu bude otvorena u Crnoj Gori, ovim putem izražavam iskreno zadovoljstvo ukoliko se to bude odnosilo i na Fakultet na čijem se čelu nalazim. Zadovoljstvo primizlazi ne samo iz činjenice što se na taj način, samo po sebi, pruža objektivna mogućnost za odgovarajući kvalitet nastave na predmetu *Teorija izbora i izbornih sistema*, već i okolnosti da naša kuća i na taj način daje doprinos uspostavljanju direktnih veza sa eminentnim institucijama i ekspertima razvijenog, demokratskog svijeta.

Molim, da u ime naše buduće saradnje, primite izraze mog poštovanja.

Podgorica, 11.06.'98.

DEKAN
Prof. dr Predrag IVANOVIĆ

P.S.
Uz ovo pismo dostavljam vam i okvirni koncept programa za navedenu disciplinu koju je sačinio kolega, dr Veselin Pavićević

UNIVERSITY OF MONTENEGRO
FACULTY OF ECONOMICS

ELECTIVE COURSE:
THEORY ABOUT ELECTIONS AND ELECTION SYSTEMS

COURSE PROGRAM

I. Theoretical determination of the elections for the central representative body

1. Instrumental theories (Plato, Althusius, Bodin, Montesquieu, Fichte, Labai, Mosca, Hauriou, Sartori, Kirkpatrick...)
2. Functional theories (Almond, Verba, Cox, Dummet, Held, Huntington, Lardeyret Lijphart, Lipset, Quadec...)

II Elections-basic functions and value

III Evolution of the application of basic principles in election system for the central representative body

1. British election evolution (Development of the election system in GB)
2. American election pragmatism (Election system in USA)
3. French election radicalism (Development of the election system in France)

IV Election systems-structure and characteristics

1. Methods of elections for central representative body in the power
 - 1.1 Rule by majority election methods-systems
 - 1.2 Majority election methods-systems
 - 1.3 Half-proportional election methods-systems
 - 1.4 Proportional election methods-systems
2. Election lists-basic structure and characteristics
 - 2.1 Closed (tied-up) list
 - 2.2 Flexible list
 - 2.3 Open list
 - 2.4 Free list
3. Election units and problems of election geography
 - 3.1 Way of determining
 - 3.2 Magnitude effects of the election units
4. Mandates of the representatives-Character, Verification and Dissolution of mandates
5. Methods of distribution the mandates

V Election administration

VI Election campaign

1. Regulations and methods of election campaign
2. Goals and effects of election campaign

VII Efficiency of the election and election system

1. Influence of the election and election system on voters
2. Influence of the election and election system on parties
3. Influence of the election and election system on constitution and function of the parliament and parliament democracy

Professor,
Veselin Pavićević
Dr. Veselin Pavićević

UNIVERZITET CRNE GORE
EKONOMSKI FAKULTET

IZBORNI PREDMET:
TEORIJA IZBORA I IZBORNIH SISTEMA
NASTAVNI PROGRAM

- I TEORIJSKA ODREĐJENJA IZBORA ZA PREDSTAVNIČKU VLAST**
1. INSTRUMENTALNE TEORIJE (Platon, Althusius, Bodin, Montesquieu, Michte, Labat, Mosca, Hauriou, Sartori, Kirkpatrick)
2. FUNKCIONALISTIČKE TEORIJE (Almond, Verba, Cox, Durrnet, Held, Huntington, Lardeyret, Liphart, Lipset, Quade ...)
- II IZBORI - OSNOVNE FUNKCIJE I VRIJEDNOSTI**
- III EVOLUCIJA PRIMJENE OPŠTIH PRINCIPA U SISTEMU IZBORA ZA PREDSTAVNIČKU VLAST**
1. BRITANSKA IZBORNA EVOLUTIVNOST (Razvoj izbornog sistema u V. Britaniji)
2. AMERIČKI IZBORNI PRAGMATIZAM (Izborni sistem SAD)
3. FRANCUSKI IZBORNI RADIKALIZAM (Razvoj izbornog sistema u Francuskoj)
- IV IZBORNI SISTEMI - STRUKTURA I KARAKTERISTIKE**
1. METODI IZBORA ZA CENTRALNE PREDSTAVNIČKE ORGANE VLASTI
1.1 Većinski izborni metodi - *sistemi*
1.2 Majoritetni izborni metodi - *sistemi*
1.3 Poluproporcionalni izborni metodi - *sistemi*
1.4 Proporcionalni izborni metodi - *sistemi*
2. IZBORNE LISTE - OSNOVNI TIPOVI I KARAKTERISTIKE
2.1 Zatvorena (vezana) lista
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3. IZBORNE JEDINICE I PROBLEMI IZBORNE GEOGRAFIJE
3.1 Način odredjivanja
3.2 Efekat magnitude izborne jedinice
4. POSLANIČKI MANDAT - KARAKTER, VERIFIKACIJA I PRESTANAK MANDATA
5. METODI RASPODJBE PREDSTAVNIČKIH MJESTA - MANDATA
- V IZBORNA ADMINISTRACIJA**
- VI IZBORNA KAMPANJA**
1. PRAVILA I METODI IZBORNE KAMPANJE
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- VII UČINCI IZBORA I IZBORNOG SISTEMA**
1. UTICAJ IZBORA I IZBORNOG SISTEMA NA GRAĐANINA
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3. UTICAJ IZBORA I IZBORNOG SISTEMA NA KONSTITUISANJE
I FUNKCIONISANJE PARLAMENTA I PARLAMENTARNE DEMOKRATIJE



PREDMETNI NASTAVNIK,
Veselin PAVIČIĆ

**ANNEX XV: MEMBERS OF ADVISORY PANEL ON ELECTION LAW
REFORM**

MEMORANDUM

To: Keith Sherper, USAID Belgrade
Svetlana Djuric, USAID Belgrade
CC: As Appropriate
From: Catherine Barnes, IFES Montenegro
Re: List of Persons Recommended for Participation in Specially Appointed Advisory
Panel on Election Law Reform
Date: 24 July 1998

Please find attached the list of experts and practitioners to be considered for participation in a specially appointed advisory panel on election law reform. This list was developed by the International Foundation for Election Systems with the assistance of key members of its core training group. The proposed 5 member panel is the primary implementation mechanism for the IFES model election law project, funded by USAID, and will work directly with USAID advisors on-site. Each person recommended would bring a variety of skills and experiences to the panel, for example: legislative drafting, election administration and management, adjudication of grievances, and comparative election systems. An effort has also been made to ensure the regional, gender, and ethnic diversity of the panel.

As discussed during our previous meetings, the role of USAID, and potentially that of the US Embassy, in communicating the priority nature of this initiative to, and securing the timely appointment of the advisory panel from, President Djukanovic may be crucial to the success of the project. Depending upon the timing of inter-governmental discussions on this issue, Dr. Veselin Pavicevic, IFES' recommendation for the chairmanship of the panel, is prepared to either lay the ground work for such a meeting or to follow-up on the discussion. Dr. Pavicevic has been engaged in an on-going dialogue with the President on the need for systemic electoral reform in Montenegro and is currently slated to meet again with Djukanovic in the near future, although a specific time has not yet been set. Therefore, it will be important to co-ordinate on the timing of any communications on this topic.

Specifically, President Djukanovic would be asked:

- To approve IFES' recommendation for the Chairmanship of the Advisory Panel;
- To select four (4) additional names from the remaining nine (9) names on the list for appointment to the panel;
- To either approve or disapprove the involvement of two election law scholars from Serbia to serve as consultants to, as distinct from members of, the advisory panel, and;
- To appoint the advisory panel as early as 11 August 1998 by not later than 31 August 1998.

Please let me know if you have any questions concerning the list. I might suggest that if this document is shared with other representatives of USAID or the US Embassy, you may want to attach the concept paper to provide the necessary background. I look forward to hearing from you on next steps to be taken regarding the presentation of this initiative to President Djukanovic and the appointment of the advisory panel.

IFES RECOMMENDATIONS FOR PROSPECTIVE MEMBERS OF A SPECIALLY APPOINTED ADVISORY PANEL ON ELECTION LAW REFORM

RECOMMENDATION FOR CHAIRMANSHIP OF THE ADVISORY PANEL (*please endorse*):

P.H.D. Veselin Pavicevic, graduate lawyer; Senior Researcher at the Institute for Social-Economic Research at the Faculty of Economics – Podgorica; author of the book “Electoral System and elections in Montenegro 1990-1996”; Professor of “*Theory of Elections and Electoral Systems*” at the Faculty of Economics – Podgorica and “*Elections and Election Law*” at the Law Faculty – Podgorica; member of the Counsel (Bar Association); CESID associate; CEDEM associate; former member of and advisor to the Republican Election Commission; Member of IFES Core Training Group.

RECOMMENDATIONS FOR APPOINTMENT TO THE ADVISORY PANEL (*please select four*):

1. **Radojka Stamatovic**, graduate lawyer; Associate in the Secretariat for Law, Government of Montenegro; participated in the drafting of previous election laws in Montenegro; former secretary of the REC; member of the IFES Core Training Group.
2. **Slobodan Dragovic**, graduate lawyer; Legal Counsel to the Republic Assembly of the Republic of Montenegro.
3. **Branislav Radulovic**, graduate lawyer; assistant to the Minister of Justice, Government of Montenegro; Secretary of the REC.
4. **Predrag Vulikic**, graduate lawyer; Independent Legal Counsel to the Department of Public Finance; former member of the REC.
5. **Vaselj Sinistaj**, graduate lawyer; expert within the Secretariat of Development, Government of Montenegro; former member of the REC.
6. **Osman Subasic**, graduate lawyer; member of the Municipal Election Commission in Bar.
7. **P.H.D. Djordjije Blazic**, graduate lawyer; assistant to the Minister of Justice, Government of Montenegro.
8. **Slobodanka Sturanovic**, graduate lawyer; assistant to the Secretary for Law, Government of Montenegro.
9. **Zorica Brajkovic**, graduate lawyer, Independent Advisor to the Secretariat for Law, Government of Montenegro.

RECOMMENDED CONSULTANTS TO THE ADVISORY PANEL (*please approve or disapprove*):

1. **Prof.P.H.D. Vladimir Goati**; graduate lawyer; Researcher at the Institute for Social Sciences in Belgrade; professor at the Universities of Bordo, Ljubljana and Montenegro (Law Faculty); expert in the Center for Elections and Electoral Systems in Eastern Europe based in Berlin; member of the Council (Bar Association); and CESID associate.
2. **Prof.P.H.D. Vesna Rakic – Vodinelic**: graduate lawyer; Professor of the Law Faculty in Belgrade; expert in administrative law and procedure; member of the Council (Bar Association); and CESID associate.

PANEL OF EXPERTS ON ELECTION LAW REFORM

CHAIRMAN OF THE ADVISORY PANEL

Veselin Pavicevic, Ph.D.: graduate lawyer; Senior Researcher at the Institute for Social-Economic Research at the Faculty of Economics, Podgorica; author of the book "Electoral System and Elections in Montenegro 1990-1996"; Professor of "Theory of Elections and Electoral Systems" at the Faculty of Economics, Podgorica and "Elections and Election Law" at the Law Faculty, Podgorica; member of the Counsel (Bar Association); CESID associate; CEDEM associate; former member of and advisor to the Republican Election Commission; Member of IFES Core Training Group.

MEMBERS OF THE PANEL

Radmila Sturanovic; graduate lawyer; assistant to the Secretary for Law, Government of Montenegro.

Ljiljana Radonjic; graduate lawyer; secretary of the commission for election and appointments in the Government of Montenegro

Slobodan Dragovic; graduate lawyer; Legal Counsel to the Republic Assembly of the Republic of Montenegro.

Predrag Vulikic; graduate lawyer; Independent Legal Counsel to the Department of Public Finance; former member of the REC.

CONSULTANTS TO THE ADVISORY PANEL

Prof.P.H.D. Vladimir Goati; graduate lawyer; Researcher at the Institute for Social Sciences in Belgrade; professor at the Universities of Bordo, Ljubljana and Montenegro (Law Faculty); expert in the Center for Elections and Electoral Systems in Eastern Europe based in Berlin; member of the Council (Bar Association); and CESID associate.

Prof.P.H.D. Vesna Rakic - Vodinelic; graduate lawyer; Professor of the Law Faculty in Belgrade; expert in administrative law and procedure; member of the Council (Bar Association); and CESID associate.

ANNEX XVI: MODEL LAWS AND INTRODUCTION

EXECUTIVE SUMMARY

The International Foundation for Election Systems (IFES) commenced on-site activities in the Republic of Montenegro in April 1998 in order to provide technical election assistance prior to the scheduled 31 May parliamentary and municipal election. Areas of targeted assistance were based on the recommendations of a three-week assessment mission conducted by IFES in November 1997. Specifically during the pre-election period, IFES: provided poll worker training through a training of trainers model in which Municipal Election Commissioners and political party representatives were trained; conducted a voter and candidate information campaign through the production of television and radio spots, posters, and pamphlets for the electorate as well as a candidate handbook for candidates; provided technical advising to the Republican Election Commission; and advised the Secretariat of Development on the conduct of spot checks of the voter registry within municipalities.

Following the election, IFES conducted an in-depth assessment of the election system in order to evaluate the electoral process as well as identify areas where improvements could be made to current election legislation and practices. This post-election analysis was the result of observations of the system in practice, a review of legislation and supporting documents, and further consultations. It contained a series of recommendations, many of which focussed on the need to establish in law reforms initiated during the election period in order to ensure their institutionalization.

In order to address the desire for legal refinements, IFES formed the Advisory Panel on Election Law Reform in October 1998 to draft model election legislation. The panel was composed of Montenegrin election experts and practitioners as well as expert observer members. Specific laws that were considered included the Law on Election of Councillors and Representatives, the Law on the Register of Electors, and the Law on the Financing of Political Parties. The panel used existing legislation and IFES' assessment as the basis for its work while also considering political party agreements that governed aspects of the May election, comparative election materials from the region, consultations and guidance from IFES Election Assistance, Legal and Voter Registration Specialists, as well as those responsible for administering all aspects of the election process in Montenegro.

The model laws produced generally adhere to the form and style of Montenegrin legislation, using current election laws as the foundation, while enhancing the electoral reform process to which Montenegrin leaders have committed themselves. In areas of the laws where this foundation is inadequate, the form and style may depart from Montenegrin legal and political cultural norms. In those areas, the underlying ideas and concepts should be considered as a basis for further discussion.

The goal of these model laws is to build a transparent electoral system that all Montenegrins can trust - a system that is politically neutral, open, accurate, and efficient according to international norms. To accomplish this, these model laws: codify political party agreements formerly used as a basis for election administration practices, such as multiparty election commissions and polling boards; institutionalize the Republican Election Commission (REC) by empowering it with broader regulatory authority and establishing a professional staff that can engage in continuous consultation, planning, preparation, and improvement; consolidate certain election-related activities such as the administration of the voter registry under the umbrella, although not the direct supervision of the REC; and provide for continuous review and improvement in the accuracy of the voter registry.

While the model laws are a significant step in improving the legal foundation for elections in Montenegro, it is important to keep in mind that elections are a dynamic process. Legislation and practices that govern elections should not be constant, but continuously updated and refined in order to provide for the most

transparent and democratic system. The commitment demonstrated by Montenegro toward this process is evident by its support for this project and continued reforms.

These model laws are the product of the dedication, assistance, and contribution of the following people among many others:

The Advisory Panel on Election Law Reform:

Veselin Pavicevic, PhD, Chairman

Slobodan Dragovic

Ljiljana Radonjic

Radmila Sturanovic

Predrag Vulikic

Observer Members:

Professor Vladimir Goati, PhD

Professor Vesna Rakic-Vodinelic, PhD

IFES Consultants and Staff:

Tom Parkins, Election Assistance Specialist/Chief of Party

Catherine Barnes, former Chief of Party

Chedomir Flego, Voter Registration Specialist

Daniel Blessington, Legal Specialist

Alexandra Levaditis, Senior Program Assistant, IFES/Washington

Ana Drakic, Program Assistant, IFES/Montenegro

THE LAW ON THE ELECTION OF COUNCILLORS AND REPRESENTATIVES

I - BASIC PROVISIONS

Article 1

This Law regulates the manner and procedure of the election of councillors in the assemblies of municipalities, the historical capital and the administrative capital and representatives in the parliament of the Republic of Montenegro (hereinafter: the councillors and representatives), the manner and procedure of the exercise and protection of suffrage of citizens during the process of the election of councillors and representatives, as well as the termination of term of office of councillors and representatives.

Article 2

Suffrage, as used in this Law, shall be a right of a citizen: to elect and be elected; to nominate and be nominated as a candidate; to put questions in public to the submitters of electoral lists and the candidates and to be timely, truthfully and fully informed about their programs and activities; to decide on the submitted electoral lists, as well as to exercise other rights in the process of the election, as provided by this Law.

Article 3

Citizens elect councillors and representatives on the basis of their universal and free suffrage, on free and direct elections - by secret ballot, in the manner and under the procedure as specified in this Law.

Article 4

A citizen of the Republic of Montenegro, who has come of age, has the business capacity and has been the resident of the Republic, or the relevant constituency, for at least twelve months prior to the polling day (hereinafter: the Elector), shall have the right to elect and be elected a councillor or a representative.

Article 5

No one has the right, on whatever grounds, to take a citizen to account for voting or non-voting, or for voting for a particular list, or ask him why he has not voted or who he has voted for and why.

Article 6

The protection of suffrage shall be provided by election administration bodies, a competent court and the Constitutional Court of the Republic of Montenegro.

Article 7

The councillors shall be elected in a municipality as a single constituency.

The representatives shall be elected in the Republic of Montenegro (hereinafter: the Republic) as a single constituency.

The councillors and representatives shall be elected for the period of four years.

Article 8

Councillors and representatives shall be elected in the constituencies on the basis of the electoral lists of candidates submitted by: political parties, coalitions of political parties, and groups of citizens (hereinafter: the electoral list).

Article 9

In the assemblies of municipalities, the historical capital and the administrative capital (hereinafter: the Municipal Assembly), 30 councillors shall be elected and an additional councillor per every 5,000 electors.

The number of councillors, in the sense of para.1 above, shall be determined by the Municipal Assembly by a special resolution on the day of calling for the election at the latest.

The number of representatives shall be determined by the Assembly of the Republic of Montenegro (hereinafter: the Republican Assembly) by a special resolution on the day of calling for the election at the latest.

Article 10

The funds for conducting the election of councillors and representatives shall be provided for in the municipal budget and in the republican budget, respectively.

All deeds, enactments, petitions and other documents regarding the administration of the election and determining the termination of terms of office of councillors and representatives shall be tax exempted.

Article 11

In municipalities in which members of national or ethnical groups make a majority or a significant portion of electors, the extract from the Register of Electors, the general electoral list and ballots shall also be printed in their languages.

II - ELECTION ADMINISTRATION PROCEDURE AND BODIES

1. CALLING FOR ELECTION

Article 12

The Decision on calling for the election of councillors and representatives made by the President of the Republic shall establish the date of the polling day and specify individual time-limits for the election procedures prescribed by this Law.

The Decision on calling for the election shall be published in the "Official Gazette of the Republic of Montenegro" and the media founded by the Republic.

Article 13

The election of councillors and representatives shall be held no less than 15 (fifteen) days prior to the termination of the term of office of councillors and representatives whose term of office has been still running.

No less than 60 (sixty) and no more than 100 (a hundred) days shall pass from the day of calling for the election until the polling day.

Article 14

In the event of the dissolution of the Republican Assembly, or rendering the decision that the term of office of the Republican Assembly should be shortened, the President of the Republic shall call for the election of representatives on the day of its dissolution being determined by his edict, or on the day of coming into effect of the decision on shortening its term of office (early elections).

The provision referred to in Para. 1 of this Article shall accordingly apply to calling for the election of councillors in the event of the termination, or shortening, of the term of office of a Municipal Assembly.

The provision referred to in Para.2 of Article 12 of this law shall apply also in the events referred to in Paras. 1 and 2 of this Article.

2. ELECTION ADMINISTRATION BODIES

1) Common Provisions

Article 15

The election administration bodies shall be the election commissions and polling boards.

Deputies shall be appointed for the members of election administration bodies.

Article 16

The election commissions shall consist of the appointed members, while the polling boards shall consist of the appointed members and the members which constitute their extended composition.

The members in the extended composition of polling boards shall be the authorized representatives of the submitters of electoral lists.

Any submitter of the proclaimed electoral list shall have the right to appoint an authorized representative as observer of the work of the election commission (hereinafter: the observer).

Any submitter of the proclaimed electoral list shall have the right to appoint an authorized representative as member within the extended composition of a polling board and as observer.

Two or more submitters of electoral lists may appoint a joint authorized representative as member within the extended composition of a polling board and as observer.

More detailed rules on the manner of observing the work of the election commission by observers shall be specified by the Republic Election Commission.

Article 17

No person without suffrage or candidate for councillor and/or representative may be appointed to the position of a member of the election administration bodies, his deputy and an observer.

In the event that the appointed members and their deputies become candidates for a councillor or a representative, they shall leave their positions in the election administration bodies. A person who has been a candidate on an electoral list may not be appointed a member within the extended composition of a polling board and/or an observer.

Article 18

The election commissions shall decide by majority vote of the total number of their members.

The work of **polling boards** shall be valid if attended by a majority of the total number of their members, and their decisions shall be valid if made by majority vote of the total number of attending members.

Article 19

The election administration bodies are self-governing and independent in their work and perform their duties in conformity with the law and regulations enacted on the basis of the law. They are bound to act mindfully and impartially under the laws and other regulations.

Upon the acceptance of his duty as a member of an election administration body, such member shall sign the statement which shall read: "I declare that I will abide by the law and other regulations of the Republic of Montenegro in my work in the election administration body and will perform my duties honestly and impartially".

Article 20

All state agencies and organizations are obliged to offer help to the bodies administering the election and provide them with the data necessary for their work at their request.

The employees of the state agencies and organizations referred to in Para. 1 of this Article are obliged to perform the tasks and duties arising under the electoral procedures **lawfully and impartially**, regardless of their political affiliation.

Article 21

The work of the election administration bodies shall be public.

Article 22

The members of election administration bodies and the persons monitoring the work of the election bodies shall act in accordance with the law and the rules prescribed by the Republic Election Commission.

If the persons monitoring the work of election administration bodies break the rules on the work on polling stations or otherwise disrupt the work of election administration bodies, such election administration body may remove them, entering the details about that in the minutes.

The work of an election administration body may not be attended by the person who is a candidate for councillor or representative on the proclaimed electoral list.

Article 23

The authorized representatives of domestic organizations and non-government institutions that have been associated with a view to protecting human rights and

freedoms and the interested representatives of foreign states and relevant international organizations and non-government institutions have the right to monitor the work of the election administration bodies under the conditions set forth in this Law.

The authorized representatives of domestic organizations and non-government institutions referred to in Para. 1 above have the right to monitor the work of the election administration bodies on the basis of an official authorization of the Republican Election Commission.

The official authorization referred to in Para. 2 above shall be issued against a written evidence of the registration of such organization or institution.

Article 24

The interested representatives of foreign states and relevant international organizations and non-governmental institutions have the right to monitor the work of the election administration bodies on the basis of an application to be submitted to the Ministry of the Interior of the Republic of Montenegro not later than five days before the polling day.

The application referred to in Para 1 above shall include: the name of the state and/or organization or institution of such representative, the number and composition of the representatives and the time of their stay.

The Ministry of the Interior shall, on the day following the day of the receipt of application, furnish the application to the Republican Election Commission which shall issue official authorizations for the representatives of foreign observers, on the basis of which the observers shall have the right to monitor the work of the election administration bodies.

Article 25

The Republican Election Commission shall issue the persons referred to in Para 22 of this Law with identification cards showing the observer's name and surname, name of the country he is coming from, or the organization or institution he is representing to, which cards shall have to be prominently worn.

The Republican Election Commission shall inform the Municipal Election Commissions on the issued authorizations to foreign and domestic observers, and the Municipal Election Commissions shall inform the polling boards thereon.

Article 26

The polling boards shall be bound to provide conditions for the foreign and domestic observers for their unhindered monitoring of the election process

The polling boards shall state in their minutes the presence of the observers at a polling station.

Article 27

Upon the proposal submitted by the election administration body, the Republican Election Commission may withdraw the authorization and the identification card, if the person who has been issued these documents fails to comply with the rules concerning maintaining order at a polling station.

2) Election Commissions

Article 28

The election commissions shall be Municipal Commissions and the Republican Election Commission.

Article 29

A Municipal Election Commission shall consist of a chairman, secretary and four members, who shall be appointed by the Municipal Assembly upon the proposal of the municipal body (**authority**) in charge of the selection and appointment of these members.

The composition of a Municipal Election Commission, as referred to in Para 1 above, shall correspond to the representation of parties in the **Municipal Assembly**.

The document appointing a Municipal Election Commission shall be published in the "Official Gazette of the Republic of Montenegro - Municipal Ordinances".

Article 30

The chairman, the secretary and the members of a Municipal Election Commission and their deputies shall be appointed for the term of four years.

Two members of the Commission shall be appointed every two years.

The chairman, his deputy, the secretary, the members of a Commission and their deputies shall be selected, as a rule, from the ranks of graduate lawyers.

The secretary of a Municipal Election Commission shall be appointed from the ranks of graduate lawyers.

The same person may not be elected a chairman more than twice.

The chairman and members of a Commission, in the event of their absence or inability to perform their tasks and duties in the Commission, may be replaced by their deputies.

Article 31

Upon rendering the decision on the proclamation of an electoral list, the Municipal Election Commission shall pass a decision confirming that the submitter of such electoral list has fulfilled the conditions for the appointment of **observers**.

The decision referred to in Para 1 above shall be submitted to the submitter of the electoral list by the Municipal Election Commission together with the decision on the proclamation of the electoral list.

The submitter of the electoral list shall appoint its **observer** and shall notify the **Municipal Election Commission** thereof, within not later than three days from the day of receiving the decision referred to in Para 2 above.

The Municipal Election Commission shall, within 24 hours from the receipt of the notification referred to in Para 3 above, provide conditions for the presence and monitoring of its work by the observers, under the law and the rules of the Republican Election Commission.

Article 32

A Municipal Election Commission shall:

- 1) see that the election is conducted legally;
- 2) do logistics for the administration of the election;
- 3) determine polling stations for the election of councillors and representatives;
- 4) form polling boards and appoint the chairman and members of polling boards for the election of councillors and representatives;
- 5) prescribe the form of ballot for the election of councillors;
- 6) prescribe the manner, place and control of the printing, the distribution of ballots, as well as the destruction of the matrix and other matters related to safety of ballots;
- 7) determine the number of ballots for the election of councillors that will have to be identical to the number of electors entered in the register of electors, the number of reserve ballots and the number of ballots for the election of councillors and representatives for individual polling stations;
- 8) determine whether the electoral lists for the election of councillors have been made and submitted in conformity with this Law;
- 9) proclaim the electoral lists for the election of councillors;
- 10) publicize the number of electors in the municipality and by individual polling stations;
- 11) establish the results of the election of councillors and the number of votes for each electoral list as well as the number of seats won by each electoral list for the election of councillors;
- 12) issue certificates to elected councillors;
- 13) establish the overall results of the election of representatives in its constituency **on the basis of the minutes made at** polling stations and submit a report **thereon** to the Republican Election Commission;
- 14) publicize the results of the election of councillors;
- 15) submit the report to the Municipal Assembly on the results of the election of councillors;
- 16) submit the data on the results of the election of councillors to the bodies in charge of the collection and processing of statistical data; and

17) perform other activities provided for by this Law and the regulations and guidelines of the Republican Election Commission.

Article 33

The Municipal Election Commission shall adopt the regulations of procedure on its work.

The conditions for the work of the Municipal Election Commission shall be provided by the Municipal Assembly.

Article 34

The Republican Election Commission shall consist of a chairman, a secretary and eight members, who shall be appointed by the Republican Assembly, upon the proposal of the Republican Assembly working body in charge of the selection and appointment of commission members.

The composition of the Republican Election Commission, as referred to in Para 1 above, shall correspond to the representation of parties in the Republican Assembly.

The decision on the appointment of the Republican Election Commission shall be published in the "Official Gazette of the Republic of Montenegro".

Article 35

The chairman, the secretary, the members of the Republican Election Commission and their deputies shall be appointed for the term of four years.

Four members of the Commission shall be appointed every two years.

The chairman, his deputy, the members and their deputies shall be selected from the ranks of graduate lawyers, as a rule, professionals with practical experience.

The secretary of the Commission shall be appointed from the ranks of graduate lawyers, professionals with practical experience and shall perform this function professionally.

The same person may not be elected a chairman more than twice.

The chairman and members of the Commission, in the event of their absence or inability to perform their tasks and duties in the Commission, may be replaced by their deputies.

Article 36

Upon rendering the decision on the proclamation of an electoral list, the Republican Election Commission shall pass a decision confirming that the submitter of such electoral list has fulfilled the conditions for appointing his observer in the Commission.

The decision referred to in Para 1 above shall be submitted to the submitter of the electoral list by the Republican Election Commission together with the decision on the proclamation of the electoral list.

The submitter of the electoral list shall appoint its observer and shall notify the Commission thereof, within not later than three days from the day of receiving the decision referred to in Para 2 above.

The Republican Election Commission shall, within 24 hours from the receipt of the notification referred to in Para 3 above, provide conditions for the presence and monitoring of its work by the observers, under the law and the rules of the Republican Election Commission.

Article 37

The Republican Election Commission shall:

- 1) see that the election is conducted legally and the provisions of this Law are uniformly implemented;
- 2) monitor and offer professional advice on the implementation of this Law;
- 3) coordinate the work of the Municipal Election Commissions, give instructions with regard to the implementation of this Law, and supervise their work;
- 4) cooperate with the bodies in charge of maintaining the registers of electors and take appropriate actions towards the correctness and accuracy of the registers of electors;
- 5) set down uniform standards, for the election materials and any necessary security measures;
- 6) set down the forms for carrying out the election procedures provided for by this Law **and set the calendar of election activities;**
- 7) determine the manner of proclamation of electoral lists;
- 8) determine the manner of handling and keeping the election material;
- 9) judge whether the lists for the election of representatives have been made and submitted in conformity with this Law;
- 10) render a decision on proclamation of the list for the election of representatives;
- 11) announce the total number of voters and their number by municipalities and polling stations;
- 12) prescribe the form of ballot for the election of representatives;
- 13) **prescribe the manner, place and control of the printing, the distribution of ballots, as well as the destruction of the print plate and other matters related to the safety of ballots (eg. numeration of ballots, delivery of ballot sheet in Montenegro, etc.);**
- 14) determine the number of ballots for the election of representatives that will have to be identical to the number of electors entered in the register of electors, and the number of reserve ballots;
- 15) determine the color of ballots of the election of councillors and representatives;
- 16) establish the results of the election of representatives and the number of votes by respective electoral lists, as well as the number of seats belonging to each electoral list for the election of representatives;

17) announce the overall results of the election of representatives, as well as the results by each polling station in the Republic;

18) submit a report to the Republican Assembly on the election of representatives;

19) issue certificates to the elected representatives;

20) submit data on the election of representatives to the bodies in charge of the collection and processing of statistical data, and

21) perform other activities provided for by this Law.

The Republican Election Commission may, under the law, write regulations and take other actions for the purpose of training of all participants in the election process.

Article 38

The Republican Election Commission shall annually report to the Republican Assembly on the implementation of election legislation in the Republic and the measures and activities taken towards its improvement, stating its evaluations and suggestions for potential amendment of the election regulations.

Article 39

The Republican Election Commission shall take over the responsibilities within the competence of the Municipal Election Commission in case the latter fails to carry out its duties with regard to the election of representatives in conformity with this Law.

Article 40

For the purpose of carrying out technical, administrative and other jobs provided in the law, the Republican Election Commission shall form a department.

The provisions of the law governing the rights and duties of civil servants shall accordingly apply to the organization, job classification, rights and duties of the employees within the department referred to in Para 1 above.

The department referred to in Para 1 above shall be managed by the secretary of the Republican Election Commission.

Article 41

The Republican Election Commission shall adopt the rules of procedure on its work.

The conditions for the work of the Republican Election Commission shall be provided by the Republican Assembly.

Article 42

The Republic election commission, in addition to specific regulatory authority set forth here in, is empowered to adopt regulations providing for implementation of this Law, the Law on register of electors and the Law on financing political parties.

3) Polling Boards

Article 43

Polling Boards shall be appointed for each election of the councillors and/or representatives.

Polling Boards shall be composed of: the chairman, two permanent members and one authorized representative of each of the submitters of electoral lists.

Deputies shall be assigned to the chairman and permanent members of Polling Boards.

Authorized representative of a submitter of an electoral list may have a deputy.

The chairman and members of polling boards, as well as authorized representatives of submitters of electoral lists, in the event of their absence or inability to perform their tasks and duties in the polling board, shall be replaced by their deputies.

A Polling Board is appointed for each polling station not later than 10 (ten) days prior to the polling day.

Article 44

Upon rendering the decision on the proclamation of the electoral list, the Municipal Election Commission shall pass a decision confirming that the submitter of such electoral list has fulfilled the conditions for appointing his authorized representative in the extended composition of the polling board.

The decision referred to in Para. 1 above shall be submitted to the submitter of the electoral list by the Municipal Election Commission within 24 (twenty four) hours of the designation of the polling station.

The submitter of the electoral list shall appoint its authorized representative in the extended composition of the Polling Board and shall notify the Municipal Election Commission thereof within not later than 48 (forty eight) hours of the receipt of the decision referred to in Para 2 above, and the Municipal Election Commission shall, within not later than 24 (twenty four) hours from the delivery of such notification, render a decision stating the names of persons becoming the members of the extended composition of the Polling Board.

The member of the extended composition of the Polling Board shall participate in the work of the Polling Board and make valid decisions 5 (five) days prior to the polling day.

Article 45

The Polling Board shall be in charge of direct administering the voting at the polling station, ensure the regularity and secrecy of voting, establish the results of voting at the polling station and perform other activities provided for by this Law and the regulations of the Republican Election Commission.

The Polling Board shall be in charge of keeping order at the polling station during voting.

The Polling Board shall charge two of its members with the duty of administering the voting outside the polling station.

More detailed rules on the activities of and appropriate assignment of duties within the Polling Board shall be set down by the Republican Election Commission.

3. PROPOSAL AND CONFIRMATION OF ELECTORAL LISTS

1) Candidacy and Title of Electoral Lists

Article 46

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

The electoral lists shall be proposed on the terms defined by this Law.

Article 47

One person may be nominated as a candidate for the election of councillors on only one electoral list.

One person may be nominated as a candidate for the election of representatives on only one electoral list.

One electoral list shall contain no less than 1/3 (one third), and no more than all of the total number of candidates to be elected.

The submitter of an electoral list may freely determine the order of candidates on the electoral list.

A candidate may give up his candidacy not later than by the day of rendering the decision on proclamation of the electoral list.

Article 48

A submitter of the electoral list may withdraw the list not later than by the date of the confirmation of the general electoral list.

Upon the withdrawal of the list, the term of office of the authorized representatives of the submitter of the electoral list in all the election administration bodies shall cease as well as all the rights pertaining to the submitter in this regard according to the provisions of this Law.

Article 49

If after rendering of the decision on the proclamation of the electoral list, a candidate may be stripped of his business capacity by a final and binding court order, lose Montenegrin citizenship, withdraw his candidacy, or in the event of his death, the submitter of the electoral list shall lose the right to nominate another candidate.

The position on the electoral list of the candidate referred to in Para. 1 of this Article shall be assumed by the candidate who is next on the electoral list.

Article 50

The title of the electoral list shall be determined according to the name of the political party submitting the electoral list.

If two or more political parties submit a joint electoral list, the title and other rights and responsibilities of the submitters of the joint electoral list shall be specified by way of an agreement, which shall be submitted to the relevant election commission together with the joint electoral list.

Together with the title of the electoral list of a group of citizens, the submitter shall also determine a more precise **designation** of the list.

The title of the list referred to in Paras 1-3 of this Article may include the name and surname of the person designated as the first candidate on the list supported by his written consent.

2) Determination and Proclamation of Electoral Lists

Article 51

The electoral list for the election of councillors and/or representatives shall be deemed confirmed if supported by at least 1% of the electors out of the total number of electors in the constituency, based on the data of the last election prior to the decision on calling for the election, regardless of whether the last election was the presidential or the parliamentary election.

Electors signing the lists for the election of councillors must be permanent residents of the respective municipality.

Electors signing the lists for the election of representatives must be permanent residents of the Republic.

The Republican Election Commission shall prescribe the content and layout of the form for the signatures of electors referred to in Para 1 of this Article.

Article 52

An elector may support with his signature only one electoral list for the election of councillors and only one electoral list for the election of representatives.

The signature of the elector who supported more than one electoral list shall not be valid and such elector shall therefore be considered not to have supported any of the electoral lists.

The validity of signatures given in support of electoral lists shall be established by the competent election commission.

Article 53

The collection of signatures for the proposal of candidates for the electoral list shall be initiated and performed by political parties, as well as the citizens, individually or collectively.

The collection of signatures referred to in Para. 1 above shall not be allowed at the place of employment, with offering of financial or other material reward and under any kind of pressure or coercion.

The person collecting signatures shall sign the back of the form for the collection of signatures and shall be responsible for the **authenticity** of the details of the signed electors.

Article 54

The electoral list for the election of councillors shall be submitted to the Municipal Election Commission, and the list for the election of representatives to the Republican Election Commission, not later than 30 (thirty) days prior to the polling day.

The following documents shall be submitted together with the electoral list to the election commission:

- 1) a **signed** statement of the candidate of his acceptance of the candidacy;
- 2) the certificate of suffrage for each candidate on the electoral list;
- 3) the certificate of permanent residence of each candidate;
- 4) the list of electors' signatures supporting the electoral list;
- 5) a **signed** consent of the first candidate **that his name may be included in the title of the electoral list.**

The electoral list, together with the documents referred to in Para.2 above, shall be submitted directly to the relevant election commission.

Article 55

Immediately upon the receipt of the electoral list, the competent election commission shall determine whether it has been submitted **within the prescribed time**, whether it has been composed in conformity with the provisions of this Law, and whether the documents and information presented have been complete and valid.

If the competent election commission finds that an electoral list has not been submitted within the prescribed time, it shall make a decision on rejecting such electoral list.

If the competent election commission finds that the electoral list or the documents have certain faults, it shall render, within 72 (seventy two) hours of the receipt of the electoral list, a decision ordering the submitter of the electoral list to eliminate them

within 48 (forty eight) hours of the delivery of the decision. The decision shall **indicate the faults to be removed and suggest** actions that are to be taken in order to eliminate those faults.

If the competent election commission finds that the faults in the electoral list have not been eliminated, it shall render a decision, within 24 (twenty four) hours **following the expiry of the time limit specified in Para 3 above**, on refusing to proclaim such an electoral list.

Article 56

If the competent election commission finds that the submitted electoral lists have no faults or that the faults have been eliminated, it shall, with no delay, proclaim such electoral list and deliver its proclaiming decision to the submitter of the electoral list.

3) General Electoral List

Article 57

Upon the proclamation of submitted electoral lists, the competent election commission shall compose the general electoral list comprising all the electoral lists with names of all the candidates.

The order of lists on the general electoral list shall be determined by the chairman of the election commission by drawing lots, in the presence of authorized representatives of submitters of proclaimed electoral lists.

The general electoral list shall be publicized by the competent election commission not later than 10 (ten) days prior to the polling day.

4. PRESENTATION OF SUBMITTERS OF ELECTORAL LISTS AND CANDIDATES FROM ELECTORAL LISTS

Article 58

The media founded by the Republic or a unit of the local self-government shall provide timely, impartial and equal information of all participants in the election and on the election process.

The election campaign advertising through the public media referred to in para 1 above shall start for a submitter of an electoral list on the date of proclamation of such list.

The citizens shall have the right to be informed via the media referred to in para 1 above about the election programmes and activities of submitters of electoral lists, as well about the candidates on electoral lists.

With a view to exercising the rights of citizens referred to in Para 3 above, the media shall consistently apply the principle of equality of all submitters of electoral lists and the candidates on such lists.

Article 59

The submitters of electoral lists shall have the right to inform the citizens on an equal basis about their programmes and activities in the media referred to in Para 1 of Article 58 above within the same daily slots and daily columns.

Article 60

Until the termination of the election campaign, Radio-Television of Montenegro shall provide, within its political and information programmes that could be watched and heard all over the Republic, special programmes of equal length broadcast at the same time, in which submitters of the electoral lists shall present themselves and present and expound their political programmes.

The public media referred to in Para 1 of this Article shall on no conditions be allowed to broadcast the presentation and expounding of political programmes of the submitters of electoral lists in any commercial, entertainment or other programmes except in political and information programmes.

Article 61

Until the termination of the election campaign, the daily "Pobjeda" shall provide equal space, columns and terms in its daily paper for each submitter of the electoral list for the election of representatives to present themselves and present and expound their election programmes.

Article 62

Radio-Television of Montenegro shall, at least five times during the election campaign, provide an announcement of a promotion rally of the submitters of electoral lists for the election of representatives free of charge and in the manner and on the terms providing equal position for all the submitters of the electoral lists.

The daily "Pobjeda" shall announce all promotion rallies of the submitters of the electoral lists for the election of representatives free of charge during the election campaign, on the terms referred to in Para 1 of this Article.

Article 63

The media that, on a commercial basis, publicize the submitters' notices promoting the election, election programmes and candidates, shall indicate on each notice that it is a "paid election notice".

No property (money, technical equipment, facilities, etc.) of state authorities, state-owned enterprises, public institutions and funds, or of the Chamber of Commerce of Montenegro may be used for the presentation of submitters of electoral lists.

Article 64

The rules on presentations of political parties in the election campaign shall be set down by the Republican Assembly not later than 30 (thirty) days prior to the expiry of the final deadline for calling of the election, or at the same time when the Assembly has been dissolved, or when it has rendered the decision on shortening its term of office.

Article 65

The editors, presenters and hosts of political, information and specialized broadcasts of the Radio-Television of Montenegro shall, during the election campaign, independently and objectively present all the candidates, and the presenters shall have an impartial attitude to all the political, social-welfare and ethnic and cultural broadcasts.

In agreement with submitters of electoral lists, the editors referred to in Para 1 of this Article shall determine the programme of their presentations, in accordance with the Law and the criteria of the editorial policy.

Radio-Television of Montenegro shall be bound to organize programmes that shall provide direct public confrontation of political programmes of the submitters of electoral lists as well as the candidates on these lists.

Article 66

The media referred to in **Para 1 of Article 58**, together with the representatives of their founders and submitters of electoral lists, shall set down more detailed rules for the presentation of the submitters of electoral lists, their election programmes and candidates on these lists.

Article 67

Submitters of electoral lists and the candidates on these lists shall have the right to organize, during the election campaign and on equal terms, conferences and other public gatherings with the purpose of presenting and promoting their election programmes, electoral lists as well as the candidates on those lists, in conformity with the regulations on public order and peace.

Article 68

During the election campaign, the public media referred to in **Para 1 of Article 58 above** shall, depending on the financial and technical means at their disposal, and on equal terms, inform about the activities of submitters of electoral lists at all of their conferences and other public gatherings in which they present their election programmes and their candidates for the election of representatives.

The submitters of electoral lists and the media referred to in Para 1 above shall, by an agreement, set down the manner and conditions of reporting from a public gathering as well as the terms by which the submitters of the electoral lists should inform the media of a public gathering to be held.

Article 69

During the election campaign, the submitters of electoral lists and the candidates on these lists shall have the right to prepare election posters, public notices, photographs, leaflets, promotional messages and the like and publicly display them, with no prior permission needed, in places designated by a competent municipal body.

Article 70

The election campaign audio materials shall be used at a time and in such a manner so as not to disturb the citizens and infringe their right to peace, in conformity with the regulations of public order and peace.

Article 71

During the election campaign, the media shall publicize the findings of competent authorities stating that a certain media has violated the principles of equality, parity and objectivity in their informing the citizens about the election programmes and candidates of political parties and other submitters of electoral lists **in the first next major news broadcast or in the first next issue of a publication..**

Article 72

During the period of seven days prior to the polling day, it shall be forbidden to publicize in the media the results of polls, research and analyses with regard to the electorate's estimate of the election results.

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

Article 73

The election campaign advertising via media and rallies shall be terminated 48 (forty four) hours prior to the polling day.

5. ELECTION ADMINISTRATION

1) Polling Stations

Article 74

Voting for the election of councillors and representatives shall be conducted at polling stations.

Polling stations shall be **determined** up by the Municipal Election Commission upon the proposal of the authority in charge of keeping the Register of Electors not later than 15 (fifteen) days prior to the polling day.

Polling stations must be arranged in a way providing enough space for all the members of the Polling Boards to have free insight and access to the ballot box and the election material at all times.

Not later than 10 (ten) days prior to the polling day, the Municipal Election Commission shall announce which polling stations have been **determined** and which electors shall vote at a particular polling station.

Article 75

A polling station shall be set up for up to 1,000 electors.

More detailed rules with regard to setting up and arranging polling stations shall be specified by the Republican Election Commission.

Article 76

Not later than 5 (five) days prior to the polling day, a local authority in charge of keeping the Register of Electors shall deliver to each elector the notice stating the date and time of polling, the number and address of the polling station at which he should cast his vote, as well as the number under which he is entered in the extract from the Register of Electors.

Article 77

No one shall be allowed to come to the polling station carrying arms or dangerous instruments.

The electors shall not be allowed to use mobile phones at the polling stations.

At the polling station and within the area of 50 (fifty) metres from the polling station, it is forbidden to display political party symbols and other promotional material.

In the event that symbols of political parties or other promotional material are displayed within the limits of 50 metres, the members of polling boards shall be authorized to remove them.

Article 78

Each polling station shall have a special room where it is possible to ensure the secrecy of voting.

In the room referred to in Para 1 above, only as many voters can be present at a time as there are polling booths at a polling station.

Persons having no rights or duties with regard to the administration and monitoring of the election, as prescribed by this Law, shall be forbidden to remain at the polling station.

If the rules referred to in Paras 1, 2 and 3 above have been infringed, a complaint can be lodged to the Municipal Election Commission.

Article 79

The Municipal Election Commission shall prepare in due time the election material for each polling station, and particularly: the number of ballots required, the general electoral lists, extracts from the Register of Electors, special and official envelopes for voting, as well as the form of the Record of the Work of Polling Boards.

The election material referred to in Para 1 above shall be picked up in the premises of the Municipal Election Commission by the chairman and two members of the Polling Board not later than 24 (twenty four) hours prior to the polling day.

A competent municipal body shall be in charge of setting up the polling stations and preparing for each polling station a necessary number of ballot boxes with sealing and writing supplies.

On polling day, before the beginning of polling, the Polling Board shall determine whether the election material for that polling station is complete and in proper state, whether the polling station has been organized in such a way to ensure the secrecy of voting, and whether polling may start, and shall enter all this in the Record of the Work of Polling Board.

Article 80

The general electoral list must be displayed in a visible place at a polling station during polling.

Article 81

Should the order at the polling station be disturbed, the Polling Board may interrupt the polling until order is restored. The reasons for and duration of interruption shall be entered in the Record on the Work of the Polling Board.

The police on duty may enter the polling station only with the permission of the chairman of the Polling Board and only if order and peace are disturbed at the polling station.

If polling is interrupted for more than an hour, it shall be prolonged for the time of duration of the interruption.

Article 82

Polling stations shall be opened at 7 a.m. and closed at 8 p.m.

3) Polling

Article 83

An elector shall cast his vote at the polling station where he is entered in the extract from the Register of Electors.

In exceptional cases, an elector may cast his vote outside the polling station where he is entered in the extract from the Register of Electors, by post, on the terms prescribed by this Law.

The procedure of voting outside the polling station in the sense of Para 2 above, as well as the number of electors who have exercised their right to vote in this manner, shall be entered in the Record on the Work of the Polling Board.

Article 84

Each elector shall vote in person and may cast his vote only once during the polling.

Voting is done in secrecy.

Voting is done on verified ballots.

An elector shall confirm that he has taken the ballot by signing his name in the separate book of electors the layout of which shall be determined by the Republican Election Commission.

More detailed instructions on the measures providing the secrecy of voting shall be set down by the Republican Election Commission.

Article 85

The ballot shall contain:

- 1) indication showing whether the election is for the councillors or for the representatives;
- 2) titles of electoral lists enumerated in the order as shown on the general electoral list;
- 3) the ordinal number placed before each individual electoral list;
- 4) a remark stating that electors are to cast vote for one electoral list only, which is to be done by circling the ordinal number before the title of that list, or by circling either the title of the list or the name and surname of the first candidate on the list.
- 5) In the upper right corner at the back, the name of the municipality, the name of the polling station, designation for the number of the polling station and the seal of the polling board showing the name and number of the polling station.

Article 86

The Polling Board shall check the ballot box in the presence of the elector who is first to come to the polling station. The result of this control shall be entered into the

control slip which shall be signed by both the members of the Polling Board, and the first elector.

The control slip shall be placed in the ballot box, and then the ballot box shall be sealed in the presence of the first elector, which shall be entered into the Record of the Work of the Polling Board.

Upon opening of the ballot box, it shall first be checked whether it contains a control slip.

The form of the control slip shall be prescribed by the Republican Election Commission.

Article 87

The elector shall first state his name and surname, and prove his identity by producing either his ID card or some other means of identification with a photograph and a personal identification number.

The elector may not cast his vote without producing a proof of his identity.

A proof of identification shall be any document showing a photograph and personal identification number or ID card number of the elector.

After having confirmed the identity of the elector, the chairman or a member of the Polling Board shall circle the ordinal number before the elector's name in the extract from the Register of Electors, explain the voting procedure to him, affix the stamp of the Polling Board on his ballot and hand him over the ballot.

Article 88

The member of a Polling Board may in no way influence the decision of the elector.

The member of a Polling Board shall explain the voting procedure to the elector again if requested so by the elector.

Members of a Polling Board shall take special care that the elector is not disturbed by anyone while marking out his ballot paper, and that the secrecy of voting is completely ensured.

Article 89

An elector may cast his vote for only one electoral list on the ballot.

Voting is performed either by circling the ordinal number before the title of the chosen electoral list, or by circling the title of the list, or by circling the name and surname of the first candidate on the list.

An elector shall fold the marked ballot himself in such a manner as to conceal who he has voted for and shall place it into the appropriate ballot box, and he shall then leave the polling station.

control slip which shall be signed by both the members of the Polling Board, and the first elector.

The control slip shall be placed in the ballot box, and then the ballot box shall be sealed in the presence of the first elector, which shall be entered into the Record of the Work of the Polling Board.

Upon opening of the ballot box, it shall first be checked whether it contains a control slip.

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An elector shall fold the marked ballot himself in such a manner as to conceal who he has voted for and shall place it into the appropriate ballot box, and he shall then leave the polling station.

Article 93

The electors who are doing their national service or are taking part in a military exercise, or electors who are performing duties in units or institutions of the Yugoslav Army, shall cast their vote at special polling stations determined by the Republican Election Commission in agreement with the authorities of the Yugoslav Army.

Extracts from the Register of Electors, the composition of the Polling Boards and the manner of voting of persons referred to in Para 1 above shall be determined by the Republican Election Commission.

Article 94

The electors who are in detention or serving a prison sentence shall vote at a special polling station determined by the Republican Election Commission in agreement with an administration authority in charge of enforcing penal sanctions.

3) Establishing Election Results

Article 95

After the voting has been finished, the Polling Board shall proceed to establish the election results in its polling station.

The Polling Board shall determine the number of unused ballot papers and place them into a separate envelope which shall then be sealed.

Based on the extract from the Register of Electors, the Polling Board shall determine the total number of electors who have voted.

When the ballot box has been opened, and after the control slip has been checked, the Polling Board shall state the number of invalid ballots, then the number of valid ballots, as well as the number of votes for each electoral list, and shall enter this into the Record.

The following shall be deemed invalid ballots: unmarked ballots, ballots marked in such a way that it is not clear which electoral list an elector has voted for as well as the ballot on which more than one electoral list have been circled.

Article 96

After the Polling Board has established the election results, the following shall be entered into the Record of its work: the number of ballots received, the number of unused ballot papers, the number of used ballots; the number of invalid ballots, the number of valid ballots, the number of votes for each electoral list, the number of electors according to the extract from the Register of Electors, and the total number of electors who have voted.

Also entered in the Record shall be the remarks and opinions of the Polling Board members, as well as all other facts that may be relevant to polling.

The Record of the Work of the Polling Board shall be signed by all the members of the Polling Board.

Each member of the Polling Board shall receive a copy of the Record of the Work of the Polling Board.

Article 97

After the election results have been established, the Polling Board shall, with no delay, and not later than 12 (twelve) hours following the closing of the polling station, deliver to the Municipal Election Commission: the Record of the Work of the Polling Board, the extract from the Register of Electors, unused and, separately, used ballots, invalid and, separately, valid ballots, the stamp of the Polling Board, as well as the remaining election material.

The sealed election material referred to in Para 1 above shall be delivered to the Municipal Election Commission by the chairman of the Polling Board and two authorized representatives of electoral lists which have won the biggest number of votes at that polling station.

Article 98

Upon receipt of the election material from the polling stations, the Municipal Election Commission shall establish the following: the total number of electors entered in the Register of Electors, the number of electors who have voted, the total number of ballots received, the total number of unused ballots, the total number of invalid ballots, the total number of valid ballots, and the number of votes for each individual electoral list for the election of councillors.

On the basis of polling results at all polling stations, the Municipal Election Commission shall establish the preliminary results for the election of councillors within 12 (twelve) hours of the receipt of the Records of the Polling Boards.

The Municipal Election Commission shall establish the results of voting for representatives at polling stations at its territory, within not later than 12 (twelve) hours of the delivery of the Records from polling stations, and shall submit a report, together with the Record of its work, to the Republican Election Commission.

The Republican Election Commission shall establish the preliminary results of the election of representatives, within 12 (twelve) hours of the delivery of the reports of the Municipal Election Commissions.

4) Protection of Suffrage

Article 99

The bodies in charge of administering the election are obliged to notify the electors during the election procedure of their electoral rights and the manner of protection of these rights.

Article 100

Every elector, candidate and submitter of the electoral list shall have the right to lodge a complaint to the competent election commission for reasons of the infringement of the electoral rights during the election.

The complaint referred to in Para 1 above shall be lodged within 24 (twenty four) hours of the hour at which the decision was made or the act performed.

The complaint referred to in Para 1 above shall be lodged directly to the competent election commission.

Article 101

A complaint against a decision, act or failure of the Polling Board shall be lodged to the Municipal Election Commission.

A complaint against a decision, act or failure of the Municipal Election Commission shall be lodged to the Republican Election Commission.

Article 102

The competent election commission shall render a decision within 48 (forty eight) hours of the receipt of the complaint and shall deliver it to the submitter of the complaint.

The complaint about the acts and practices of a Polling Board that were not objected to in the record of the work of such Polling Board shall be rejected by the competent election commission.

If the competent election commission fails to render a decision on the complaint within the time limits set down by this Law, the complaint shall be deemed accepted.

Article 103

A complaint may be lodged to the Republican Election Commission against the decision of the competent election commission **concerning the complaint.**

An appeal may be lodged to the Constitutional Court against the decision made by the Republican Election Commission **concerning the complaint**, within 24 (twenty four) hours of the delivery of such decision, and this appeal shall be submitted directly to the Constitutional Court.

The Constitutional Court shall decide on the appeal referred to in Para 2 above within 48 (forty eight) hours of the hour of the receipt of the appeal.

Article 104

If the Polling Board finds that:

- 1) **the control slip is not contained in the ballot box;**
- 2) **the number of stamped ballots in the ballot box exceeds the number of electors who have signed,**

(2) The term "contribution" does not include: (a) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political organization; and (b) nonpartisan activity designed to encourage individuals to vote or to register to vote.

(3) The term "expenditure" includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election and a contract, promise, or agreement to make an expenditure.

(4) The term "expenditure" does not include: (a) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by a political organization or candidate; or (b) nonpartisan activity designed to encourage individuals to vote or to register to vote;

(5) The term "person" includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

(6) The term "identification" means: (a) in the case of any individual, the name, address, and occupation of such individual, as well as the name of his or her employer; and (b) in the case of any other person, the full name and address of such person.

(7) The term "political organization" in this law has the same meaning as in the Law on Political Organizations.

(8) The term "submitter of a confirmed electoral list" means a group of citizens which has qualified an electoral list for the ballot under provisions of the Law on Election of Councilors and Representatives.

(9) The term "in-kind contribution" means anything of value provided to a political organization other than a direct payment of money that is not otherwise excluded from the definition of "contribution" under paragraph (2) of this article.

(10) The term "report" means, with respect to the Commission, a report, designation, or statement required by this law to be filed with the Commission.

it shall inform the competent election commission thereof, which shall then dissolve such Polling Board, appoint a new one and repeat voting at such polling station.

Article 105

If a complaint is lodged stating that:

- 1) the conditions securing the secrecy of voting have not been provided;**
- 2) any elector has not voted in person;**
- 3) the identity of any elector has not been established in the manner provided by this law; and**
- 4) a member of the Polling Board has influenced on the decision of an elector,**

and if the majority of members of the Polling Board refused to sign the Record of the Work of the Polling Board for these reasons, the competent election commission may decide to dissolve such Polling Board, to appoint a new one and to repeat voting at such polling station.

Article 106

In the event that a complaint is lodged of an infringement of the rules of voting, other than the infringements referred to in Articles 104 and 105 above, and the competent election commission finds it to be justified, the commission shall render a public warning to the Polling Board, to the member of the Polling Board, the submitter of electoral list or the elector.

Article 107

All the procedures with regard to the delivery of decisions, conclusions, and other records, documents, means of identification, petitions and the like shall be regulated in accordance with the rules regulating the delivery in the administrative procedure, unless otherwise prescribed by this Law.

Article 108

The representatives of submitters of electoral lists and the candidates for councillors and representatives shall have the right of insight into the election material, particularly into the extracts from the Register of Electors, the Records of the Work of Polling Boards, the Records of Election Commissions and the ballots. The inspection of the election material shall be carried out in the official premises of the election commission, as well as of the bodies keeping the election material.

At the request of a submitter of an electoral list, the bodies keeping the election material shall be obliged to allow the photocopying of the material at the expense of the party filing the request.

The insight into the election material may be carried out within 5 (five) days of the polling day.

Article 109

The election material shall be kept for the period of at least 4 (four) years.

Exceptionally to the provision referred to in Para. 1 above, the ballots shall be kept for 60 (sixty) days or until the termination of the procedure on the infringement of rights during the election.

The manner of keeping and using the election material is prescribed by the Republican Election Commission.

6. ALLOCATION OF SEATS AND ANNOUNCING OF ELECTION RESULTS

1) Allocation of Seats

Article 110

The Municipal Election Commission for the election of councillors and the Republican Election Commission for the election of representatives, shall establish the total number of votes each electoral list has won and the number of seats belonging to each list.

Each list shall be apportioned a number of seats in proportion to the number of votes it has won.

Article 111

Only electoral lists that have won **at least 2% (two percent)** of votes of the total number of the electors who have voted in the constituency shall take part in the apportioning of the seats.

Article 112

The number of seats to be apportioned to an individual electoral list shall be determined by dividing the total number of votes each electoral list in the constituency has won by 1, 2 and ... through to the number which corresponds to the number of councillors and representatives that are elected in the constituency. The quotients thus arrived at shall be sorted by size, and as many largest quotients as there are councillors and representatives elected shall be taken into account.

Each electoral list shall be apportioned as many seats as the number of such quotients it has.

If two or more electoral lists get the same quotient on the basis of which they would be apportioned a seat, it shall be decided by drawing lots which electoral list shall be apportioned that seat.

Article 113

The seats within the total number of seats an electoral list has won shall be apportioned to the candidates on the electoral list according to the order on the list.

Article 114

In case that, according to the results of polling established in the manner referred to in Article 112 of this Law, a particular electoral list should win a larger number of seats than the number of candidates on the list, those seats shall be apportioned to the electoral lists having the next largest quotient.

Article 115

The Municipal Election Commission shall establish the final results of the election of councillors within 12 (twelve) hours of expiry of the term for filing complaints and appeals, and of the decisions on these complaints and appeals becoming final and enforceable.

The Republican Election Commission shall establish the final results of the election of representatives within 12 (twelve) hours of the expiry of the term for filing complaints and appeals, and of the decisions on these complaints and appeals becoming final and enforceable.

2) Announcing Election Results

Article 116

The Municipal Election Commission for the election of councillors and the Republican Election Commission for the election of representatives shall announce the final election results including the following:

- 1) the number of electors entered in the Register of Electors;
- 2) the number of electors who have voted at the polling station;
- 3) the number of electors who have voted outside the polling station;
- 4) the total number of electors;
- 5) the number of received ballots;
- 6) the number of unused ballots;
- 7) the number of used ballots;
- 8) the number of invalid ballots;
- 9) the number of valid ballots;
- 10) the number of votes individual electoral lists have won;
- 11) the number of seats individual electoral lists have won.

Final results of the election of representatives shall be published in the "Official Gazette of the Republic of Montenegro", and of the election of councillors in the

"Official Gazette of the Republic of Montenegro - Municipal Ordinances", within not later than 15 (fifteen) days of polling day.

Article 117

The elected councillors and representatives shall be issued by the Municipal Election Commission and the Republican Election Commission, respectively, the certificate that they have been elected councillors and representatives, respectively, on the day of the verification of their terms of office.

3) Repeated Election

Article 118

The repeated election shall be conducted if the competent election commission annuls the election at an individual polling station, **for the reasons specified in this Law.**

In the case referred to in Para 1 above, the polling shall be repeated at such individual polling station only.

The repeated election shall be conducted in the manner and according to the procedure for the administration of election provided for by this Law.

Article 119

The repeated election shall be called for by the competent election commission.

The repeated election shall be conducted within not more than 7 (seven) days of the day the election is annulled.

Electoral lists for the administration of repeated election may not be changed.

In the case the election is repeated, the final results shall be established after the repeated voting is finished.

III - ELECTION ADMINISTRATION AND ELECTION CAMPAIGN EXPENSES

Article 120

Assets for the work of election administration bodies, the election material and other expenses for the administration of the election shall be provided by the Municipal Assembly - for the election of councillors, and by the Republican Assembly - for the election of representatives. The request for allocation of these assets, together with specification of the total expenses, shall be submitted by the competent election commission.

The Republican Election Commission shall determine the criteria and allocate the assets to Municipal Election Commissions for performing necessary activities in administering the election of representatives.

The Republican Election Commission shall determine the manner of utilization and control spending of the assets referred to in Para 2 above.

Assets allocated as a fee to persons working in election administration bodies shall be exempted from paying taxes and contributions.

Article 121

State and local administration bodies shall make their premises, equipment, means and other facilities for conducting the election campaign available and provide equal conditions for their using to all the submitters of electoral lists.

Within 10 (ten) days of calling for the election, the bodies referred to in Para 1 above shall define, through an agreement with the submitters of electoral lists, the conditions and manner of using the assets referred to in Para 1 above.

IV - DURATION AND TERMINATION OF TERM OF OFFICE

1. DURATION OF TERM OF OFFICE

Article 122

The term of office of councillors and representatives shall be 4 (four) years.

The term of office of councillors and representatives shall commence on the date of verification of their term of office.

The verification of the term of office shall be performed within 15 (fifteen) days of the polling day.

On the date of verification of the term of office of new councillors and representatives, the term of office of previous councillors and representatives shall be terminated.

2. TERMINATION OF TERM OF OFFICE

Article 123

Councillors' and representatives' terms of office shall be terminated before the expiry of the term for which they have been elected in the following cases:

- 1) if the Assembly has been dissolved or a decision on shortening the term of office of the Assembly has been taken;
- 2) if they resign;
- 3) if they cease to be the residents of the Republic;

4) if they have been convicted, by a final and binding court decision, to an unconditional prison sentence of not less than six months, or to a prison sentence for a criminal act rendering them unworthy of this office;

5) if they have been stripped of their business capacity by a final and binding court decision;

6) if they take over a function that is incompatible with the office of a councillor and a representative, in conformity with the Constitution and this Law;

7) if their Montenegrin citizenship has been revoked;

8) if they die;

9) if they voluntarily cease to be members of political parties on whose electoral lists they have been elected;

10) if they are excluded from membership of the political party, unless the Constitutional Court, to which an appeal has been lodged by the councillor or representative within 3 days after the day of exclusion, finds that such exclusion occurred arbitrarily in order to terminate the term of office of such councillor or representative;

11) if a ban has been placed on the activities of the political party on whose electoral list they have been elected.

The term of office of councillors or representatives shall be terminated on the day of advent of any of the events referred to in Para 1 above.

The termination of the term of office, in cases other than those referred to in Point 1 above, shall be stated by the competent assembly at its first session following the receipt of notification of reasons for the termination of the term of office of a councillor or representative.

A councillor, or representative whose term of office has terminated pursuant to Point 6 of Para 1 above, shall remain on the electoral list and may gain the term of office of a councillor, or representative again, in accordance with this Law.

3. FILLING VACANT SEATS OF COUNCILLORS AND REPRESENTATIVES

Article 124

If the term of office of a councillor or representative has been terminated for the reasons stated in Article 123 (except for Points 1 and 11) of this Law, such seat shall be awarded to a new councillor or representative, in the manner set down in this Article.

If the term of office of a councillor or representative has been terminated for the reasons stated in Para 1 above, such seat shall belong to the submitter of the electoral list on which the councillor, or representative whose term of office has been terminated was elected, and such seat shall be allocated to the next candidate on the electoral list.

If there are no other candidates on the electoral list from which a councillor or representative has been elected, the candidate from the list having the next largest quotient shall be deemed elected a councillor or representative.

The term of office of a new councillor or representative shall last until the expiry of the term of office of a councillor or representative whose term of office has been terminated.

V - PENAL PROVISIONS

Article 125

Any person taking an elector to account after the election for voting or asking the elector to say who he has voted for or why he has not voted shall be either fined or imprisoned for up to one year for the criminal act.

If the act referred to in Para 1 above has been committed by a member of an election commission, a polling board or another person carrying out duties with regard to the election, such a person shall be punished with a prison sentence from three months to three years.

Article 126

Any person committing any of the following acts shall be imposed a fine equal to a five-fold to twenty-fold minimum wage in the Republic or sentenced to imprisonment of up to 60 (sixty) days:

- 1) canvassing contrary to the provision of Article 73 of this Law;
 - 2) accepting the candidacy contrary to the provision of Article 47 of this Law;
 - 3) signing when nominating a candidate contrary to the provision of Article 52 of this Law;
 - 4) using the property for the presentation of electoral lists contrary to the provision of Para 2 of Article 63 of this Law;
 - 5) disturbing the work of the Polling Board, the conduct of the election, the voting, or the work of the election commission;
 - 6) remaining at the polling station after voting in spite of the warning of the chairman of the Polling Board, contrary to the provision of Article 78 of this Law;
 - 7) coming to the polling station armed or with dangerous instruments, contrary to the provision of Article 77 of this Law;
 - 8) collecting signatures of electors contrary to the provisions of this Law;
- and
- 9) acting partially and contrary to the statement referred to in Para 2 of Article 19, though a member of an election administration body.

Together with the punishment for the infraction of the Law referred to in Point 7 of Para 1 above, the committer of this act shall also be punished with taking away the arms or dangerous instruments.

Article 127

A fine equal to a **five-fold** to three hundred-fold minimum wage in the Republic shall be imposed on the state media or any other public media if they:

- 1) do not act in conformity with the provisions of Articles **60, 61, 62, 65, 67 and 71** of this Law;
- 2) act contrary to the provision of Article **72** of this Law.

A fine equal to a five-fold to twenty-fold minimum wage in the Republic shall also be imposed on the authorized official at the state media or any other public media for committing acts referred to in Para 1 above.

VI - TRANSITIONAL AND FINAL PROVISIONS

Article 127

The first election under this Law shall be conducted after the expiry, or termination, of the term of office of the present members of Municipal Assemblies or the Republican Assembly.

Article 128

The Municipal Election Commissions and the Republican Election Commission shall remain on duty in their present composition until the expiry of the term for which they have been appointed.

Article 129

The Municipal Assemblies shall bring their election regulations into accord with the provisions of this Law within 60 (sixty) days of this Law coming into force.

Article 130

When the election commissions have been first appointed under this Law, the competent assembly shall determine which members of the election commissions shall have the term of office of two years as contemplated by the **Para 2 of Article 30, and Para 2 of Article 35** above.

Article 131

On the day of this Law coming into force, the Law on the Election of Councillors and Representatives ("Official Gazette of the Republic of Montenegro", Nos. 4/98 and 17/98) shall become invalid, except for the provision of Article **104** which governs the

procedure of filling the vacant seats of representatives, which shall remain in force after the termination of the term of office of present members of the assemblies.

Article 132

This Law shall come into force on the eight day following the day of its publication in the "Official Gazette of the Republic of Montenegro".

(deleted:)

- A Municipal Election Commission shall be composed of: the chairman, the secretary and three members, in the permanent composition, and of one authorized representative of each of the submitters of proclaimed electoral lists, in the extended composition.

- Also appointed shall be deputies of the chairman and permanent members of a Municipal Election Commission.

- An authorized member of a submitter of an electoral list may have a deputy.

- The Commission shall render a decision stating its new members in the extended composition by name.

The authorized representatives shall participate in the work of a Commission and make valid decisions 15 (fifteen) days prior to the polling day.

- Within 48 hours of the expiration of the period referred to in Para. 3 above, the Commission shall render a decision stating its new members in the extended composition by name.

The authorized representatives shall participate in the work of the Commission and make valid decisions 15 (fifteen) days prior to the polling day.

- Exceptionally from the provision referred to in Para. 1 of this Article, for the political parties or groups of citizens representing national and ethnic groups in Montenegro, the electoral list for the election of councillors shall be deemed confirmed if supported by the signatures of at least 200 (two hundred) electors, and the electoral list for the election of representatives if supported by signatures of at least 1,000 (one thousand) electors.

- All other media founded by the Republic, the administrative and the historical capital and municipalities, shall provide equal terms for the presentation of all the submitters of electoral lists and candidates on those lists, in conformity with this Law.

- The provisions of this chapter shall also apply to the media founded by legal and physical entities performing their activity in conformity with the provisions of the Media Law.

- Should the rules referred to in Paras 1 and 2 above be infringed during the polling, the Polling Board shall be dissolved, a new Polling Board shall be appointed and polling at that polling station shall be repeated.
- If it has been determined that the number of ballots found in the ballot box is larger than the number of electors who have cast their vote, the Polling Board shall be dissolved and a new one appointed, and polling at that polling station shall be repeated. The election results at that polling station shall be determined after the repeated polling.
- The electoral lists of the political parties which represent the national and ethnic groups that have won at least 2% (two percent) of votes of the total number of the electors who have voted in the constituency shall also take part in the apportioning of the seats.

THE LAW ON REGISTERS OF ELECTORS

Article 1

The Register of Electors is a public document for keeping records of citizens who have suffrage according to law and used only for the elections.

Article 2

The Register of Electors is kept ex officio.

The Register of Electors is central, permanent, and regularly updated.

The Register of Electors is composed of and maintained from data of official records of state authorities and data obtained directly from citizens, in accordance with this law.

Article 3

The Register of Electors is kept for the territory of the local self-management unit according to residency and by polling place.

A citizen may be entered in the Register of Electors only once, in the Register of only one local authority and at only one polling station.

The Register of Electors is kept by a local administration body, and the executive officials of the local self-management unit are responsible for its accuracy and up-to-dateness.

Article 4

Registers of Electors gathered and processed in the local authorities by individual polling stations are compiled into a central Register of Electors.

The central Register of Electors is maintained by the Republican Secretariat of Development and they are responsible for its accuracy and up to dateness.

Keeping the central Register of Electors referred to in Para. 2 of this Article is understood to comprise the following: analyzing registers of electors of the local administration bodies; establishing possible faults and mistakes in them; informing competent bodies of this and taking suitable technical and other measures aiming at accuracy and up-to-dateness of registers of electors; and compiling the central Register of Electors on the basis of individual voters registers of local administration bodies.

Article 5

The Republican Secretariat of Development has a right and obligation referring to Article 4 Para. 2 & 3 of this law to point visible mistakes and faults to the local administrative bodies and to demand from them to take certain measures and actions to achieve accuracy and up to dateness.

The competent local administration bodies who maintain the Registers of Electors, must without delay, act in accordance with instructions, positions and requests from Para. 1 of this Article.

Bodies from Para. 2 of this Article are obliged to act in accordance with directives and regulations of the Republican Elections Commission concerning the accuracy and up to dateness of the Registers of Electors.

Article 6

The Register of Electors maintained by the units of local administrative bodies are processed by computer using unique programme prepared by the Republican Secretariat of Development.

The bodies maintaining the Register of Electors shall officially obtain from the bodies who maintain suitable office records about citizens, data needed for the Register of Electors, record and check all obtained data, analyzing Register of Electors, establish mistakes and omissions in the Registers of Electors and take measures and actions for their removal and measures and actions for the accuracy and up to dateness of the Registers of Electors.

Article 7

Entered in the Register of Electors are the citizens who have suffrage or shall gain suffrage on polling day.

Also entered in the Register of Electors are the citizens temporarily residing abroad, by reference to their last place of permanent residence before leaving the country.

Citizens doing their national service in the army or taking part in a military exercise, as well as citizens in detention or serving prison sentences are entered in the Register of Electors by reference to their last permanent place of residence.

Citizens who have been deprived of their business capacity by a lawful court order may not be entered in the Register of Electors. If such citizens have already been entered in the Register of Electors, they shall be deleted from it, and re-entered upon the restoration of their business capacity by a lawful court order.

Article 8

The following information is entered in the Register of Electors: the name and surname, residential address and unique ordinal number of the citizen. Exceptionally, if a citizen has no ordinal number his personal identification number shall be entered instead.

Article 9

Entering into, deleting from and correcting the Register of Electors is carried out by a local administration body in charge of maintaining the Register of Electors the basis of evidence and data from record books, other official records, public documents, direct checking and on the basis of data and public documents that are submitted by citizens with requests for entering, deleting and correcting the Register of Electors.

The authorities keeping the relevant official records of citizens are bound to submit data to the bodies in charge of the keeping of the Registers of Electors affecting the accuracy and up-to-dateness of registers of electors within 7 (seven) days of the day a change has occurred and bodies in charge of keeping registers of electors are obliged to note immediately those data and bring up to date the Register of Electors.

Article 10

The bodies of the local administration units authorized to maintain the Registers of Electors are obliged to periodically, at least once a year, check the condition of the data in the register and in the same deadline, by suitable method, inform the citizens about their ability to inspect the Register of Electors and ask for entering, deleting or other changes, to realize their suffrage.

Within 7(seven) days of calling for the election, the authority in charge of keeping the Register of Electors shall publicize the Register of Electors and inform the citizens that they may inspect the Register, request entering, deletion, modification, amendment or correction of the Register of Electors.

Informing the citizens in the sense of Para.1 & 2 of this Article is done in a public notice in the media, or, if it proves necessary, in some other way.

Article 11

The Republican Election Commission shall prescribe in more detail the manner of keeping, correcting, delivering, concluding, copying and displaying of the Register of Electors and other matters relevant to complete, accurate and updated registers of electors.

Article 12

Citizens have the right to submit to the local administrative unit in charge of maintaining the Register of Electors a request for entering, deleting and amendment of the data of the Register of Electors for himself or another citizen for whom he reliably knows or has valid evidence about incorrect records in the Register of Electors.

With the request from Para. 1 of this Article a citizen is obliged to submit evidence about facts and circumstances of the assertion in Para. 1 of this Article and that effect the accuracy of the Register of Electors.

The authority in charge has an obligation to examine the request and officially check the data and circumstances contained in the request.

The request referred to in Para. 1 of this Article will be decided by the authority in charge of maintaining the Register of Electors within 5 days if the request is submitted according to Article 10 Para. 1, or within 48 hours if the request is submitted according to Article 10 Para. 2 of this law and the decision will be provided to the submitter without delay.

Article 13

A petition may be filed with the Supreme Court of the Republic of Montenegro (hereinafter: the "Court") against the decision referred to in Article 12 Para. 4 of this law.

A petition from Para. 1 of this Article will be filed within 48 (forty-eight) hours of the delivery of the decision through the authority that has rendered the decision. That authority is bound to forward the petition, together with the necessary documentation, within 24 hours (twenty-four) hours of the receipt of the petition.

The Court shall decide on the petition in the contentious proceedings within 5 days if a decision is made from a request from Article 10 Para. 1 or within 24 hours if the decision is made from a request from Article 10 Para. 2 of this law.

The decision of the Court shall be lawful and binding.

Article 14

The Register of Electors is concluded not later than 20 (twenty) days prior to polling day. The competent authority shall render a decision on the conclusion of the Register of Electors that shall contain the total number of citizens entered in the Register of Electors and the date of conclusion of the Register.

The decision on the conclusion of the Register of Electors is delivered to the Municipal Election Commission not later than 24 (twenty-four) hours of rendering the decision.

The Municipal Election Commission shall submit the data on the total number of electors in the local authority unit to the Republican Election Commission within 24 (twenty-four) hours of the receipt of the decision.

The Republican Election Commission shall announce the total number of electors, the number of electors by individual municipalities and by polling stations.

Article 15

Upon its conclusion, entering into, deletion from, modification of, amendments to, and corrections of the Register of Electors may be done only by the order of the Court, in an administrative procedure, not later than 5 (five) days prior to polling day.

The Republican Election Commission shall announce the total number of electors and the number of electors by individual municipalities and by polling stations within 48 (forty eight) hours of the expiry of the term referred to in Para. 1 of this Article.

Article 16

The authority in charge of keeping the Register of Electors shall compile a verified extract from the Register of Electors for each polling station. The extract is submitted to the Municipal Election Commission within 24 (twenty-four) hours of announcing the information referred to in Article 15, Para. 2 of this Law.

The extract from the Register of Electors, beside data referred to in Article 8, Para. 1 of this Law, also contains the name of the authority that has compiled it, the date of its compilation and the indication of the polling station for which the extract has been compiled.

The Republican Secretary for Development is bound to submit the computer processed Register of Electors on a diskette or in some other way to the submitter of the electoral list at its request within 48 (forty-eight) hours of filing the request.

Article 17

Representatives of submitters of electoral lists have a right of inspection of the Register of Electors and official documentation of authorities on the basis of which entering into, deletions from, modifications of, amendments to and corrections of the Register of Electors is done.

The inspection is carried out in offices of the authority keeping the official documentation.

Article 18

The inspection of the work of the local administrative bodies implementing ordinances regulating the keeping of registers of electors is carried out by the Ministry in charge of administrative affairs.

In the event that the Ministry in charge of administrative affairs finds that the Register of Electors is not kept in the manner prescribed by the Law and regulations passed on the basis of the Law, it shall order the competent authority to eliminate those irregularities.

Article 19

Any persons committing any of the following acts shall be sentenced for the criminal act to imprisonment of up to one year:

- 1) failing to enter a person in the Register, or deleting a person from the Register in order to prevent that person from voting;
- 2) providing false information on one's permanent residence and suffrage and false information about other citizens referring to the register of electors.

Article 20

A fine amounting to at least the five-fold minimum salary in the Republic shall be imposed for the offence on:

- 1) the authorized official in charge of keeping the registers of electors if he fails to ensure their accuracy and up-to-dateness;
- 2) the executive official in the local authority and the authorized official of local administration if he fails to control accuracy and up-to-dateness of keeping registers of electors;
- 3) the authorized official at the Ministry in charge of administrative affairs if it fails to carry out inspection referred to in Article 18, Para. 1 of this Law;
- 4) the authorized official at the authority in charge of timely submitting the data referred to in Article 9, Para. 2 of this Law;
- 5) the authorized official of the authority in charge of keeping the central Register of Electors if he fails to submit the data within the term prescribed in Article 16, Para. 3 of this Law.

Article 21

The Republican Elections Commission is obliged to pass regulations within 60 days of this Law coming into force from Article 11 of this law, which ensures the uniform application of this law.

The competent local administrative body and the Republican Secretariat of Development are obliged to bring the registers of electors into accord with the provisions of this Law and compile the central Register of Electors referred to in Article 4 of this Law within 60 days of the day that regulations from Para. 1 of this Article are passed.

Article 22

On the day that this Law comes into force, the Law on Registers of Electors ("Official Gazette of the Republic of Montenegro", No. 4/98) shall become invalid.

Article 23

This Law shall come into force on the 8th day of its publication in the "Official Gazette of the Republic of Montenegro".

Law on Financing Political Organizations

Article 1

This Law shall govern the conditions and manner of providing financial resources for the work of political organizations and other submitters of confirmed electoral lists, and the reporting of financial activity by political organizations and other submitters of confirmed electoral lists.

Article 2

The financial operations of political organizations and other submitters of confirmed electoral lists shall be subject to the control of the authority in charge of controlling the financial and material operations of legal entities.

Article 3

Political organizations and other submitters of confirmed electoral lists shall have the right to raise funds for their activities from: membership fees, contributions, income from their own assets and entrepreneurial activities, loans, credits, donations, legacies, endowments, state budget allocations and other sources, as provided by the law.

Political organizations may engage in commercial and other activities pursuant to regulations governing the conduct of such activities.

Article 4

The funds raised by a political organization or other submitter of a confirmed electoral list shall be kept in an account of the organization, under the regulations concerning financial operations, and the organization shall keep records thereof.

Article 5

The Republic, or a municipality, shall allocate a portion of the funds from its budget for:

- 1) the work of political organizations whose candidates have been elected representatives or councilors, and;
- 2) payment of expenses of the election campaign for political organizations and for other submitters of confirmed electoral lists for the election of representatives or councilors.

The financial resources referred to in para. 1 of this Article shall be determined by the budget of the Republic, or the budget of a municipality, given that such resources cannot be lower than 0.5% of the total budget revenues for the year for which such budget has been passed.

Article 6

The funds referred to in Article 5, to the extent of 30%, shall be distributed in equal amounts to all parties having their representatives and/or councilors in the Republican or Municipal Assembly, respectively, and to the representative of a group of citizens, while the rest shall be distributed proportionally to the total number of their representatives or councilors.

The authority in charge of finances shall transfer the funds referred to in para. 1 above to the political parties on a monthly basis, by the fifth day in a month for the previous month.

Article 7

The funds for the coverage of expenses of the election campaign for the election of representatives shall be provided in the budget of the Republic up to 1% of the total budget resources in the year in which the elections have been called.

The distribution of the funds referred to in para. 1 above shall be made in such a manner as to provide:

- 1) one-third of the funds equally divided to the submitters of confirmed electoral lists not later than the 10th day after the day of confirming such electoral lists;
- 2) two-thirds of the funds to the political organizations or representatives of groups of citizens which have won representation mandates in the last election, proportional to the number of mandates won in the Assembly.

The funds referred to in para. 2 of this Article shall be distributed by the Republican Election Commission, herein after referred to as the Commission.

The manner and time schedule for the distribution of the funds referred to in para. 2 of this Article shall be specified in more detail by the Commission.

Article 8

The resources for covering the costs of the election campaign for the election of councilors shall be provided in the budget of Municipalities in an amount up to 1% of total budget resources in the year in which the election has been called and shall be distributed as stipulated in para. 2, Article 7 of this Law.

The resources referred to in para. 1 of this Article shall be provided to the Municipal Election Commission, which shall also distribute these resources.

Article 9

Expenses of the election campaign referring to: posters, advertisements, radio and television broadcasts, advertising spots and publications shall not exceed the amount equivalent to 250 times the officially publicized average salaries in the Republic for the last month before the commencement of the campaign period.

The Minister of Finance shall certify the limitation amount referred to in para. 1 in Yugoslavian Dinars to the Commission no later than the third day after the calling for elections.

Article 10

Political organizations and submitters of confirmed electoral lists have the right to collect contributions in order to cover the expenses of their election campaign and other organization activities.

Collection of the contributions referred to in para. 1 of this Article is allowed in the official premises of the political organizations or other submitters of confirmed electoral lists, at public places, at public performances and rallies organized by political organizations or other submitters of confirmed electoral lists by payment to an account of such political organization or other submitter of a confirmed electoral list.

Article 11

It shall be prohibited to accept contributions made by foreign states, organizations, or persons.

The use of coercion in the solicitation of campaign contributions is prohibited.

Collection or solicitation of contributions in state offices or workplaces is prohibited.

Article 12

It shall be prohibited for any person to make a contribution or contributions to any single political organization or other submitter of a confirmed electoral list in any calendar year in excess of 100,000 YUD.

It shall be prohibited for any political organization or other submitter of a confirmed electoral list to receive contributions in excess of 100,000 YUD from any person.

It shall be prohibited for any person to make a contribution in the name of another person.

It shall be prohibited for a political organization or other submitter of a confirmed electoral list to receive any contribution made in the name of another person.

Article 13

Political organizations and other submitters of confirmed electoral lists shall report to the Commission on their contributions and expenditures in the manner and form determined by regulations and directives of the Commission.

Article 14

Each political organization and other submitter of a confirmed electoral list shall appoint a treasurer and deputy treasurer, who is responsible for compliance with the reporting and record-keeping requirements of this law, and who is authorized to receive communications from the Commission. A statement shall be filed with the Commission no later than three days after appointment of the treasurer and deputy.

Each political organization and other submitter of a confirmed electoral list must notify the Commission within three days of any changes with respect to the treasurer and/or deputy.

Article 15

This law requires that all financial activity of political organizations and other submitters of confirmed electoral lists are subject to regulation in accordance with the specific requirements of this law.

Unless specifically excluded by law, or by the regulations or rulings of the Commission, any financial transaction engaged in by any person or persons that in any way affects the political or administrative activity of a political organization or other submitter of a confirmed electoral list must be reported in accordance with this law.

Article 16

Each treasurer of a political organization or other submitter of a confirmed electoral list shall sign, certify, and file reports of receipts and disbursements in accordance with the provisions of this law.

Article 17

In the case of reports on non election years, a report covering the period of January 1 through December 31, of the previous year shall be filed with the Commission annually by each political organization on or before the last day in February.

In the case of reports on an election year, the report referred to in the previous paragraph shall cover the period from the 21st day after the election through December 31.

No later than the 5th day prior to election day each political organization and other submitter of a confirmed electoral list will file its financial report with the commission for the period from January 1 through the 10th day prior to the election.

No later than the 25th day after election day each political organization and other submitter of a confirmed electoral list will file its financial report for the period from the end of the previous reporting period to 20 days after the election.

The submitter of a confirmed electoral list that is not a registered political organization shall file a designated final report at the close of its financial activities and shall be relieved of future reporting unless the Commission finds its final report deficient.

If the Commission finds the report referred to in the preceding paragraph deficient, it shall, within 10 days of the filing, notify the submitter and advise the submitter as to the deficiencies and the submitter will resubmit the report correcting deficiencies within 30 days of such notification.

Article 18

Each report required in Article 17 of this law shall disclose:

- 1) the amount of cash on hand on the opening day of the reporting period and at the closing day of the reporting period;
- 2) for the reporting period, the total amount of all receipts, and the total amount of all receipts in the following categories: subscriptions, contributions, returns on its own assets and entrepreneurial activities, credits, loans, donations, legacies, testaments, rebates, refunds, and other offsets to operating expenditures, state financing, and other sources as determined and identified by the Commission;
- 3) for the reporting period, the total amount of all expenditures, and the total amount of expenditures in the following categories: direct cost for political propaganda, operating expenses, costs associated with entrepreneurial activity, and other costs as identified and determined by the Commission.

The Commission is authorized to add to or subdivide the categories referred to in para. 1 and to otherwise specify the form, manner, and details of reporting.

Article 19

Each report required under this law shall provide the name and address of the person or source of any receipt in excess of 1000 Yugoslavian Dinars during the reporting period, together with the date and amount of any such receipt(s) and the identification of the person or source of each in-kind contribution in excess of 1000 Yugoslavian Dinars received during the reporting period, together with the date and amount of any such contribution, as well as a statement as to the manner in which the in-kind contribution was valued.

Each report required under this law shall provide the name and address of the person or source of receipts during the reporting period in an aggregate amount in excess of 1000 YUD.

Each report required under this law shall provide the name and address of the person or entity to whom expenditures are made during the reporting period in an amount or value in excess of 1000 YUD.

Each report required under this law shall provide the name and address of each person or entity to whom disbursements are made during the reporting period in an aggregate amount in excess of 1000 YUD.

Each report required under this law shall provide the amount and nature of outstanding debts and obligations owed by or to such political organization or other submitter of a confirmed electoral list and where such debts and obligations are settled for less than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished.

The Commission is authorized to add to or subdivide the categories referred to in para. 1 of this Article and to otherwise specify the form, manner and details of reporting.

Article 20

The Commission shall permit reports required by this law to be filed and preserved by means of computer disk or any other appropriate electronic format or method, as determined by the Commission.

In carrying out the requirement of para. 1 of this Article with respect to the filing of reports, the Commission shall provide for one or more methods for verifying reports filed by means of computer disk or other electronic format or method.

Article 21

Rules and regulations in implementing this law and detailed regulations with regard to reports, the manner of reporting, forms, and other instructions shall be prescribed by the Commission.

The Commission shall prepare forms and manuals necessary to implement the reporting provisions of this law, and shall provide training and/or technical assistance to political organizations and other submitters of confirmed electoral lists to assist them in compliance.

In carrying out its responsibilities under this law, the Commission shall rely on all state agencies and organizations, which are obliged to provide assistance to the fullest extent possible.

Article 22

The Commission shall make reports filed by political organizations and other submitters of confirmed electoral lists available to the public for inspections and copying within 24 hours of receipt, and shall take all appropriate steps to ensure that all citizens have easy access to the information contained within the reports.

Article 23

If the Commission discovers noncompliance or the appearance thereof, with regard to any provision of this law it shall inform authorized state bodies for possible civil or criminal prosecution.

Article 24

A fine equal to a 50-fold to a 200-fold amount of the officially publicized minimum salary in the Republic shall be imposed upon a political organization or submitter of a confirmed electoral list:

- 1) if it raises funds in violation to Article 3 of this law;
- 2) if it fails to keep records of its financial operations in compliance with Article 4 of this law;
- 3) if it acts in violation of Article 11 or 12 of this law;
- 4) if it accepts contributions in violation of Article 10;
- 5) if it fails to file reports or reports are filed in violation of this law.

For the offenses referred to in items 1, 3, and 4 of para. 1 of this Article, the benefit derived from committing such offenses shall be forfeited to the state.

A fine equal to double to a 10-fold amount of the officially publicized minimum salary in the Republic shall be imposed for the offenses referred to in Para 1 above also upon the responsible person in such political party or other submitter of a confirmed electoral list.

Article 25

A fine equal to double to a 15-fold amount of the officially publicized minimum salary in the Republic shall be imposed:

- 1) upon the person who has raised funds in violation to Article 10 of this law;
- 2) upon a person who contributes funds in violation to Article 12 of this law.

For the offense referred to in para 1 of this Article, the benefit derived from committing such offense shall be forfeited to the state.

Article 26

A fine equal to a 50-fold to a 300-fold amount of the officially publicized minimum salary in the Republic shall be imposed on a political organization or other submitter of a confirmed electoral list if it exceeds the expenditures of its election campaign in violation of the provisions of para. 1 of Article 9 of this law.

A fine equal to a 5-fold to a 20-fold amount of the officially publicized minimum salaries in the Republic shall be imposed for the offense referred to in para. 1 of this Article and also on the responsible person in such political organization or other submitter of a confirmed electoral list.

Article 27

The Commission shall pass regulations concerning the enforcement of this Law within sixty days of the date of coming into force of this Law.

Article 28

On the date of coming into force of this Law, the Law on Financing Political Organizations (Official Gazette of Montenegro No. 44/97) shall cease to be valid.

Article 29

This Law shall come into force on the eighth day of the date of its publication in the Official Gazette of Montenegro.

Article 30

Definitions:

- 1) The term "contribution" includes any state budget allocation, gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for public office in the Republic of Montenegro; or the payment by any person of compensation for the personal services of another person that are rendered to a candidate or political organization without charge for any purpose.

**ANNEX XVII: MODIFICATIONS INTRODUCED BY IFES INTO THE
CURRENT MODEL LAW**

**THE MODEL LAW ON ELECTION OF COUNCILORS AND REPRESENTATIVES:
MODIFICATIONS INTRODUCED BY IFES INTO THE THE CURRENT LAW
REPUBLIC OF MONTENEGRO**

I. GENERAL OVERVIEW

In comparison to the current Law On Election of Councillors and Representatives, the model law creates the conditions and assumptions for: the continuation and more consistent implementation of democratic principles in the electoral system; the accomplishment of inalienable rights to elect and be elected; the carrying out of direct, general and secret elections; equality between political parties and citizens in proposing candidates; and greater transparency and security in election procedures.

In the formulation of this draft, the proposer chose not to take over direct solutions from the constitution, but to regulate relations deriving from such solutions in accordance with the constitution.

Also, the chapters and individual matters in the draft have been systematized in a different manner, taking into account the nature of matters governed by particular chapters. Accordingly, individual provisions are formulated more completely than in the current law, in order to have a clearer and more precise expression of the concerned relationships.

II. SPECIFIC MODIFICATIONS

BASIC PROVISIONS. It is prescribed that "in the municipalities in which members of national or ethnic groups make the majority or a significant portion of the total number of electors, the extract from the central register of electors, general electoral list and ballots shall also be printed in their language" (Art. 11).

ELECTION ADMINISTRATION BODIES:

- In comparison to the current Law, the draft misses the provisions entitling the submitter of a confirmed electoral list to appoint an authorized representative as member of the extended composition of election commission, and the institute of observer of the work of the Commission is introduced instead. When polling boards are concerned, due to the nature of their responsibilities, the submitter of a confirmed electoral list reserves the right to appoint an authorized representative as member of the extended composition of polling board.

- In order to be rational, it is proposed that polling board may work if it is attended by majority of its members and its decisions are valid if made by majority of the present members.

- It is proposed that members of election administration bodies should sign a statement (oath) when assuming their duty, and the wording of such oath is given.
- The draft offers solutions governing the manner of observing the work of election administration bodies, while these matters have been regulated by the rules and decisions of the Republican Election Commission so far.
- As regards election commissions, significant novelties are proposed: the composition of commissions corresponds to the partisan representation in a given assembly; the number of members is increased; to provide continuity in their work, it is proposed that half of the members should be appointed every two years; it is restricted that the same person cannot be elected as chairman of a Municipal or Republican Election Commission more than twice; it is also proposed that secretary of the REC should be a professional position.

Competence and authorities of the Republican Election Commission are considerably extended: both MEC and REC are given authority to prescribe measures providing security of ballots, which refer primarily to verification of ballots, delivery of voting paper (sheet), etc.; REC is obliged to cooperate with authorities in charge of maintaining the register of voters and taking actions towards keeping it accurate and up-to-date; REC is obliged to make a calendar of election activities that would include all the dates for taking individual election activities prescribed by this law; REC would be responsible for making decisions and taking steps towards appropriate training of participants in the election process; REC would be obliged to make yearly reports to the Republican Assembly on the enforcement of election legislation in the Republic, on the measures and activities taken to improve it and to give evaluation of and proposals for possible amendments to elections regulations; to ensure continuity in the work of REC, it is proposed to form a technical service (section, unit) of REC, to be managed by the REC secretary, to perform technical, administrative and other jobs under the field of competence of REC.

ESTABLISHING AND CONFIRMING ELECTORAL LISTS

- A precise determination is proposed that an election list will be established if supported by signatures of 1% of the total number of voters in a given constituency.
- An explicit prohibition for collecting signatures at certain places is proposed (at one's working place, while offering monetary reward or under compulsion).
- The draft introduces obligation for the person collecting signatures of voters to sign the list himself and to be responsible for the authenticity of signatures.
- The period for the submission of electoral lists to the commission is extended from 20 (as currently) to 30 days prior to the election day in order to give more time to the commissions to perform all necessary election activities adequately. The time for checking the electoral lists is accordingly prolonged from current 48 to 72 hours.

ELECTION ADMINISTRATION - POLLING STATIONS

- It is proposed that a polling station should be set up for voting of not more than 1,000 voters, instead of former solution which allowed maximum 2,000 voters for one polling station.
- It is prohibited to use mobile phones at the polling station.
- The draft excludes the possibility of dissolving a polling board because of displaying symbols of political parties and other propaganda material within 50 meters from the station, or because of carrying weapons or other dangerous instruments at the station since these failures do not constitute a violation of election procedure rules by members of the polling board.
- It is clearly specified that the election materials are to be undertaken by chairman and two members of the board, in the premises of MEC, within not later than 24 hours prior to the election day (formerly 48 hours).
- The possibility allowing the voters who happen to be at the polling station at the moment of its closing still to vote is excluded because it is considered inappropriate.
- It is precisely specified which documents can be used to prove the identity of voters, and these are any documents carrying the photograph and personal identification number or identity card number of the voter.
- To increase security of ballots, it is proposed that ballots should be verified by stamp of the polling board immediately before delivery to the voter.
- It is prescribed that the persons who come to vote but have not been entered in the register of voters, as well as persons who are denied the voting right because of non-compliance of their identity details, should be separately recorded by the polling board.
- The provisions governing voting by letter are formulated more precisely, so that such voters are now obliged to notify the polling board by statement signed with their own hand or signed by a member of his/her family, if illiterate, by not later than 12:00 (noon).
- It is prescribed that the election material that is submitted to the election commission from the polling station should be delivered by chairman of the respective polling board and two authorized representatives of electoral lists that won the biggest number of votes at such polling station.

PROTECTION OF VOTING RIGHT

- The period for submitting a complaint to the competent election commission due to violation of voting rights is shortened from former 72 to 24 hours, while the period for deciding on complaints is prolonged from 24 to 48 hours, to give more time to the commission to consider all the relevant facts.

- New solution in the draft concerns the right of competent commission to reject complaint about the actions done by a polling board if such actions have not been objected to in the records on the work of the polling board.
- The time limit for making an appeal to the Constitutional Court of Montenegro, and for the Court's response under such appeals, is now specified.
- The provisions of the current law saying that the polling board should be dissolved if the conditions which secure the secrecy of voting are not ensured, if a voter has not voted in person, or if a member of the polling board exerted influence on a voter's decision, are regulated in a more liberal manner in the draft. The competent election commission may decide to dissolve a polling board if the majority of board members have refused to sign the records of the work of such polling board.
- The draft prescribes pronouncing a public warning to the polling board, to a member of a polling board, the submitter of an electoral list or a voter in case of other complaints about the violation of voting rules that have not been specified in the law.

ALLOCATION OF MANDATES

- The election census to be obtained by electoral lists in relation to overall electorate is decreased from 3% to 2%, thus providing equality of electoral lists in the allocation of mandates in the Republic as a single constituency. Consequently, those provisions of the current Law that treated the electoral lists representing Albanians in Montenegro in a different way are deleted.
- It is prescribed that mandates within the total number of mandates won by an electoral list should be allocated to the candidates following their order on the list.

TERMINATION OF MANDATES

- The mandate of a councilor or representative will be terminated before the expiry of the term for which he/she has been elected in case of dissolving of the assembly, deciding to shorten the term of office of the assembly, discontinuance of residence at the territory of the Republic or voluntary leaving of the party membership.

The penalty provisions of the law have been adjusted analogously to the proposed novelties.

ANNEX XVIII: TERMS OF REFERENCE

TERMS OF REFERENCE

Law on Election of Councilors and Representatives

Authorized representatives of domestic organizations and non-governmental organizations are those people associated with organizations formed for protecting human rights and representatives of foreign state and international organizations who monitor the work of election administration bodies.

Candidate is a person whose name appears on a proclaimed electoral list during the campaign period.

Confirmed electoral list is the list of candidates of a party or other submitter of an electoral list which has been approved or qualified for the ballot by an election commission.

Election administration bodies are the election commissions and polling boards.

Election commissions are the Republican Election Commission and municipal election commissions.

Elector means any citizen who is a citizen of Montenegro, who has reached the age of 18 on or before election day, who has not been deprived of his/her business capacity by a court of law, and who has been a resident of Montenegro for 12 months prior to election day.

Observer or authorized representative of a submitter of an electoral list is the designee of the submitter which is authorized to monitor the work of election commissions.

Political organization in this law has the same meaning as in the Law on Political Organizations.

Polling board is the body charged with administering the election at the polling station on election day and is composed of three permanent members and an extended membership consisting of authorized representatives of submitters of electoral lists.

Proclaimed electoral list is the slate of candidates of a political party or other

Regulations are written rules of the REC adopted for the purpose of implementation of election laws.

Suffrage, as used in this Law, shall be the right of a citizen: to elect and be elected; to nominate and be nominated as a candidate; to put questions in public to the submitters of electoral lists and the candidates and to be timely, truthfully and fully informed about their programs and activities; to decide on the submitted electoral lists, as well as to exercise other rights in the process of the election, as provided by this Law.

Submitter of a confirmed electoral list means a group of citizens which has qualified an electoral list for the ballot under provisions of the Law on Election of Councilors and Representatives.

Law on Financing of Political Organizations

Contribution includes: any state budget allocation, gift, subscription, loan, advance, or deposit of money or anything of value made by any person for the purpose of influencing any election for public office in the Republic of Montenegro; or the payment by any person of compensation for the personal services of another person that are rendered to a candidate or political organization without charge for any purpose.

Contribution does not include: (a) the value of services provided without compensation by any individual who volunteers on behalf of a candidate or political organization; and (b) nonpartisan activity designed to encourage individuals to vote or to register to vote.

Expenditure includes any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made by any person for the purpose of influencing any election and a contract, promise, or agreement to make an expenditure.

Expenditure does not include: (a) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication, unless such facilities are owned or controlled by a political organization or candidate; or (b) nonpartisan activity designed to encourage individuals to vote or to register to vote;

Person includes an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of persons.

Identification means: (a) in the case of any individual, the name, address, and occupation of such individual, as well as the name of his or her employer; and (b) in the case of any other person, the full name and address of such person.

In-kind contribution means anything of value provided to a political organization other than a direct payment of money that is not otherwise excluded from the definition of "contribution" under paragraph (2) of this article.

Report means, with respect to the Commission, a report, designation, or statement required by this law to be filed with the Commission.

ANNEX XIX: DELIVERY ORDER AND MODIFICATIONS

UNITED STATES OF AMERICA
AGENCY FOR INTERNATIONAL DEVELOPMENT

Country of Performance: Yugoslavia

Adv. & Asst. Services Yes [] No [X]

Contract AEP-5468-I-00-6003, Delivery Order No. 805
(Incorporating FAR and AIDAR Clauses)

NEGOTIATED PURSUANT TO THE FOREIGN ASSISTANCE ACT OF 1961,
AS AMENDED, AND EXECUTIVE ORDER 11223

CONTRACTOR (Name and Address):

International Foundation for
Decision Studies
111 Fifteenth Street, Northwest
Third Floor
Washington, DC 20005

IN: 52-1527835
EC: 62-678-0977

4a. ISSUING OFFICE:

RCO RSC Budapest
Department of State
Washington, DC
20521-5270

4b. ADMINISTRATION OFFICE:

RCO RSC Budapest
Department of State
Washington, DC
20521-5270

TECHNICAL OFFICE:

Katherine Stratos
SAID ENI/DGSR
RP 5.7
Washington, DC 20523-5700

6. PAYING OFFICE. SUBMIT INVOICE TO:

USAID/Washington
Office of Financial Management
M/FM/CMPD/DCB, Room 700, SA-2
Washington, DC 20523-0209

EFFECTIVE DATE:
6 April 1998

8. ESTIMATED COMPLETION DATE:
10 July 1998

ACCOUNTING AND APPROPRIATION DATA:

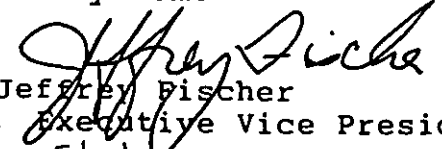
Request ID: *
Activity Title: *
Fund/Fund Account/Allot Symbol:
See Section 1.5

Amount Obligated: \$375,465.61
Ceiling Price: \$375,465.61

10. The United States of America, represented by the Contracting Officer
signing this Order, and the Contractor agree that: (a) this Order is issued
pursuant to the Contract specified in Block 2 above and (b) the entire
Contract between the parties hereto consists of this Order and the Contract
specified in Block 2 above.


11a. NAME OF CONTRACTOR:

International Foundation for
Decision Systems

BY: 
NAME: Jeffrey Fischer
TITLE: Executive Vice President
DATE: 5/11/98

11b. UNITED STATES OF AMERICA

Agency for International Development

BY: 
NAME: Michael S. Kenyon
TITLE: Contracting Officer (MK)
DATE: APR 14 1998

DD FORM 1420-61 (Rev'd)

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1.1 BACKGROUND

1.2 TITLE

Activity Title:

Title: Poll Worker Training and Voter Education

1.3 OBJECTIVE

1.4 STATEMENT OF WORK

Project Design

Modernize, update, and systematize maintenance of an electronic register of all eligible voters in Montenegro.

COMPUTERIZATION OF THE VOTER REGISTRY. With the consent and under the supervision of the Republic Election Commission, the contractor shall provide a specialized, technical advisor to the Ministry of Development to advise Ministry staff on a strategy for updating the voter lists prior to the elections and an operating system for continually updating voter records after the elections.

Policies and technical safeguards should be developed under the authority of the Republic Election Commission for protecting the integrity of the records as well as enhancing the transparency of the electoral process. This might involve training technicians and programmers at the republic and municipality level and developing standardized training and written guidelines for data entry personnel in the localities.

Support the development of appropriate regulations and the development of a training program for all levels of the Election Commission in order to administer election according to the new laws and regulations.

ADVISING THE COMMISSION. The contractor shall make him-or herself available to the commission for the drafting of supporting regulations, the analysis of existing and proposed regulations and the development of training programs and materials that are incorporate changes in the election laws.

POLL WORKER TRAINING. The contractor shall assist the Republic Election Commission with the development of an election training program for the election commissions. Contingent on the

1.4 (Continued)

commission's interest, this will include the development of a curriculum, written materials for training and reference purposes, and an operational strategy for reaching all core commission members (and to the extent possible, the expanded membership) through a training of trainers methodology. The contractor shall support the commission's training efforts, if agreeable to the commission and cooperating political parties, by conducting poll worker training for the core and expanded membership of the polling station committees. The contractor shall send one international trainer to organize and conduct training of trainers workshops for 6-10 domestic core trainers. The contractor should make use of Serbian election experts as well as domestic core trainers trained previously for Republic of Serbia elections in order to encourage cross-fertilization between the republics. Given that there were 10,000 pollworkers at 878 total polling sites in the presidential elections, the goal should be to make training available to 1-3 representatives from each polling site. The contractor shall produce teaching materials for the trainers and a reference guide for the poll workers, an election worker guidebook. The training materials and the guidebook shall be developed in cooperation with and, to the extent possible, with the active participation of members and staff of the republic election commission. In addition to distributing the election worker guidebooks through the training-of-trainers program, guidebooks should be offered to the commission and to other organizations engaged in training poll workers and election observers, if applicable.

Ensure that political parties, media, and voters are well informed about the changes to the electoral system that are relevant to them, especially the proper procedures for candidate and voter registration.

VOTER EDUCATION. The contractor shall assess voter knowledge and awareness about the voter registration and voting process and shall identify which segments of the population have specialized needs with regard to voter education and awareness. The assessment shall also determine the most effective means of disseminating voter education information to the target voter audience(s). The findings of the assessment shall be shared with other organizations, including USAID/Belgrade (ENI and OTI) and the electoral commission, which are involved in aspects of voter education and/or election preparations. Based on the findings, the contractor shall develop voter education materials for the target audience(s). This material may either be written materials, such as pamphlets and posters, or it may involve the production of audio or video messages. The production and dissemination of written materials should be budgeted for under this work order. State or private station sponsorship--including any required funding for airing of video and audio messages--

1.4 (Continued)

should be secured before proceeding with audio and video production.

POLITICAL PARTY EDUCATION. The contractor shall assist the Republic Election Commission with developing an information outreach program for political parties and their candidates. This may include a series of events to solicit parties input on the development or revision of regulations affecting them. It should also include developing a series of briefings and written materials that address key topics for candidates and parties, including campaign finance regulations, media access provisions, election-related deadlines, party participation in election commissions, candidate registration and appeals processes, and so forth.

MEDIA. The contractor shall assist the Republic Election Commission in developing its relations to the media, including any responsibilities the commission may have in monitoring or regulating access to the media, as well as cultivating the media as a vehicle for disseminating voter information. Tangible form of this cooperation includes the development of commission policies on media relations.

Offer post-election analysis of the legal, regulatory, and operational flaws in the electoral system and develop recommendations to address them.

The chief of party shall remain in Montenegro for the duration of the elections and for a period after the elections. This post-election period shall be used to engage local counterparts in an analysis of the strengths and flaws of the reformed electoral process. The goal is to facilitate the formulation of discrete suggestions among local counterparts--including the commission, political parties, local governments, media and interested NGOs--for improving legislation and strengthening the election administration process in future elections.

The vehicles and products of this work may take various forms: post-election roundtables with published proceedings or joint statements, draft amendments to existing legislation and so forth. A written analysis by the contractor is required, as described in the section Final Report below.

1.5 ACCOUNTING AND APPROPRIATION DATA

MAARD No.: 982U169PR869022

1.5 (Continued)

728/91010 WAI8-98-22169-KG13 R869022 52506
180-0021.69

Total Amount Obligated: \$375,465.61

1.6 REPORTS

The final report shall include

1) a public report that outlines recommendations to domestic actors to strengthen the credibility and transparency of the electoral process; and

2) an internal report to USAID with assistance recommendations which could strengthen the electoral process.

1.7 TECHNICAL DIRECTIONS

Technical Directions during the performance of this delivery order shall be provided by the Technical Officer as stated in Block 5 of the cover page pursuant to Section F of the contract.

1.8 TERM OF PERFORMANCE

- a. Work shall commence on the date noted in Block 7 of the cover page. The estimated completion date is reflected in Block 8 of the cover page.
- b. Subject to the ceiling price of this delivery order and the prior written approval of the Technical Officer (see Block No. 5 on the Cover Page), the contractor may extend the estimated completion date, provided that the extension does not cause the elapsed time for completion of the work, including the furnishing of all deliverables, to extend beyond 30 calendar days from the original estimated completion date. Prior to the original estimated completion date, the contractor shall provide a copy of the Technical Officer's written approval for any extension of the term of this delivery order to the Contracting Officer; in addition, the contractor shall attach a copy of the Technical Officer's approval to the final voucher submitted for payment.
- c. It is the contractor's responsibility to ensure that the Technical Officer-approved adjustments to the original estimated completion date do not result in costs incurred that exceed the ceiling price of this delivery order. Under no circumstances shall such adjustments authorize the contractor

1.8 (Continued)

to be paid any sum in excess of the delivery order.

- d. Adjustments that will cause the elapsed time for completion of the work to exceed the original estimated completion date by more than 30 calendar days must be approved in advance by the Contracting Officer.

1.9 WORKDAYS ORDERED

a. Functional Labor Category & Specialist	Workdays Ordered	Burdened Daily Rate	Fixed Total
		\$	\$
Total			\$169,570.50

Functional Category	No.	Total Days	Hourly Rates	Subtotals
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HOME OFFICE (6 day week)

Admin. Support	1	45	\$23.49	\$8,456.40
Prog. Impl. Spec.	1	15	51.30	8,156.00

Expatriate Staff (6 day week)

Voter Inf. Media Spec.				
Junior Level	1	77	61.02	\$37,588.32
Election Ass. Spec.				
Senior Level	1	65	64.80	33,696.00
Legal Specialist				
Senior Level	1	48	102.87	39,502.08
Voter Registration Spec.				
Senior Level	1	35	51.30	14,364.00

Field Staff (6 day week)

Administrative Support				
Office Manager	1	72	10.80	6,220.80
Domestic Cora Trainers	6	18	8.10	6,998.40
Admin. Support	1	60	10.80	5,184.00
Admin. Support				
(training specialist)	1	72	10.80	6,220.80
Admin. Support				
(voter education)	1	60	10.80	5,184.00

TOTAL LABOR				\$169,570.00
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1.9 (Continued)

- b. The individuals identified above are designated as key personnel pursuant to Section F.11 of the contract.
- c. Subject to the ceiling price established in this delivery order and the prior written approval of the Technical Officer, the contractor may adjust the number of workdays actually employed in the performance of the work by each position specified in this order. The contractor shall attach a copy of the Technical Officer's approval to the final voucher submitted for payment.
- d. It is the contractor's responsibility to ensure that the Technical Officer-approved adjustments to the workdays ordered for each functional labor specialist do not result in costs incurred which exceed the ceiling price of this delivery order. Under no circumstances shall such adjustments authorize the contractor to be paid any sum in excess of the ceiling price.

1.10 CEILING PRICE

For Workdays Ordered	\$169,570.50
For Other Direct Costs	\$205,895.11
Ceiling Price	<u>\$375,465.61</u>

The contractor will not be paid any sum in excess of the ceiling price.

1.11 DUTY POST

The Duty Post for this delivery order is Federal Yugoslav Republic.

1.12 ACCESS TO CLASSIFIED INFORMATION

The contractor will not have access to classified information.

1.13 LOGISTIC SUPPORT

The contractor shall be responsible for all logistic support needed to successfully complete the contract.

1.14 WORKWEEK

The contractor is authorized up to a six-day workweek in the field with no premium pay.

1.15 AUTHORIZED GEOGRAPHIC CODE

The authorized geographic code for procurement of goods and services under this order is 000 and 158.

29/08/98 18:20 FAX 3612685893

USAID-RSC-RCO

02

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		7. CONTRACT ID CODE	PAGE OF PAGES 1 1
2. AMENDMENT/MODIFICATION NO. 01	3. EFFECTIVE DATE 28 June 1998	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable) 180-0021.69
6. ISSUED BY RCO RSC Budapest Department of State Washington, DC 20521-5270	CODE	7. ADMINISTERED BY (if other than item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state and ZIP code) International Foundation for Election Studies 1101 Fifteenth Street, Northwest Third Floor Washington, DC 20005 TIN: 52-1527839 CEC: 62-678-0977		9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. X AMP-9468-1-805-6003 10B. DATED (SEE ITEM 13) 6 April 1998	
FACILITY CODE			

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

No change

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: the FAA of 1961, as amended, and EO 11223
D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 5 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

a. Section 1.9 is deleted and replaced with the following:

Functional Category	No.	Total Days	Hourly Rates	Subtotals
HOME OFFICE (6 day week)				
Admin. Support	1	50	\$23.49	\$9,396.00
Prog. Impl. Spec.	1	15	51.30	6,156.00

Expatriate Staff (6 day week)
Voter Inf. Media Spec.

< See Continuation Sheet (a) >

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Richard W. Soudriette/President	15B. DATE SIGNED 6-27-98	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Michael S. Korman Regional Contracting Officer	16B. DATE SIGNED JUN 30 1998
15C. SIGNATURE OF PERSON AUTHORIZED TO SIGN (Signature of person authorized to sign)		16C. SIGNATURE OF CONTRACTING OFFICER (Signature of Contracting Officer)	

W8N 7540-01-152-8070
PREVIOUS EDITION UNUSABLE

30-105

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 33.243

29/08/98 18:20 FAX 3612695893

USAID-RSC-RCO

03

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE NO. 2
2. AMENDMENT/MODIFICATION NO.	3. EFFECTIVE DATE	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable)	
01	23 June 1998		180-0021.69	

16. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) - CONTINUATION

Junior Level	1	88	61.02	41,493.60
Election Ass. Spec.				
Senior Level	1	72	64.80	17,124.80
Legal Specialist				
Senior Level	1	42	102.87	34,564.32
Voter Registration Spec.				
Senior Level	1	49	51.30	20,109.60

Field Staff (6 day week)

Administrative Support

Office Manager	1	72	10.80	6,220.80
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Domestic Corps Trainers	6	18	8.10	6,998.40
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Admin. Support	1	60	10.80	5,184.00
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Admin. Support				
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(training specialist)	1	72	10.80	6,220.80
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Admin. Support				
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(voter education)	1	60	10.80	5,184.00
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TOTAL LABOR				\$178,852.32
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b. Section 1.10 is deleted and replaced with the following:

For Workdays Ordered	\$178,852.32
For Other Direct Costs	\$196,613.29

Ceiling Price	\$375,465.61
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The contractor will not be paid any sum in excess of the ceiling price.

c. The estimated completion date is changed to 10 August 1998.

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. 02	3. EFFECTIVE DATE 1 July 1998	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (if applicable) 180-0021.69
6. ISSUED BY RCO RSC Budapest Department of State Washington, DC 20521-5270	CODE	7. ADMINISTERED BY (If other than Item 6) RCO RSC Budapest Department of State Washington, DC 20521-5270	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) International Foundation for Election Studies 1101 Fifteenth Street, Northwest Third Floor Washington, DC 20005 TIN: 52-1527835 CEC: 62-678-0977		9A. AMENDMENT OF SOLICITATION NO. 9B. DATED (SEE ITEM 11) 10A. MODIFICATION OF CONTRACT/ORDER NO. AEP-5468-I-805-6003 10B. DATED (SEE ITEM 13) 6 April 1998	
CODE		FACILITY CODE	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in item 14. The hour and date specified for receipt of offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

No change

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: the FAA of 1961, as amended, and EO 11223
D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 3 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (organized by UCF section headings, including solicitation/contract subject matter where feasible.)

a. Section 1.9 is deleted and replaced with the following:

Functional Category	No.	Total Days	Hourly Rates	Subtotals
HOME OFFICE (6 day week)				
Admin. Support	1	65	\$23.49	\$12,214.80
Prog. Impl. Spec.	1	20	\$1.30	8,208.00

Expatriate Staff (6 day week)
Voter Inf. Media Spec.

< See Continuation Sheet(s) >

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Jeffrey Fischer/Executive Vice Pres.	15B. CONTRACTOR/OFFEROR <i>[Signature]</i> (Signature of person authorized to sign)	15C. DATE SIGNED 7/23/98	15D. UNITED STATES OF AMERICA BY <i>[Signature]</i> (Signature of Contracting Officer)	15E. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Michael S. Kerryon Regional Contracting Officer	15F. DATE SIGNED JUL 24 1998
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FORM 1548-01-152-8070
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30-105

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FAR (48 CFR) 53.243

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE		PAGE OF PAGES 1 1	
2. AMENDMENT/MODIFICATION NO. 03 (THREE)		3. EFFECTIVE DATE See Block 16C.		4. REQUISITION/PURCHASE REQ. NO.	
5. PROJECT NO. (If applicable)		6. ISSUED BY REGIONAL CONTRACTS OFFICE USAID/REGIONAL SERVICES CENTER DEPARTMENT OF STATE WASHINGTON, D.C. 20521-5270		7. ADMINISTERED BY (If other than Item 6)	
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) INTERNATIONAL FOUNDATION FOR ELECTION STUDIES (IFES) 1101 FIFTHTEEN STREET, NW THIRD FLOOR WASHINGTON, D.C. 20005 62-678-0977		9A. AMENDMENT OF SOLICITATION NO.		9B. DATED (SEE ITEM 11)	
CODE		FACILITY CODE		10A. MODIFICATION OF CONTRACT/ORDER NO. AEP-5468-1-00-6003-00 DO No. 805	
				10B. DATED (SEE ITEM 13) April 6, 1998	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (if required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

<input type="checkbox"/>	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
<input checked="" type="checkbox"/>	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
<input type="checkbox"/>	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: The Foreign Assistance Act of 1961, as amended; and The Executive Order No. 11223
<input type="checkbox"/>	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 4 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this modification is to extend the estimated completion date from "August 10, 1998" to "September 10, 1998" with no additional amount obligated to the contract funding.

Reference: Cover page
Delete the date of "August 10, 1998" in Block 8, and substitute in lieu thereof "September 10, 1998."

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Richard W. Soudriette/President		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) MICHAEL S. KENYON CONTRACTING OFFICER	
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED 8/19/98	16B. UNITED STATES OF AMERICA BY	16C. DATE SIGNED AUG 18 1998

NSN 7540-01-152-8070
PREVIOUS EDITION UNUSABLE

30-105

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 3
2. AMENDMENT/MODIFICATION NO. 04 (FOUO)	3. EFFECTIVE DATE 9/10/1998	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 180-0021.00
6. ISSUED BY REGIONAL CONTRACTS OFFICE USAID/REGIONAL SERVICES CENTER DEPARTMENT OF STATE WASHINGTON, D.C. 20521-3270	CODE	7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, state and ZIP code) INTERNATIONAL FOUNDATION FOR ELECTION STUDIES (IFES) 1101 FIFTEENTH STREET, NW THIRD FLOOR WASHINGTON, D.C. 20005 62-678-0777		9A. AMENDMENT OF SOLICITATION NO.	
		9B. DATED (SEE ITEM 11)	
		10A. MODIFICATION OF CONTRACT/ORDER NO. AEP-3468-I-08-6003-00	
		10B. DATED (SEE ITEM 13) April 6, 1998	
CODE		FACILITY CODE	

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is extended as set forth in Item 14. The hour and date specified for receipt of offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

(See Article 1.5)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 16.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: The Foreign Assistance Act of 1961, as amended; and The Executive Order No. 11223
D. OTHER (Specify type of modification and authority)

14. IMPORTANCE: Contractor ☐ is not, ☒ is required to sign this document and return 4 copies to the issuing office.

15. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this modification are to: (1) extend the estimated completion date from "September 10, 1998" to "January 31, 1999"; (2) increase the level-of-efforts by 373 days and adjust the number of workdays ordered for each functional labor category/specialist to reflect the actual days incurred and the projected days required to complete the work through the new estimated completion date; (3) increase the ceiling price and provide funding by \$141,285; and (4) incorporate Attachment A, the Scope of Work for the Phase II project activities during the extension period.

< See Continuation Sheet(s) >

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remain unchanged and in full force and effect.

16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) MICHAEL B. KNOTTON CONTRACTING OFFICER	16B. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) MICHAEL B. KNOTTON CONTRACTING OFFICER
17. CONTRACTING OFFICER Signature of person authorized to sign	18. DATE SIGNED 9/14/98
19. CONTRACTING OFFICER Signature of person authorized to sign	20. DATE SIGNED SEP 17 1998

FORM 7540-01-152-0070
REVISED EDITION UNCLASSIFIED

20-105

STANDARD FORM 30 (REV. 10-83)
Prescribed by FAR (48 CFR) 53.245

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE NO. 2
2. AMENDMENT/MODIFICATION NO. 34 (FOUR)	3. EFFECTIVE DATE 9/10/1998	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 180-0021.69	
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) - CONTINUATION				

Accordingly, the Order terms and conditions are modified as follows:

I. REFERENCE: COVER PAGE

1. Delete the estimated completion date of "September 10, 1998" in block 8, and substitute in lieu thereof "January 31, 1999."
2. Delete the Amount Obligated and the Ceiling Price of "\$375,465.61" in block 9. and substitute in lieu thereof "\$516,750.61" respectively.

II. REFERENCE: ARTICLE 1.4. STATEMENT OF WORK

After the last paragraph, add the following as new paragraph.

"1.4.1 Attachment A is the SCOPE OF WORK for PHASE II - Technical Assistance to Electoral Process and Legal Reform in Republic of Montenegro."

III. REFERENCE: ARTICLE 1.5. ACCOUNTING AND APPROPRIATION DATA

Add the following in Article 1.5. as new paragraphs:

MAARD#: 982U169PR869034/35/36 AM#3				
728/91010-WAI8-98-22169-KG13	180-0021.69	R869034	\$110,961.39	
727/81010-WAI7-98-22169-KG13	180-0021.69	R869035	\$ 28,750.00	
727/81010-WAI7-98-22169-KG12	180-0021.69	R869036	\$ 1,573.61	
TOTAL			\$141,285.00	

IV. REFERENCE: ARTICLE 1.9. - WORKDAYS ORDERED

Delete paragraph a. of Article 1.9. in its entirety and substitute in lieu thereof the following:

"a. Functional Labor Category & Specialist	Workdays Ordered	Burdened Daily Rate	Fixed Total
HOME OFFICE			
Admin. Support	60	\$187.92	\$11,275.20
Admin. Support	30	\$198.72	\$5,961.60
Program Implementation Spec., Jr. level	27	\$410.40	\$11,080.80
EXPATRIATE STAFF			
Voter Information Media Spec., Jr. level	108	\$488.16	\$52,721.28
Election Assistance Spec., Sr. level	72	\$518.40	\$37,324.80
Election Assistance Spec., Sr. level	100	\$544.32	\$54,432.00
Legal Specialist, Sr. level	42	\$822.96	\$34,564.32
Legal Specialist, Sr. level	11	\$831.60	\$ 9,147.60
Voter Registration Spec., Sr. Level	69	\$410.40	\$28,317.60
FIELD STAFF			
Admin. Support/Office Manager	72	\$86.40	\$ 6,220.80
Administrative Support	60	\$86.40	\$ 5,184.00
Administrative Support	196	\$86.40	\$16,934.40
Admin. Support (Voter Ed.)	60	\$86.40	\$ 5,184.00
Admin. Support	60	\$64.80	\$ 3,888.00
Domestic Core Trainers (5)	90	\$64.80	\$ 5,832.00
Domestic Core Trainer (1)	58	\$64.80	\$ 3,758.40
TOTAL LABOR	1,115 ✓		\$291,826.80" ✓

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE NO. 3
2. AMENDMENT/MODIFICATION NO. 04 (FOUR)	3. EFFECTIVE DATE 9/10/1998	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 180-0021.69
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) - CONTINUATION			

V. REFERENCE: ARTICLE 1.10 - CEILING PRICE
Delete Article 1.10., in its entirety and substitute in lieu thereof the following:

"1.10 CEILING PRICE

For Workdays Ordered	\$291,826.80
For Other Direct Costs	\$224,923.81 ✓
Ceiling Price	\$516,750.61" ✓

ATTACHMENT A

**THE SCOPE OF WORK FOR PHASE II - TECHNICAL ASSISTANCE TO
ELECTORAL PROCESS AND LEGAL REFORM IN REPUBLIC OF MONTENEGRO**

A. INTRODUCTION

The 31 May 1998 parliamentary and municipal elections in the Republic of Montenegro further advanced the democratization and professionalization of election administration in Montenegro, for which members of the parliamentary working group on electoral reform, election administrators, campaign participants, and the Montenegrin people should be congratulated. That no complaints were filed with polling boards by any authorized party representative on election day and that polling, the vote count, and the convocation of a new Republican Assembly were conducted without incident are significant achievements given the broader political context. Observers and election officials alike were somewhat surprised to declare that polling had proved uneventful.

At the same time, the preliminary statement of the OSCE delegation, aptly noted that: fierce competition and a high degree of distrust between the main contesting parties . . . resulted in a negative campaign and tense atmosphere. The lack of trust in the integrity of the electoral process expressed by some parties during the course of the campaign was not only unjustified but proved destructive to the evolution of public confidence so crucial to stability and democracy in Montenegro. And, despite advancements made since the conduct of presidential elections in 1997, questions about voter eligibility and registration, ballot security, abuse of public office for overt campaign purposes, the responsiveness of courts and administrative bodies to grievances, and the independence of responsible municipal authorities and agency bureaucrats - if not election commissions - continued to plague recent campaigns and elections.

A unique opportunity currently exists to assess recent electoral events and adopt changes aimed at further strengthening the legal framework for campaigns and elections while eliminating ongoing institutional and administrative weaknesses of the electoral system. It should be understood that previous reforms proposed by the multi-party working group and adopted by the Republican Assembly, while a significant and positive step, were inadequate. A number of factors have limited the scope and, ultimately, the success of legal and regulatory reform, to date:

1. The politically unstable and highly polarized environment in which recent electoral reforms took place;
2. Extreme pressure to pass new legislation and conduct new elections as soon as possible, and;
3. Failure to engage practitioners, among them election administrators, in the legislative review, debate, and drafting process.

More generally, Montenegrin lawmakers must better understand that election systems are evolutionary rather than finite and require refinements to safeguard voter's rights and maintain

ATTACHMENT A

the efficiency, transparency, and integrity of the process over time. To minimize the degree of politicization surrounding electoral reform in Montenegro, this process should be initiated well in advance of the calling of new elections. Practitioners brought into the dialogue, and proposed amendments subject to public notification and debate. And, until significant components of the election process are addressed in law rather than handled through politically brokered agreements between parties, Montenegro may find it difficult to graduate from "crisis" to what may be viewed as "normal" elections.

Fundamental issues such as the independence and professionalization of election commission structures; voter eligibility and registration; and compliance and enforcement, cannot be achieved until an adequate and realistic legislative framework is in place.

B. PROJECT DESIGN

The project is designed to capitalize on the momentum for election reform created by the 31 May elections and can serve as an important foundation for continued electoral reform in Montenegro. The second phase activities would fall fully within the intent of this Delivery Order by providing further assistance in the area of election law reform and the institutionalization of the reform process. The modification will be carried out in six phases as outlined below.

1. CREATION OF SPECIAL ADVISORY PANEL ON ELECTION LAW REFORM

Continued IFES assistance in the area of election law reform is premised on the presidential appointment of a special advisory panel of experts to prepare sample legislation, legal provisions, and/or regulatory language for presentation to and consideration by the Republican Assembly. A list of practitioners will be prepared by IFES, along with its recommendation for chairmanship of the panel, and submitted to President Djukanovic. He will be asked to endorse IFES' recommendation for the chairmanship and select 4 names from the list for appointment to the panel. This approach is deemed necessary to ensure the expert and professional nature of the panel and, safeguard against its politicization. Concurrent with this activity, USAID will obtain US Embassy support as deemed necessary, to communicate to President Djukanovic the priority nature of this initiative. Proposed activities are contingent upon the ability of USAID and/or the US Embassy to secure the co-operation of the GoM on this initiative and timely appointment of the special advisory panel. For its part, IFES has already been laying the groundwork for the attainment of systemic electoral reform in Montenegro through discussions between select members of its core training group and President Djukanovic.

Beyond the significance of the work of this special advisory panel with respect to the democratization of political and electoral processes in Montenegro, its very creation provides an opening for experts to access and participate in the reform process and share the insights gained from practical experience and comparative knowledge. It will further serve to retain the momentum for reform that is necessary to provide for a methodical review of election system

ATTACHMENT A

performance, comprehensive consideration of necessary legal modifications and feasible options, and public notification and debate. This is particularly important to ensure that reforms are not left until the period immediately preceding the next election campaign; which would surely result in a politicized decision-making process. Finally, an important precedent will be established through the creation of this panel: the legitimate and constructive role to be played by independent experts in advising executives and legislators in developing the country's democratic infrastructure and public policies.

2. DEVELOPMENT OF TERMS OF REFERENCE FOR SPECIAL PANEL ON ELECTION LAW REFORM

Once the panel is in place, the IFES Election Assistance Specialist will work with its membership to develop a Terms of Reference. The preparation of such a document is deemed as necessary to ensure the focus, efficiency, goal-orientation, and the timeliness of its product development as well as to outline its internal operating procedures.

3. PREPARATION OF SAMPLE LAW ON PARLIAMENTARY ELECTIONS

Initial emphasis will be placed on the "Law on Election of Councilors and Representatives" which should serve as the foundation law for Montenegro's electoral system. While the law provides the basic framework for the conduct of elections, its lack of detail, clarity, and consistency have made it difficult for campaign participants to comply with, election officials to administer, and judges to adjudicate. This can be illustrated by the fact that during the recent elections, special agreements of the political parties prior to and during the campaign as well as 11th hour amendments were deemed necessary to address huge gaps in its legal provisions.

First and foremost, the panel will work on the definition of legal terms to be applied in this and all other legislation governing the election process. This will be followed by the incorporation of workable language from the multi-party agreements and REC regulations into the law. Subsequent activities of the panel will focus remaining gaps, elaborate on existing provisions, and eliminate incompatible provisions. Special care will also be taken to ensure that the institutional and procedural modifications envisioned by IFES, the OSCE, and domestic monitoring groups can be pursued under the new legislative framework.

4. PREPARATION OF NEW DRAFT LAW ON VOTER REGISTRATION

Once work has been completed on the parliamentary election law, the panel will shift its attention to legislation governing the registration of voters. Complicating this process in Montenegro are questions of voter eligibility with respect to FRY citizenship, illiteracy and apathy, and institutional authority and independence. While significant improvements were made in the voter registry between the 1997 presidential and the 1998 parliamentary and municipal elections, omissions, duplications, and incomplete data in the registry exacerbated political tensions and the atmosphere of the crisis in which elections were conducted.

ATTACHMENT A

The dissipation of institutional responsibility of various facets of voter eligibility and registration appears to be one of the main contributors to the continued inefficiency of the process. In all, the Ministry of Justice, the Ministry of Interior, the Ministry of Police, the Secretariat of Development, 21 municipal authorities, the Republican Election Commission, and the Supreme Court play some role in determining voter eligibility and providing for voter registration. It is equally clear that the turf battles and professional, if not political, ambitions of various responsible agencies will make institutional restructuring difficult.

Activities of the panel with respect to the sample law on the register of electors will seek to better provide for the protection of suffrage, maintenance and updating of the registry, and handling of complaints regarding eligibility and suffrage. The panel will also attempt to lay the groundwork for consolidating registration responsibilities and ensuring the independence and legal authority and accountability of all entities engaged in the voter registration process with the intent of de-politicizing the issue and raising public confidence in responsible agencies.

5. PREPARATION OF A SAMPLE LAW ON CAMPAIGN FINANCING

Despite the existence of legislation on the financing of political parties, campaign finance in Montenegro remains largely unregulated and fully non-transparent. Control of fundraising and spending by political parties during campaigns is left to a special agreement of parties in Parliament rather than provided for through legislation. The failure of parliamentary parties to adopt any such agreement in the two previous election cycles clearly indicates that they cannot be entrusted with this responsibility.

Existing ceilings on campaign spending are entirely unrealistic in the current market and encourage circumvention of the law. The absence of limitations on such activities as bribing eligible citizens for their signatures or votes, fundraising activities in places of employment or distribution of pay checks or public benefits, or use of public offices and resources for campaign purposes further promotes the entrenchment of unsavory campaign practices. In addition, the lack of any requirements for periodic and standard reporting on revenues and expenditures during the campaign denies voters the right to learn about the interests and agendas influencing policy-making. As a result, voters cannot factor their assessment of what is acceptable or unacceptable financial activity by political parties into their choice on election day. Finally, inadequate oversight and enforcement mechanisms ensure that existing limitations and requirements are largely ignored.

Activities of the Panel in drafting a sample law on campaign financing will seek to establish a regulatory system that is both simplistic and realistic thereby improving compliance by campaign participants and meeting the ultimate goals of transparency and accountability.

ATTACHMENT A

6. PRESENTATION OF THE SAMPLE LEGISLATIVE PACKAGE TO THE PRESIDENT AND THE REPUBLICAN ASSEMBLY

Once completed, the sample legislative package will be presented to the President. The IFES Election Assistance Specialist and panel members will be available to the President and his designees to answer questions, explain the basis for their recommendations, recommend next steps with respect to parliamentary consideration and, suggest methods for public notification and debate. The panel will then present the package to the parliamentary department on political, electoral, and administrative issues, headed by former Deputy Prime Minister Miodrag Vukovic. Consultations will be held with the department members and staff concerning the content of the package and strategies for introduction to the Republican Assembly.

C. PROJECT TIMELINE

The timetable for Modification 4 of this Delivery Order will be 11 September - 31 January 1999. An end date of 31 January 1999 is required given that the proposed activity was envisioned beginning on 11 August. In order to secure appointment of the presidentially-appointed election panel and draft three pieces of draft sample legislation, while soliciting the input of outside election experts, a full 4.5 months will be necessary.

D. DELIVERABLES

1. Approved workplan/schedule for implementation (USAID/ENI and G Bureaus);
2. Creation of a special advisory panel of election practitioners tasked with election law reform (contingent upon USAID and US Embassy securing a commitment on the initiative from President Milo Djukanovic);
3. Terms of reference governing goals, activities, products, and implementation schedule for the special panel;
4. Sample Draft of the Law on Election of Councilors and Representatives;
5. Sample Draft of the Law on Financing of Political Parties;
6. Sample Draft of the Law on the Register of Electors;
7. Verbal Briefings as requested by USAID;
8. Weekly program reports;
9. Final report: a) a public report that outlines recommendations to domestic (Montenegrin) actors to strengthen the electoral process; and b) an internal report to USAID with recommendations for future assistance that would strengthen the electoral process (USAID/Belgrade and USAID/Washington)."



FAX TRANSMITTAL

**U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT
REGIONAL SERVICES CENTER
Budapest, Hungary**

Date: September 12, 1998

To: Ms. Alexandra M. Levaditis, Sr. Program Assistant, Europa and Asia
IFES International Foundation for Election Systems

Fax No: 202-452-0804

From: Riana O. Napitupulu, RSC/RCO
email address: rnapitupulu@usaid.gov

This message comprises 9 page(s), including this cover sheet.

Subject: Modification #4 to DO#805 - IOC AEP-5468-I-6003

Dear Alexandra:

Please find attached the subject contract modification for your review and signature. Signifying your agreement to the content, please fax the signed cover sheet to our office immediately. I will send the hardcopies by express mail.

Thank you.

Address:
Bank Center, Granit Tower 3rd
Szabadsag ter 7-9.
H-1944 Budapest
Tel: 36-1-302-6300

Address from United States:
American Embassy, Budapest
Department of State
Washington, D.C. 20521-5270
Fax: 36-1-269-5893

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 2
2. AMENDMENT/MODIFICATION NO. 05 (Five)	3. EFFECTIVE DATE See Block 16C.	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 180-0021.69
6. ISSUED BY RCO RSC Budapest Department of State Washington, DC 20521-5270	CODE	7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) International Foundation for Election Systems (IFES) 1101 Fifteenth Street, N.W. Third Floor Washington, D.C. 20005 USA CEC: 62-678-0977 TIN: 52-1527835		9A. AMENDMENT OF SOLICITATION NO.	
		9B. DATED (SEE ITEM 11)	
		10A. MODIFICATION OF CONTRACT/ORDER NO. AEP-5468-1-805-6003-00	
		10B. DATED (SEE ITEM 13) April 6, 1998	
CODE	FACILITY CODE		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS, IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: the FAA of 1961, as amended, and EO 11223
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 5 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this modification is to: (1) Extend the estimated completion date from January 31, 1999 to February 28, 1999; and (2) Increase the workdays ordered by 31 days. The fixed total workdays price and direct costs are changed. The Ceiling Price is unchanged.

Specific changes to Delivery Order Terms and Conditions are as follows:

< See Continuation Sheet(s) >

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Richard W. Soudriette President	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Azza El-Abd Regional Contracting Officer
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	16B. UNITED STATES OF AMERICA BY (Signature of Contracting Officer)
15C. DATE SIGNED 1-20-99	16C. DATE SIGNED 1999 JAN 21

NSN 7540-01-152-8070
PREVIOUS EDITION UNUSABLE

30-105

STANDARD FORM 30 (REV. 10-83)
Prescribed by GSA
FAR (48 CFR) 53.243

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE NO. 2
2. AMENDMENT/MODIFICATION NO. 05 (Five)	3. EFFECTIVE DATE See Block 16C.	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 180-0021.69

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) - CONTINUATION

Accordingly, the Delivery Order terms and conditions are modified as follows:

I. REFERENCE: COVER PAGE

Delete the estimated completion date of "January 31, 1999" in block 8, and substitute in lieu thereof "February 28, 1999".

II. REFERENCE: ARTICLE 1.9. - WORKDAYS ORDERED

Delete paragraph a. of Article 1.9. in its entirety and substitute in lieu thereof the following:

"a. Functional Labor Category & Specialist	Workdays Ordered	Burdened Daily	Fixed Total
HOME OFFICE			
Administrative Support	60	\$187.92	\$11,275.20
Administrative Support	30	\$198.72	\$5,961.60
Program Impl. Spec., Jr. level	27	\$410.40	\$11,080.80
EXPARTIATE STAFF			
Voter Inform. Media Spec., Jr. level	108	\$488.16	\$52,721.28
Election Assist. Spec., Sr. level	72	\$518.40	\$37,324.80
Election Assist. Spec., Sr. level	106	\$544.32	\$57,697.92
Legal Specialist, Sr. level	42	\$822.96	\$34,564.32
Legal Specialist, Sr. level	11	\$751.68	\$8,268.48
Voter Regist. Specialist, Sr. level	69	\$410.40	\$28,317.60
FIELD STAFF			
Admin. Support/Office Manager	72	\$86.40	\$6,220.80
Administrative Support	60	\$86.40	\$5,184.00
Administrative Support	212	\$86.40	\$18,316.80
Admin. Support (Voter Education)	60	\$86.40	\$5,184.00
Admin. Support	36	\$64.80	\$2,332.80
Domestic Core Trainers (5)	90	\$64.80	\$5,832.00
Domestic Core Trainers (1)	91	\$64.80	\$5,896.80
TOTAL LABOR	1,146		\$296,179.20"

III. REFERENCE: ARTICLE 1.10. - CEILING PRICE

Delete Article 1.10, in its entirety and substitute the following in lieu thereof:

"1.10 CEILING PRICE

For Workdays Ordered	\$296,179.20
For Other Direct Costs	\$220,571.41
Ceiling Price	\$516,750.61"

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT		1. CONTRACT ID CODE	PAGE OF PAGES 1 1
2. AMENDMENT/MODIFICATION NO. 06 (Six)	3. EFFECTIVE DATE See block 16.c.	4. REQUISITION/PURCHASE REQ. NO.	5. PROJECT NO. (If applicable) 180-0021.69
6. ISSUED BY RCO RSC Budapest American Embassy Budapest Department of State Washington, DC 20521-5270	CODE	7. ADMINISTERED BY (If other than Item 6)	CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) International Foundation for Election Systems (IFES) 1101 Fifteenth Street, NW Third Floor Washington, DC 20005 USA CEC: 62-678-0977 TIN: 52-1527835		9A. AMENDMENT OF SOLICITATION NO.	
		9B. DATED (SEE ITEM 11)	
		10A. MODIFICATION OF CONTRACT/ORDER NO. AEP-5468-1-805-6003-00	
		10B. DATED (SEE ITEM 13) April 6, 1998	
CODE	FACILITY CODE		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS,
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: the FAA of 1961, as amended, and EO 11223
D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 5 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this modification is to extend the estimated completion date from February 28, 1999 to March 27, 1999 to allow for completion of close-out activities.

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Jeffrey Fischer, Executive Vice President	16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Azza El-Abd Regional Contracting Officer
15B. CONTRACTOR/OFFEROR (Signature of person authorized to sign)	15C. DATE SIGNED 1999 FEBR 28
16B. UNITED STATES OF AMERICA BY	16C. DATE SIGNED 1999 MARC 2

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE OF PAGES 1 2	
2. AMENDMENT/MODIFICATION NO. 07 (SEVEN)		3. EFFECTIVE DATE See Block 16C.	4. REQUISITION/PURCHASE REQ. NO. 982U169PR869034/35/36		5. PROJECT NO. (If applicable) 180-0021.69
6. ISSUED BY RCO RSC Budapest, Amembassy Department of State Washington, DC 20521-5270		CODE	7. ADMINISTERED BY (If other than Item 6)		CODE
8. NAME AND ADDRESS OF CONTRACTOR (No., street, county, State and ZIP code) International Foundation for Election Studies 1101 Fifteenth Street, Northwest Third Floor Washington, DC 20005 TIN: 52-1527835 CEC: 62-678-0977			9A. AMENDMENT OF SOLICITATION NO.		
			9B. DATED (SEE ITEM 11)		
			10A. MODIFICATION OF CONTRACT/ORDER NO. AEP-5468-I-805-6003-00		
			10B. DATED (SEE ITEM 13) April 6, 1998		
CODE			FACILITY CODE		

11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS

☐ The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offers ☐ is extended, ☐ is not extended. Offerors must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended, by one of the following methods: (a) By completing Items 8 and 15, and returning _____ copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.

12. ACCOUNTING AND APPROPRIATION DATA (If required)

No change

13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS,
IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.

	A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.
	B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation data, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(b).
X	C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF: the FAA of 1961, as amended, and EO 11223
	D. OTHER (Specify type of modification and authority)

E. IMPORTANT: Contractor ☐ is not, ☒ is required to sign this document and return 5 copies to the issuing office.

14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.)

The purpose of this modification is to increase the workdays ordered by 24 days. The cost of total workdays ordered and other direct costs are changed. The Ceiling Price is unchanged.

Accordingly, the Delivery Order terms and conditions are modified as follows:

< See Continuation Sheet(s) >

Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.

15A. NAME AND TITLE OF SIGNER (Type or print) Richard W. Soudridge President		16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print) Azza El-Abd Regional Contracting Officer	
15B. CONTRACTOR OFFICER (Signature of person authorized to sign)	15C. DATE SIGNED 5/14/99	16B. UNITED STATES OF AMERICA BY <i>A. el-Abd</i> (Signature of Contracting Officer)	16C. DATE SIGNED 1999 MAJ 17

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE	PAGE NO. 2
2. AMENDMENT/MODIFICATION NO. 07 (SEVEN)	3. EFFECTIVE DATE See Block 16C.	4. REQUISITION/PURCHASE REQ. NO. 982U169PR869034/35/36	5. PROJECT NO. (If applicable) 180-0021.69	
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) - CONTINUATION				

I. REFERENCE: ARTICLE 1.9 - WORKDAYS ORDERED

Delete paragraph a. of Article 1.9 in its entirety and substitute in lieu thereof the following:

"a. Functional Labor Category & Specialist	Workdays Ordered	Burdened Daily Rate	Fixed Total
HOME OFFICE			
Administrative Support	60	\$187.92	\$11,275.20
Administrative Support	32	\$198.72	\$6,359.04
Program Impl. Spec., Jr. level	26	\$410.40	\$10,670.40
EXPATRIATE STAFF			
Voter Inform. Media Spec., Jr. level	108	\$488.16	\$52,721.28
Election Assist. Spec., Sr. level	72	\$518.40	\$37,324.80
Election Assist. Spec., Sr. level	106	\$544.32	\$57,697.92
Legal Specialist, Sr. level	42	\$822.96	\$34,564.32
Legal Specialist, Sr. level	11	\$751.68	\$8,268.48
Voter Regist. Spec, Sr. level	69	\$410.40	\$28,317.60
FIELD STAFF			
Admin. Support/Office Manager	72	\$86.40	\$6,220.80
Administrative Support	60	\$86.40	\$5,184.00
Administrative Support	232	\$86.40	\$20,044.80
Admin. Support (Voter Education)	60	\$86.40	\$5,184.00
Admin. Support	39	\$64.80	\$2,527.20
Domestic Core Trainers (5)	90	\$64.80	\$5,832.00
Domestic Core Trainers (1)	91	\$64.80	\$5,896.80
TOTAL LABOR	1,170		\$298,088.64"

II. REFERENCE: ARTICLE 1.10 - CEILING PRICE

Delete Article 1.10, in its entirety and substitute the following in lieu thereof:

"1.10 CEILING PRICE

For Workdays Ordered	\$298,088.64
For Other Direct Costs	\$218,661.97
Ceiling Price	\$516,750.61"

ANNEX XX: WORKPLAN - PHASE I

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS
Proposed Draft Workplan: Technical Election Assistance, Poll Worker Training and Voter Education
Republic of Montenegro
IQC No. AEP-5468-I-00-6003-00

TIMELINE

PROGRAM ACTIVITIES

<p>Week 1 3/30/98</p>	<p><u>Program Administration:</u> Program team arrives in Belgrade. Briefings held with representatives of USAID/Belgrade and the US Embassy/Belgrade. Team picks up equipment in storage with USAID and purchases additional equipment then proceeds to Podgorica. Perspective staff are interviewed. Office is set up and equipment installed. Inventory taken of IFES and Landlord assets in office. Contract language for local hires and office lease prepared for IFES/WDC and USAID/Contracts. Local staff hired. Orientation for local staff on office policies and procedures and program activities. Bank account opened or alternative provisions for wire transfers made. Introductory meetings for full team with the Prime Minister, Minister of Information, the Central Election Commission, the Ministry of Law, and the Multi-Party Working Group. Written weekly report provided to USAID.</p> <p><u>Legal and Regulatory Development:</u> Legal Advisor reviews new legislation governing elections, voter registration, campaign financing, and public information. Consultations held with the REC, Ministry of Law, the Ministry of Information, and the Multi-Party Working Group to discern the status of regulatory drafting. Guidelines for regulatory drafting provided to the REC. Prioritized checklist of necessary regulations, including the entity responsible for their development, prepared. Effort also undertaken to identify additional provisions in the civil, administrative, and criminal codes that apply to elections.</p> <p><u>Election Official/Poll Worker Training:</u> Election Specialist reviews new legislation governing elections, voter registration, campaign financing, and public information. Consultations held with the REC and Ministry of Law to discuss cooperation in the development of a uniform and comprehensive training program. Work begins on the training package. Coordination with Legal Advisor to monitor the preparation and approval of administrative regulations pertinent to the training program.</p> <p><u>Voter Registration:</u> The status of the computerization of voter registries is determined by the Chief of Party based on consultation with the Ministry of Development and a review of the law on voter registration. The timetable for finalization of lists is determined and information is transmitted to IFES/WDC and the Information Technology Expert.</p> <p><u>Candidate Information & Outreach:</u> Voter Education/Public Information Specialist reviews new legislation governing elections, voter registration, campaign financing, and public information. Consultations with the REC to review the timeline for the election campaign and information needs of contestants. Confer with Legal Advisor to monitor the preparation and approval of administrative regulations pertinent to candidate outreach initiatives.</p> <p><u>Voter Education:</u> Voter Education/Public Information Specialist reviews new legislation governing elections, voter registration, campaign financing, and public information. Discussions with the REC and Ministry of Information to discuss the parameters of an official voter</p>
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	education campaign, the development of a voter education strategy, production issues, allocation of free air time for IFES developed television and radio spots, and distribution of tapes to independent and local media outlets. Current market research on media usage reviewed. Coordinate with the Voter Registration Expert to review the timing of public posting of the voters' lists and procedures for reviewing the lists and making corrections. Work begins on drafting voter education planning document.
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Week 2 4/6/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Local service providers identified for office supplies, printing, legal and translation services, and transportation. Information for core trainer contracts collected and forwarded to IFES/WDC. E-mail account established. Office computer network set up. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Legal Advisor works with the REC and pertinent ministries and governing boards to draft regulations as per prioritized checklist previously prepared. Coordination with the Election Specialist and the Voter Education/Public Information Specialist to ensure pertinent rules and regulations are covered in the training program and in candidate information materials. Legal Advisor provides preliminary written report on the status of regulatory development to date including any concerns with the drafting process and the substantive content, and/or legal compliance of the regulations as well as recommendations for immediate and continuing action. Legal Advisor departs Montenegro at the end of the week.</p> <p><u>Election Official/Poll Worker Training:</u> In cooperation with the REC and the Ministry of Law, Election Specialist continues work on training package. Preliminary draft reflecting new legislation and regulations adopted to date is sent to translator. Continue coordination with Legal Advisor to monitor the preparation and approval of administrative regulations pertinent to the training program. Subsequent regulations addressed through supplements to the training package. Meetings held with political parties to discuss election official/poll worker training initiatives. Interviewing and selection of process undertaken for prospective core trainers.</p> <p><u>Voter Registration:</u> Information Technology Expert arrives and meets with representatives of the REC and the Ministry of Development to determine the status of efforts to computerize and centralize the voter registry. Needs assessment undertaken with respect to the strategic, operational, training, security, and public disclosure components of this process.</p> <p><u>Candidate Information & Outreach:</u> Voter Education/Public Information Specialist meets with political parties to discuss the informational needs of candidates. In cooperation with the REC, initial draft of candidate information guide is prepared and sent to translator. Consultations with Legal Advisor continue to monitor the preparation and approval of administrative regulations pertinent to candidate outreach initiatives. Subsequent regulations addressed through supplements to the training package.</p> <p><u>Voter Education:</u> Script-writing and pre-production work for the first set of radio and television spots begins in cooperation with the REC and Ministry of Information. Media outlets contacted concerning voter education campaign. Meetings held with NGOs, student groups, and ethnic groups to discuss the needs of special target groups, identify cooperating partners in the development of non-governmental voter information initiatives and distribution of materials, and organize a voter education working group. Voter education planning document completed and forwarded to the REC and USAID/Belgrade for comment.</p>
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Week 3	<u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.
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4/13/98	<p><u>Legal and Regulatory Development:</u> Election Specialist continues to monitor the regulatory drafting process, offering advice and commentary to the REC as required.</p> <p><u>Election Official/Poll Worker Training:</u> Serbian language version of the draft training package is submitted to the REC and USAID/Belgrade for comment and to a local attorney for independent legal review. As per feedback, the package is revised and finalized. Design work undertaken to complete "camera ready" galley proof. Instruction begins for core training group and REC representatives. Coordination with REC, Ministry of Law, and political parties continues throughout this process. Supplements to the training package based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Registration:</u> Voter Registration Expert works with REC and the Ministry of Development to ensure efficiency, quality, and integrity of voter registration process. Drafting of operational and training guidelines for data entry personnel begins in coordination with the Ministry of Development.</p> <p><u>Candidate Information & Outreach:</u> Serbian language version of draft candidate information guide is submitted to the REC and USAID/Belgrade for comment and to a local attorney for independent legal review. As per feedback, the package is revised and finalized. Design work undertaken to complete "camera ready" galley proof. Consultations with the REC and political parties continued throughout this process. Supplements to the information guide based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Education:</u> Production begins on first set of radio and television spots. Script writing and pre-production work for second set of radio and television spots is undertaken in coordination with the REC and Ministry of Information. Message development and design work begins for all potential motivational and informational materials, eg. posters and pamphlets, in cooperation with the REC, the Ministry of Information, and the voter education working group. Consultations with NGOs, student groups, and ethnic groups continue throughout this process. Distribution plan for posters and pamphlets prepared.</p>
Week 4 4/20/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Election Specialist continues to monitor the regulatory drafting process, offering advice and commentary to the REC as required.</p> <p><u>Election Official/Poll Worker Training:</u> Serbian language version of the training package goes to print. Follow-on instruction, as required, is provided for core training and REC representatives. IFES training team, REC representatives, and the Ministry of Law undertake logistical preparations for training of District Election Commissions. Liaison work initiated with political parties to ensure that their representatives on the core membership of election commissions attend training. Supplements to the training package based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Registration:</u> Voter Registration Expert works with REC and the Ministry of Development to ensure efficiency, quality, and integrity of voter registration process. Drafting of operational and training guidelines for data entry personnel completed in coordination with the Ministry of Development.</p>

	<p><u>Candidate Information & Outreach:</u> Serbian language version of the candidate information guide goes to print. Consultations with the REC and political parties continued throughout this process. Supplements to the information guide based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Education:</u> Production on first set of radio and television spots completed and distributed to media outlets where they begin to air. Production of second set of spots commences. Script writing and pre-production work for third set of radio and television is undertaken in coordination with the REC and Ministry of Information. Preparation of "camera ready" galley proofs of posters and pamphlets is completed in cooperation with the REC, the Ministry of Information, and the voter education working group. Posters and pamphlets go to print. Consultations with NGOs, student groups, and ethnic groups continue throughout this process. Distribution plan for posters and pamphlets is formalized.</p>
<p>Week 5 4/27/98</p>	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Election Specialist continues to monitor the regulatory drafting process, offering advice and commentary to the REC as required.</p> <p><u>Election Official/Poll Worker Training:</u> Training by the IFES training team and the REC for representatives of District Election Commissions commences. Training materials distributed through commission hierarchy and political party structures. Supplements to the training package based on recently adopted regulations and administrative developments are prepared. Consultations with the REC, Ministry of Law, and political parties continue throughout this period.</p> <p><u>Voter Registration:</u> Information Technology Expert works with REC and the Ministry of Development to ensure efficiency, quality, and integrity of voter registration process.</p> <p><u>Candidate Information & Outreach:</u> Candidate information guide made available through REC and, subsequently political party structures. Promotional efforts undertaken to inform political parties of the availability and utility of the guide. Consultations with the REC and political parties continued throughout this process. Supplements to the information guide based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Education:</u> First set of radio and television spots continues to air. Production of second set of radio and television spots completed and distributed to media outlets. Second set of radio and television spots begins to air. Production of third set of radio and television spots is initiated. Posters and pamphlets forwarded to NGOs, student associations, and ethnic groups for distribution. Copies also made available through the election commission hierarchy.</p>
<p>Week 6 5/4/98</p>	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p>

	<p><u>Legal and Regulatory Development:</u> Election Specialist continues to monitor the regulatory drafting process, offering advice and commentary to the REC as required.</p> <p><u>Election Official/Poll Worker Training:</u> Training by the IFES training team and the REC for representatives of District Election Commissions continues. Training materials distributed through commission hierarchy and political party structures. Supplements to the training package based on recently adopted regulations and administrative developments are prepared. Consultations with REC, Ministry of Law, and political parties continue throughout this period.</p> <p><u>Voter Registration:</u> Information Technology Expert works with REC and the Ministry of Development to ensure efficiency, quality, and integrity of voter registration process.</p> <p><u>Candidate Information & Outreach:</u> Candidate information guide made available through REC and, subsequently political party structures. Promotional efforts undertaken to inform political parties of the availability and utility of the guide. Consultations with the REC and political parties continued throughout this process. Supplements to the information guide based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Education:</u> Second set of radio and television spots continues to air. Completed and distribution to media outlets initiated. Production of third set of radio and television spots is completed, distributed to media outlets, and begins to air. NGOs, student associations, and ethnic groups begin distribution of posters and pamphlets in coordination with local election and administrative authorities.</p>
<p>Week 7 5/11/98</p>	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Election Specialist continues to monitor the regulatory drafting process, offering advice and commentary to the REC as required.</p> <p><u>Election Official/Poll Worker Training:</u> Training of Polling Site Commission members begun by District Election Commission personnel. IFES training team and REC representatives monitor training program and provide mentoring. Training materials distributed through commission hierarchy and political party structures. Supplements to the training package based on recently adopted regulations and administrative developments are prepared. Consultations with REC, Ministry of Law, and political parties continue throughout this period.</p> <p><u>Voter Registration:</u> Information Technology Expert completes work with REC and the Ministry of Development aimed at ensuring the efficiency, quality, and integrity of voter registration process. A preliminary written report assessing the performance of this system along with recommendations for future efforts to update and maintain the central registry is provided to the Chief of Party.</p> <p><u>Candidate Information & Outreach:</u> Candidate information guide made available through REC and, subsequently political party structures. Promotional efforts undertaken to inform political parties of the availability and utility of the guide. Consultations with the REC and political parties continued throughout this process. Supplements to the information guide based on recently adopted regulations and administrative developments are prepared.</p>

	<u>Voter Education:</u> Second and third sets of radio and television spots continues to air. NGOs, student associations, and ethnic groups continue distribution of posters and pamphlets in coordination with local election and administrative authorities.
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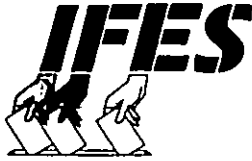
Week 8 5/18/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Legal Advisor returns to Montenegro to provide begins assessment of election system performance from a legal and regulatory perspective and advises REC during final stages of election preparations.</p> <p><u>Election Official/Poll Worker Training:</u> Training of Polling Site Commission members continues by District Election Commission personnel. IFES training team and REC representatives monitor training program and provide mentoring. Training materials distributed through commission hierarchy and political party structures. Supplements to the training package based on recently adopted regulations and administrative developments are prepared. Consultations with REC, Ministry of Law, and political parties continued throughout this period.</p> <p><u>Candidate Information & Outreach:</u> Candidate information guide made available through REC and, subsequently political party structures. Promotional efforts undertaken to inform political parties of the availability and utility of the guide. Consultations with the REC and political parties continued throughout this process. Supplements to the information guide based on recently adopted regulations and administrative developments are prepared.</p> <p><u>Voter Education:</u> Second and third sets of radio and television spots continue to air. NGOs, student associations, and ethnic groups continue distribution of posters and pamphlets in coordination with local election and administrative authorities.</p>
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Week 9 5/25/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p>
5/31/98 Election Day	<p><u>Legal and Regulatory Development:</u> Legal Advisor provide continues assessment of election system performance from a legal and regulatory perspective and advises REC during final stages of election preparations.</p> <p><u>Election Official/Poll Worker Training:</u> Any final or follow-on training for polling site commissions, district election commissions, or political parties undertaken. Training materials distributed through commission hierarchy and political party structures Consultations with REC, Ministry of Law, and political parties continued throughout this period.</p> <p><u>Candidate Information & Outreach:</u> Candidate information guide made available through REC and, subsequently political party structures. Consultations with the REC and political parties continued throughout this process.</p> <p><u>Voter Education:</u> Second and third sets of radio and television spots continue to air.</p>

Week 10 6/1/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Legal Advisor continues assessment of election system performance from a legal and regulatory perspective and advises REC during the tabulation and reporting of results.</p> <p><u>Election Official/Poll Worker Training:</u> IFES training team meets with representatives of subordinate level election commissions and with political party representatives to evaluate utility and applicability of training program and identify areas for future improvement. A preliminary written report on the training program based on the team's observations and evaluation results which identified continued weaknesses in election administration and recommendations for future programming in the area of election official/poll worker training programs is submitted to the Chief of Party.</p> <p><u>Candidate Information & Outreach:</u> Consultations are held with representatives of political parties to assess the utility and applicability of candidate information and outreach initiatives undertaken by the REC and IFES. Preparation begins for a public forum on election system performance covering such issues as legislation and regulations, ballot access, proportional representation and minority voting rights, the mass media, election administration, voter registration, and voter information. The forum will include representatives of the REC, political parties, pertinent ministries, NGOs, and the mass media.</p> <p><u>Voter Education:</u> Consultations are held with representatives of NGOs, student associations, and ethnic groups to evaluate the informational, motivational, and confidence building value of various voter information mechanisms as well as their appeal.</p>
Week 11 6/8/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Legal and Regulatory Development:</u> Legal Advisor continues assessment of election system performance from a legal and regulatory perspective and advises REC during the tabulation and reporting of results. Preliminary written report of findings prepared for public forum and submitted to Chief of Party.</p> <p><u>Candidate Information & Outreach:</u> Consultations are held with representatives of political parties to assess the utility and applicability of candidate information and outreach initiatives undertaken by the REC and IFES. Planning for a public forum on election system performance is undertaken covering such issues as legislation and regulations, ballot access, proportional representation and minority voting rights, the mass media, election administration, voter registration, and voter information.</p>
Week 12 6/15/98	<p><u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID.</p> <p><u>Candidate Information & Outreach:</u> Consultations are held with representatives of political parties to assess the utility and applicability of candidate information and outreach initiatives undertaken by the REC and IFES. IFES sponsors a public forum on election system</p>

	performance covering such issues as legislation and regulations, ballot access, proportional representation and minority voting rights, the mass media, election administration, voter registration, and voter information. The forum will include representatives of the REC, political parties, pertinent ministries, NGOs, and the mass media.
Week 13 6/22/98	<u>Program Administration:</u> Weekly staff meeting. Tasking and supervision of local hire staff. Daily balance sheets completed. Written weekly report submitted to USAID. Final consultations held with the REC, the Ministry of Information, and the Office of the Prime Minister. All outstanding accounts settled and leased items returned. Program files audited to identify any missing or incomplete documentation/information. IFES assets packed for shipment either to USAID/Belgrade for storage and/or IFES/WDC. Local staff and cooperating partners informed of project end-date and IFES departure. Office walk-through by landlord. Remaining project team members travel to Belgrade, en-route to the US to de-brief USAID/Belgrade and the US Embassy/Belgrade and to make arrangements for storage of equipment. Preparation of Final Report. Weekly report submitted to USAID.
Week 14 6/29/98	Preparation of Final Report. Weekly report submitted to USAID.

ANNEX XXI: WORKPLAN - PHASE II



International Foundation for Election Systems
1101 15th Street, N.W., 3rd Floor Washington, D.C. 20005
PHONE (202) 828-8507 FAX (202) 452-0804

**IFES PROPOSED WORKPLAN:
PHASE II - ADVISORY PANEL ON ELECTION LAW REFORM
FEDERAL REPUBLIC OF YUGOSLAVIA**

I. BACKGROUND

In order to continue IFES technical assistance efforts to the government of Montenegro and its electoral bodies, IFES was asked to initiate a second phase to Delivery Order 805. Phase II was initiated on 11 September and was designed to create an Advisory Panel on Election Law Reform consisting of local election practitioners and experts which would be responsible for drafting model election laws for Montenegro. The laws under review are the Law on the Election of Councillors and Representatives, the Law on the Register of Electors, and the Law on the Financing of Political Parties. The panel will be responsible, under the guidance of IFES international experts, to draft these model laws and present them to the government for their further consideration.

II. SCOPE OF WORK

Contingent upon the ability of USAID and/or the US Embassy to secure the co-operation of the Government of Montenegro on this initiative and timely appointment of the special advisory panel, IFES will direct a panel of local election experts in the drafting of three model election laws - the Law on the Election of Councillors and Representatives, the Law on the Register of Electors, and the Law on the Financing of Political Parties.

One Election Assistance Specialist/Chief of Party will be employed to direct the work of the panel in coordination with the panel Chairman, including the assignment of responsibilities and tasks to panel members. The Election Assistance Specialist/Chief of Party will also be responsible for managing the Podgorica office and serving as the principal liaison between USAID/Belgrade and IFES/Washington.

One Voter Registration Specialist will be employed to assist the panel in drafting the model Law on the Register of Electors. The Voter Registration Specialist will also liaise with the Secretariat of Development and other relevant bodies to ensure their input in the drafting process. A Legal Specialist will be employed to provide legal advising to the Election Assistance Specialist as needed and review any necessary laws or provisions upon their completion.

Staffing for Phase II activities is outlined below:

FIELD

NAME	TITLE	PERIOD
Tom Parkins	Elections Assistance Specialist/Chief of Party	September 1998 - January 1999
Chedomir Flego	Voter Registration Specialist	November - December 1998
TBD	Legal Specialist	November 1998 - January 1999
Ana Drakic	Program Assistant (local)	September 1998 - January 1999
Veselin Pavicevic	Panel Chairman	September 1998 - January 1999
Borka Fatic	Admin Support (local)	September 1998 - January 1999

WASHINGTON, DC

NAME	TITLE	PERIOD
Alexandra Levaditis	Administrative Assistant	September 1998 - January 1999
Scott Lansell	PIS, Jr Level	September 1998 - January 1999

III. PROJECT DESIGN**A. Creation of Special Advisory Panel on Election Law Reform**

Continued IFES assistance in the area of election law reform is premised on the presidential appointment of a special advisory panel of experts to prepare sample legislation, legal provisions, and/or regulatory language for presentation to and consideration by the Republican Assembly. A list of practitioners has been prepared by IFES, along with its recommendation for chairmanship of the panel, and submitted to President Djukanovic. He has been asked to endorse IFES' recommendation for the chairmanship and select 4 names from the list for appointment to the panel. It is anticipated that the panel will be selected and appointed by mid-October from the list given to the President and publicly supported by him in a meeting with USAID and IFES in the last week of October. USAID has agreed, and offered US Embassy support as deemed necessary, to communicate to President Djukanovic the priority nature of this initiative. Proposed activities are contingent upon the ability of USAID and/or the US Embassy to secure the co-operation of the GoM on this initiative and timely appointment of the special advisory panel.

B. Development of Terms of Reference for Special Panel on Election Law Reform

Once the panel is in place, IFES Election Assistance Specialist/Chief of Party Tom Parkins and Panel Chairman Veselin Pavicevic will work with the panel membership to develop a Terms of Reference during the last week of October. The preparation of such a document is deemed as necessary to ensure the focus, efficiency, goal-orientation, and the timeliness of the panel's product development as well as to outline its internal operating procedures.

C. Preparation of Model Law on Parliamentary Elections

Initial emphasis will be placed on the "Law on the Election of Councilors and Representatives" which should serve as the foundation law for Montenegro's electoral system. Because the election law is the most complex and detailed piece of legislation, it will require the greatest attention by the panel. The panel is scheduled to begin considering the law upon its formation in mid-October and complete the drafting process by the third week of December. The first drafts of the law will be completed by the panel in the first week of November. The following week the draft will be translated for analysis by the Election Assistance Specialist/Chief of Party and the panel. Drafting of the analysis will continue until the third week of December with the decision being made in the third week of November as to whether it will be necessary to and how to divide the duties of the panel to focus on two laws at the same time due to time restrictions. Throughout the drafting process, the Election Assistance Specialist/Chief of Party will meet with the Republican Election Commission (REC), Ministry of Justice, and Legal Counselor to the President Miodrag Vukovic to provide updates on the process and solicit their input. Upon the completion of the final draft, the law will be submitted to the Ministry of Justice, Legal Counselor to the President Miodrag Vukovic, the REC, and the IFES Legal Specialist for review.

D. Preparation of New Model Law on Voter Registration

Work on the model "Law on the Registry of Electors" will begin with the arrival of Voter Registration Specialist Chedomir Flego in the second week of November. Upon his arrival, Flego will meet with the panel and share IFES' recommendations for the voter registry law. Throughout his stay, Flego will meet with the REC, the Secretariat of Development, Legal Counselor to the President Miodrag Vukovic, and other key actors to advise of them of progress on the law and solicit their input. During Flego's limited stay, the focus of the panel's work will be the law on the voter registry in order to take advantage of his presence. Drafting of the model Law on the Registry of Electors will begin in the third week of November and be completed by the second week of December. A decision will be made in the third week of November as to whether it will be necessary to and how to divide the duties of the panel to focus on two laws at the same time due to time restrictions. Upon the completion of the final draft, the law will be submitted to the Ministry of Justice, Legal Counselor to the President Miodrag Vukovic, the REC, and the IFES Legal Specialist for review.

E. Preparation of Model Law on Campaign Financing

The final law to be considered will be the "Law on the Financing of Political Parties." Drafting of this model law will begin in the second week of December upon the completion of the model law on voter registration. Panel members responsible for the registration law will initially begin the drafting process. In the third week of December the entire panel will focus on the model law on campaign financing with the completion of the model legislative election law. The final draft of the law will be completed in the first week of January and submitted to the Ministry of Justice, Legal Counselor to the President Miodrag Vukovic, the REC, and the IFES Legal Specialist for review.

F. Presentation of the Model Legislative Package to the President and the Republican Assembly

Once completed, the model legislative package will be presented to the President and the Republican Assembly. During the second week of January, final edits will be incorporated into the model laws including translation and the entire package will be submitted to the printers for production. A distribution plan will be determined at this time by the Election Assistance Specialist/Chief of Party. Distribution of the package will take place in the third week of January prior to Parkins' departure from FR Yugoslavia. The panel will present

the package to the President's office. Its submission to the Republican Assembly will take place through the Ministry of Justice. Parkins will depart from FR Yugoslavia at the beginning of the fourth week of January, having secured storage for commodities and final payments of staff and landlord.

G. PROJECT TIMELINE

A proposed workplan timeline for Phase II activities is attached.

IV. CONCLUSION

IFES believes the envisioned on-site assistance program in Montenegro can achieve the following objectives mentioned above if all the proposed resources are brought to bear: Formation of the Advisory Panel on Election Law Reform; drafting of Terms of Reference; drafting of model Law on the Election of Councillors and Representatives; drafting of model Law on the Register of Electors; and drafting of model Law on the Financing of Political Parties. A unique opportunity currently exists to assess recent electoral events and adopt changes aimed at further strengthening the legal framework for campaigns and elections while eliminating ongoing institutional and administrative weaknesses of the electoral system.

INTERNATIONAL FOUNDATION FOR ELECTION SYSTEMS
Proposed Workplan: Phase II - Advisory Panel on Election Law Reform
Federal Republic of Yugoslavia (Montenegro)
IQC No. AEP-5468-I-00-6003-00, Delivery Order #805

September	Advisory Panel on Election Law Reform	
Week 2	Modification 4 to Delivery Order approved by USAID and active on 11 September. Phase II begins. Weekly report to USAID.	
Week 3	Election Assistance Specialist/Chief of Party Tom Parkins and Senior Program Assistant Alexandra Levaditis travel to FR Yugoslavia to reinitiate full-time activities. Draft Montenegrin and Albanian translations of IFES' <i>Technical Assessment on Election System Performance</i> received from translators. Weekly report to USAID.	
Week 4	Meet with USAID/Belgrade for briefing on project initiation. IFES team travels to Podgorica to re-open full-time office. Briefing by local Program Assistant and proposed Chairman of Advisory Panel on Election Law Reform. Interview candidates for Administrative Assistant position. Contact Counselor to the President Miodrag Vukovic to arrange meeting. Weekly report to USAID.	

October	Advisory Panel on Election Law Reform	
Week 1	Meet with USAID representatives in Podgorica. Meet with Miodrag Vukovic to discuss project activities, final panel membership, and secure cooperation for activities. Arrange meeting with President Milo Djukanovic through Mr. Vukovic to secure his support of panel and final panel membership. Meet with Minister of Justice, Deputy Prime Minister Novak Kilibarda, Republican Election Commission (REC) Chairman Stevan Damjanovic to secure their cooperation. Meet with proposed panel Chairman Pavicevic to discuss panel's initial activities. Hire Administrative Assistant upon USAID's approval of candidate. Weekly report to USAID.	

October	Advisory Panel on Election Law Reform	
Week 2	Meet with Pavicevic to plan panel activities. Communicate with Vukovic on the President's formal support of the panel. Contract template drafted for panel members and observer members. Ordered departure of Americans from FR Yugoslavia. Management of Podgorica office from Sarajevo by Parkins. Panel members selected by IFES. Weekly report to USAID.	
Week 3	Panel members and observer members contacted by panel Chairman and local Program Assistant. First meeting of panel held. Initial preparation for drafting model Law on the Election of Councillors and Representatives (legislative election law) begins. Contract signed by panel Chairman. Ordered departure of Americans from FR Yugoslavia lifted - Parkins returns to Montenegro. Weekly report to USAID.	
Week 4	Meeting held between President Djukanovic, Mr. Vukovic, IFES and USAID to receive President's support of Advisory Panel on Election Law reform and its objectives. Parkins in daily contact with panel Chairman and panel members on drafting of model legislative election law. IFES' <i>Technical Assessment on Election System Performance</i> approved by USAID and distribution of English, Montenegrin, and Albanian versions begins. Weekly report to USAID.	

November	Advisory Panel on Election Law Reform	
Week 1	Distribution of IFES' <i>Technical Assessment on Election System Performance</i> completed. Panel Chairman Pavicevic and Chief of Party Parkins devise system to track progress on model law drafting. Parkins and Program Assistant Drakic meet with REC Chairman to confer on model laws relating to election administration and party financing. Panel meets to submit first drafts of selected sections of model Law on the Election of Councillors and Representatives. Weekly report to USAID.	
Week 2	IFES Voter Registration Specialist Chedomir Flego arrives in Montenegro. Flego holds his first meeting with panel to share IFES recommendations on the model Law on the Registry of Electors (voter registry law). Flego meets with REC Chairman to discuss necessary modifications in voter registry law. IFES translates draft of model Law on the Election of Councillors and Representatives and begins analysis. Weekly report to USAID.	

	November	Advisory Panel on Election Law Reform	
	Week 3	Drafting and analysis of model laws continues. Evaluation of progress will be assessed to determine whether IFES should split panel assignments between the model laws dealing with the voter registry and legislative elections. Primary focus will be on voter registry at this point. Weekly report to USAID.	
	Week 4	Drafting and analysis of model legislative election law and law on the voter registry continues. Weekly report to USAID.	

	December	Advisory Panel on Election Law Reform	
	Week 1	Drafting of model Law on the Registry of Electors near completion in anticipation of Flego's departure. Drafting and analysis of model laws continues. Meetings scheduled with Miodrag Vukovic and REC Chairman Stevan Damjanovic to advise on progress and solicit input. Weekly report to USAID.	
	Week 2	Final draft of the model Law on the Register of Electors completed and sent to the Ministry of Justice, Legal Counselor to the President Miodrag Vukovic, the REC, and IFES Legal Specialist for review. Panel members which drafted model law on the voter registry will begin drafting model Law on the Financing of Political Parties. Weekly report to USAID.	
	Week 3	Final draft of model Law on the Election of Councillors and Representatives completed and submitted to REC, Legal Counselor to the President Miodrag Vukovic, the Ministry of Justice, and IFES Legal Specialist for review. Entire panel will be engaged in drafting model Law on the Financing of Political Parties. Weekly report to USAID.	
	Week 4	Drafting of model Law on the Financing of Political Parties continues. Weekly report to USAID.	

January	Advisory Panel on Election Law Reform	
Week 1	Draft of all model laws complete. Model Law on the Financing of Political Parties submitted to the Ministry of Justice, Legal Counselor to the President Miodrag Vukovic, the REC, and IFES Legal Specialist for review. Weekly report to USAID.	
Week 2	Final edits completed on all model laws. Printing starts and distribution plan is produced. Close-out preparations begin. Weekly report to USAID.	
Week 3	Final model laws are distributed to the Ministry of Justice, Legal Counselor to the President Miodrag Vukovic, the REC, MEC's, NGOs, and political parties with seats in the Republican Assembly. Close-out preparations continue. As schedules permit, meetings held with the above organizations/individuals to discuss model laws. Project commodities delivered to USAID/Belgrade for storage. Weekly report to USAID.	
Week 4	Final de-briefing for USAID/Belgrade. Election Assistance Specialist/Chief of Party Tom Parkins departs FR Yugoslavia. Local staff receive final payments. Office lease ends. Preparation of final project report (draft). Weekly Report to USAID.	

February	Advisory Panel on Election Law Reform	
Week 1	Preparation of final project report (draft).	
Week 2	Preparation of final project report (draft). Editing of final project report.	
Week 3	Release of final project report.	

ANNEX XXII: WEEKLY REPORTS



International Foundation for Election Systems

1101 15th Street, N.W., 3rd Floor Washington, D.C. 20005

PHONE (202) 828-8507 FAX (202) 452-0804

To: Kathryn Stratos, ENI/DG
Keith Sherper, USAID/Belgrade
Michael Kenyon, USAID/RCO
Matt Palmer, State/EUR
Nadereh Chahmirzadi, G/DG
Mitch Benedict, ENI/DG
Chuck Howell, ENI/ECA
Felix Vargas, State/EUR

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 6 April - 13 April 1998

Administrative

A signed delivery order was forwarded to USAID for signature by the Regional Contracting Officer (RCO). Project activities were initiated on 6 April and three members of the IFES team traveled to Belgrade on 8 April. The team consists of Catherine Barnes, Voter Information Specialist/Chief of Party; Tom Parkins, Senior Elections Advisor; Chedomir Flego, Voter Registration Specialist; and Dan Finn - Legal Specialist.

A request for the approval of commodity purchases, as stated in the project proposal, was forwarded to USAID for RCO approval on 8 April.

Initiation of Activities

Barnes, Parkins, and Flego met with USAID/Belgrade representative Keith Sherper to discuss programmatic activities that will be undertaken in Montenegro. This meeting was followed by a meeting with Bob Norman of the US Embassy to receive a political briefing. Equipment stored at USAID/Belgrade from the DO 803 Poll Worker Training project in Serbia was picked up by IFES for use in Montenegro.

The team arrived in Podgorica, Montenegro on Saturday, 11 April and began attending to the establishment of the IFES office and the initiation of programmatic activities, including renting office space, interviewing potential local staff, collecting bids for office equipment, and scheduling meetings with key players associated with the administration of elections.

Meetings

Meetings have been scheduled with Deputy Prime Minister Miodrag Vukovic who was involved in the drafting of election legislation last Fall; the Republican Election Commission to be briefed on the status of election preparations and coordinate activities; and the Secretariat of Development to determine the status of the computerization of the voter registry.

Municipal Assemblies Dissolved, Elections Planned

All of the municipal assemblies have been dissolved in order for municipal elections to be held simultaneously.

to parliamentary elections on 31 May.

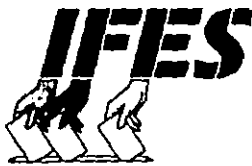
IFES/Montenegro Team

Catherine Barnes, Voter Information Specialist/Chief of Party

Tom Parkins, Senior Elections Advisor

Chedomir Flego, Voter Registration Specialist

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Felix Vargas, State/EUR

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 14 April - 20 April 1998

Washington Administrative

A signed delivery order was forwarded to USAID for signature by the Regional Contracting Officer (RCO). IFES is awaiting a signature of the final delivery order and formal approval of the request to purchase commodities.

Voter Awareness Assessment

On 20 April, IFES delivered its draft Voter Awareness Assessment (VAA) to Keith Sherper and Kathryn Stratos for their review and comment. Upon its approval, IFES will initiate a contract with a local media development firm in preparation for the voter information campaign efforts with the REC.

Podgorica - Administrative

Interviews were conducted with 16 people in order to find suitable candidates for the local positions. Four possible candidates have been identified for these positions and their names and qualifications will be forwarded to USAID for approval.

Professional Serbo-Croatian and Albanian translators have been identified to provide written translation of the candidate handbook and the election worker guidebook. IFES has also located someone to perform desktop publishing to prepare the camera-ready versions of both the handbook and manual. As a result of competitive bidding, IFES has also identified a marketing agency in Belgrade to produce all audio, video, and print materials as part of the mass media campaign.

Meetings and Contacts

IFES Voter Information Specialist/COP Catherine Barnes met with representatives from three private production and marketing agencies in Belgrade to discuss the strategy behind and style and substance of a non-partisan voter education campaign through the mass media. Finally, a selection of *Bash Celik* was made over the weekend which has facilitated the discussion of first drafts of scripts for television and radio spots. A follow-up meeting was held on 16 April in Podgorica to review revised scripts and the conduct of a location survey to identify filming venues.

The IFES team was received by Deputy Prime Minister Miodrag Vukovic on 14 April to review IFES activities in the areas of voter registration, voter education, poll worker training and legal reform. The Deputy Prime Minister offered every assurance that IFES' presence in Montenegro was welcomed and that every manner of access and cooperation would be forthcoming. The team will meet with him again next week to review the outcome of discussions with the Republican Election Commission, the Secretariat of Information, the Secretariat of Development, and Radio/Television Montenegro.

The following day, the IFES team met with the Chairman of the newly constituted Republican Election Commission (REC). The Chairman expressed his appreciation for IFES' assistance and promised a constructive working relationship and full access to REC personnel and information. A written proposal on joint activities in the areas of voter education and poll worker training was forwarded and will be discussed and voted upon at the next session of the REC.

The IFES team also met with the former Secretary of the Republican Election Commission, Radojka Stamatovic, to discuss changes to election legislation since the IFES mission last Fall and her impressions of the regulatory and procedural challenges facing the new commission in the upcoming elections.

Catherine Barnes met with Professor Petar Ivanovic of the Faculty of Economics to review market research pertaining to mass media outlets in Montenegro. The role which the university and its various student associations and centers could play in the distribution of youth-oriented voter education materials was also discussed.

On 16 April, Catherine Barnes met with the Secretary of Information, Bozidar Jaredic to discuss the proposed voter education campaign through the mass media and the need to secure free airtime from Radio/Television Montenegro. Secretary Jaredic assured IFES that the issue of free airtime would not present a problem. He also provided an overview of the results of recent government sponsored public opinion polls on voter attitudes. In addition, Secretary Jaredic assisted in the identification of Albanian language experts within the Government of Montenegro who could assist in the provision of legally accurate, written translations of the poll worker manual and candidate information handbook.

In a follow-up to this meeting IFES Senior Elections Advisor Tom Parkins and Catherine Barnes met with one of these experts Nikola Camaj, who works for the Secretary of Information, to discuss the objectives and content of the manual and handbook and likely timetable for translation.

On 17 April, IFES Voter Registration Specialist Chedomir Flego met with the head of the Secretariat of Development to review the performance of the computerized voter registration system thus far and to identify the role to be played by IFES at this stage in the process. IFES was asked to prepare a plan on how to deal with the handling of persons for whom inadequate records exist to undertake modifications to the registry as this issue is not elaborated upon in the law. The entire team was invited to witness a test of the system and Mr. Flego was encouraged to conduct spot checks at municipal authorities to assess system performance at the local level and on-going training needs.

COP Catherine Barnes also met with the new Editor-In-Chief of Radio/Television Montenegro to discuss IFES' non-partisan voter education effort and to secure a commitment of free airtime, which was forthcoming.

Throughout the week, IFES' Tom Parkins met prospective candidates for Core Trainer positions. The pool of people interviewed included former election administrators, attorneys, teachers, and professors.

Program Activities

During the past week, the IFES team has been busy drafting and revising poll worker training, voter education and candidate information materials; interviewing potential trainers; securing free airtime; defining working relationships with cooperating partners; and collecting pertinent information on election preparations.

Progress Toward Stated Goals

- ▶ Free airtime, a condition for initiation of production of video materials, was secured from Radio/Television Montenegro.
- ▶ A draft of "The Voter Awareness Assessment: A Strategy Document for the Mass Media Campaign" was completed.
- ▶ Scripts for the video component of the mass media campaign have been completed.
- ▶ A marketing agency has been identified for the development of video, audio, and print materials as part of the voter education initiative on the basis of a competitive bidding process.
- ▶ A first draft of the Candidate Information Handbook has been completed and is currently undergoing translation, legal review, and editing.

Upcoming Activities

In the coming week, meetings will be held with all the political parties to discuss the poll worker training and candidate information programs.

Revision of the poll worker training manual and candidate handbook will continue and information on campaign forms and pertinent administrative regulations will be included. Development of audio and print components of the mass media campaign will begin shortly.

Mr. Flego will undertake the preparation of a plan to deal with voter registration problems stemming from inadequate record keeping and its consequences for making modifications to the Register of Electors.

IFES will continue to interview prospective Domestic Core Trainers who will be trained by Tom Parkins and provide secondary training through the REC structure to municipal commissions.

Election Update

As a result of the computerization of the voter registration process, 140,000 "transactions" have already taken place with respect to the Register of Electors, 8,000 duplicate entries have been eliminated, and the Ministry of Development is receiving as many as 2,000 inquiries per day.

Although appointed by the Republican Assembly and municipal assemblies, the core membership of election commissions now includes representatives of all the political parties represented in the previous parliament. All parties qualifying for the ballot during this campaign will also have the right to appoint representatives to the expanded membership of election commissions and polling boards.

New election commissions have been established in 20 of the 21 municipalities to date.

IFES/Montenegro Team

Catherine Barnes, Voter Information Specialist/Chief of Party
Tom Parkins, Senior Elections Advisor
Chedomir Flego, Voter Registration Specialist
Dan Finn, Legal Specialist



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Felix Vargas, State/EUR

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 21 April - 27 April 1998

Washington Administrative

A signed delivery order has been signed by IFES and USAID's Regional Contracting Officer (RCO). Approval of the purchase of commodities and the hiring of key local staff was also received from USAID. A workday realignment was submitted to COTR Kathryn Stratos for approval which would extend the number of days in Montenegro for Chedomir Flego based on on-site technical needs of the Ministry and Election Commission.

Voter Awareness Assessment

On 20 April, IFES delivered a draft Voter Awareness Assessment Keith Sherper, USAID/Belgrade, and Kathryn Stratos, COTR, for their review and comment. It was subsequently approved and work on the preparation of video spots and print materials was started immediately.

Podgorica - Administrative

IFES has located a second translator who is certified to make legal translations. She will be responsible for translating the Election Worker Guidebook and the text for voter education pamphlets that are being drafted. In addition, IFES has located a printer who will be producing the manuals and print voter education materials. A contract was signed with the production company that will design the voter education

Alternative Donors

Chedomir Flego, Voter Registration Specialist has been following up on the Republican Election Commission's (REC) request for invisible ink which will be introduced to prevent multiple voting and optical scanners. Flego has been researching possible vendors, required volume, costs, delivery routes, and possible funders. This information has been delivered to USAID/OTI in Podgorica.

Meetings and Contacts

Political Party Outreach: On Monday 20 April, IFES Voter Information Specialist/Chief of Party (COP) Catherine Barnes and Elections Specialist Tom Parkins met with representatives of the Liberal Alliance to discuss candidate information and outreach materials and the poll worker training program. They were also provided with a copy of IFES' Voter Awareness Assessment/Legal Analysis. The Chairman confirmed that

the party would welcome any information materials and that it will nominate representatives from each of its 21 municipal chapters to participate in training. A follow-up meeting was held with Chedomir Flego to discuss voter registration issues.

A similar meeting was held with Novak Kilibarda of the People's Party on Tuesday 21 April. He also welcomed IFES-developed information and training materials and has appointed a liaison within the party to identify trainees. Mr. Kilibarda was also given a copy of IFES' Voter Awareness Assessment/Legal Analysis.

Parkins and Flego met with Rifat Veskovici of the Party of Democratic Action to discuss candidate information and outreach materials, the poll worker training program, and reported problems with the Register of Electors with respect to Muslim voters. He indicated that the report was unfounded. Mr. Veskovici committed the Party of Democratic Action to participation in the training program and gladly received a copy of IFES' Voter Awareness Assessment/Legal Analysis.

On 22 April, Barnes and Parkins met with Dr. Dragisa Burzan and Mr. Zarko Rakcevic of the Social Democratic Party to review the training of trainers program for poll workers and candidate information and outreach materials being developed by IFES. A copy of IFES' Voter Awareness Assessment/Legal Analysis was also provided.

Discussions were also held with Militsa Pejvanovic-Djurisic, President of the Democratic Party of Socialists, to present a copy of IFES' Voter Awareness Assessment/Legal Analysis and to review the candidate information and poll worker training materials being made available by IFES and to invite the DPS to participate in the training of trainers program.

Voter Information Campaign: Also on 22 April, Ms. Barnes met with the President of Elmag Television to discuss the non-partisan voter education program and a request for free airtime for the broadcast of television and radio spots. Free airtime has already been committed by Radio/Television Montenegro. Elmag is strongly considering this request and will make a final decision upon reviewing the tapes.

Meetings were also held with the commercial directors of the Pobjeda and Vijesti printing house concerning the printing of candidate and poll worker manuals as well as posters and leaflets.

A meeting was held with the former Secretary of the Republican Election Commission who is currently with the Ministry of Law, to review important deadlines in the election campaign and regulations governing the election process.

Voter Registration: IFES Voter Registration Expert Chedomir Flego traveled to Kotor to conduct spot checks of the voter registration process at the offices of the municipal authorities. They have only about 300 deficient records. Better results achieved through use of 'middle' names by the local population.

Mr. Flego also met with Ulcinj municipal authorities and the registrar of electors on voter registration issues. There are about 1,500 deficient records but it is now difficult to locate these people as most have same/similar names, and probably changed addresses.

On 23 April, Mr. Flego also met with Podgorica municipal authorities and the registrar of electors on voter registration issues. There are approximately 24,000 deficient records. They have decided to publish the list and have employed 150 field staff to trace these people. They plan to omit these names from the 'extract' if they are not found and documentation produced.

The team was given a formal presentation on the computerized voter registration process by representatives of the Secretariat of Development and to discuss some on-going problems with updating the Register of Electors.

Poll Worker Training: On 23 April, COP Catherine Barnes met with representatives of the Center for Democracy and Human Rights (CEDEM) to discuss possible cooperation leading into the election campaign. A number of CEDEM's members will be used as core trainers and participants in IFES' June conference assessing election system performance and on-going legal reforms.

On 24 April, the IFES team met with the Chairman of the Republican Election Commission Stevan Damjanovic to: follow-up on his request to identify suppliers of invisible ink and optical scanners needed for the election; to verify facts contained in the Candidate Handbook and Poll Worker Manual; and to alert him to a number of IFES-developed materials which will be submitted to the REC next week for consideration.

Program Activities

Final revisions are being made to the Candidate Information Handbook which is currently in translation. Drafting also continued on the Poll Worker Manual and the training curriculum, the former of which has gone into translation. Interviews for domestic core training positions were conducted and political parties were approached about participation in the training program.

Options for dealing with on-going problems with the voter registration process, in particular some 70,000 entries which are currently included in the Register of Electors but for which insufficient records or identification exists, were researched. A plan of feasible options within the current legal framework is being developed for submission to the Secretariat of Development.

Script-writing for the radio spots and the drafting of text and design work for the leaflets and posters was initiated. Filming for the television spots has also begun.

At the request of the REC, research into suppliers of invisible ink and optical scanners, as well as the costs, logistical considerations, quantities needed, viable shipping routes, and potential funders was undertaken.

Progress Toward Stated Goals

- ▶ Elmag Radio/Television has agreed to consider the provision of free airtime for broadcasting IFES developed-voter education spots. Free airtime, a condition for initiation of production of video materials, has already been secured from Radio/Television Montenegro.
- ▶ Six domestic core trainers (DCTs) have been identified.
- ▶ Five (5) political parties have agreed to participate in IFES' training of trainers program and to receive candidate information and outreach and poll worker materials.
- ▶ Scripts for the audio component of the mass media campaign have been drafted and are currently undergoing revisions.
- ▶ The boiler plate text for the pamphlets has also been drafted.
- ▶ A printing house for the mass production of IFES manuals, leaflets, and posters has been identified and feasible options within the Republic of Montenegro.
- ▶ A first draft of the Poll Worker Training Manual has been developed.

Upcoming Activities

IFES will follow up on its previous contacts with the Socialist People's Party concerning a meeting. Additionally, consultations with the two Ablanian parties in Ulcinj will be scheduled next week.

Both the Handbook and Manual will go through legal review, desk-top publishing, and REC consideration next week. The former must go to print by 30 April in order to be distributed on 11 May. The deadline for nomination of candidates is 10 May.

Filming for the television spots will continue throughout the week as will scripting for the radio spots and design and text drafting for the leaflets and posters.

Spot checks of the voter registration process in the municipalities will continue. A plan will be submitted to the Secretariat of Development to deal with voter registration problems stemming from inadequate recording keeping and its consequences for making modifications to the Register of Electors.

Meetings have already been scheduled with the Constitutional Court and the Republican Election Commission on Tuesday. A proposal on the purchase of invisible ink and optical scanners for the REC will be submitted to USAID/OTI early next week. Due to restrictions on grants awarded in the field, this assistance – if forthcoming – would go directly from USAID/OTI to an indigenous entity, the REC.

Election Update

Voters can check to see whether their names appear in the Registry of Electors by calling one of two special phone lines set up by the Secretariat of Development: 9891 or 9892. One is an automated system which can verify information, the other is an operator assisted phone bank. Voters and those interested in the Montenegrin elections can access the Ministry of Developments Website at: www.cbs.cg.yu.

At the municipal level, a static information center has been established at which the public can inspect the list and with documentation request changes be made to errors or inconsistencies on the lists. All municipalities with rural areas have also established a mobile information service. Computerized voters lists are taken to remote villages allowing electors without easy access to the municipal centers to access the voter lists and make changes where appropriate.

The Secretariat of Development has completed the task of combining the 21 municipal voter registers. The main problems came from the transfer of manual records to the computer system. The Secretariat has only had one and a half months to combine the lists and, although this is not adequate time for the task, the Secretariat has achieved:

- ▶ centralization of the data
- ▶ automatic enrollment from the municipalities to the central database
- ▶ cleared 7,255 duplications of names across municipalities
- ▶ 466,000 names on the voters roll
- ▶ reduced the number of deficient records from 98,000 on commencement of the centralization to the present level of 60,000 or 12.6% of the enrollment.
- ▶ reduced the level of duplications to about 6,000

- ▶ answered phone inquiries of 25,000 on auto answering machine and 14,000 by the operators
- ▶ established an Internet site with facility to check your enrollment and obtain information on polling station sites and numbers.

The following pertinent dates were confirmed by the Secretariat of Development concerning the voter registry

Publication of Voters lists:	31 March 1998
Date for Last Public Changes:	10 May 1998
Date for Last Court Changes:	25 May 1998
Election Date:	31 May 1998

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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 4 May - 10 May 1998

Washington Administrative

IFES Legal Specialist Dan Finn departed for Belgrade on 10 May and will arrive in Belgrade on 11 May where he will travel on to Podgorica.

Podgorica Administrative

USAID's Kathryn Stratos and Chuck Howell will be traveling to Podgorica next week and on 13 May will meet with the IFES team to discuss the current technical assistance project.

Meetings and Contacts

On Saturday 2 May, IFES team members traveled to Ulcinj to meet with representatives of the Democratic League of Albanians in Montenegro and the Democratic Alliance of Albanians to discuss candidate outreach, poll worker training, and voter education efforts in Montenegro. Both parties agreed to participate in these activities and made recommendations on the location of training, participants, and distribution sites. Both parties were provided with a copy of IFES' Voter Awareness Assessment and Legal Analysis.

The team met daily with the Republican Election Commission to discuss the development and delivery of technical and voter education materials and the procurement of ink and optical scanners required by law for the election.

Two meetings were held this week with the Socialist People's Party to discuss IFES candidate outreach, poll worker training, and voter education activities in Montenegro and the party's concerns with inaccuracies in the Register of Electors. Reported documentation of these allegations was delivered to IFES, which will follow up with the Ministry of Justice, Secretariat of Development, the Supreme Court, and municipalities involved. Documentation of alleged problems with the Register of Electors was also delivered to IFES by the Social Democratic Party.

IFES Chief of Party Catherine Barnes met with the membership of the Constitutional Court of Thursday 7 May to discuss the adjudication of election-related grievances and gaps and inconsistencies in the election law. Varying legal interpretations were also discussed. The Court was provided with a copy of IFES' Voter

Awareness Assessment and Legal Analysis.

Also on the 7th, the IFES team met with the Chairman of the Podgorica Municipal Election Commission to discuss IFES candidate information and poll worker training efforts and issues concerning the use of invisible ink and optical scanners. Appreciation was also expressed to the Chairman for loaning IFES some election materials to use during training sessions.

On 8 May, Barnes met with Veselin Tomovic, the Editor-in -Chief of Antenna M Radio to discuss the IFES sponsored voter education program and the possibility of securing free air time from the station.

On Thursday 30 April, IFES representative Chedomir Flego had a follow-up meeting with REC Chairman Stevan Damjanovic to deliver the demonstration package of invisible ink and optical scanner provided by CODE International and to place an order for the full shipment. Copies of the Candidate Handbook, Poll Worker Manual, and Training Guide were submitted for REC review. Additional copies were requested to give to other Commission members for review over the holiday week-end.

Throughout the week, IFES Voter Education Specialist Catherine Barnes met with representatives of the production company, publishers, and printers concerning the substance of the media campaign, design work, and the printing schedule.

IFES Voter Registration Expert Ched Flego met with municipal authorities in Niksic and Cetinje to inquire about on-going problems with the voter registry, particularly how to deal with incomplete entries already on the registry. In Niksic, there are about 4,000 deficient records. These have been reduced from about 6, 000 but Flego was unable to get accurate figures. There was difficulty with reducing these based on the fact that most of these records represent elderly people who have never been issued personal numbers and the balance are believed to be citizens living abroad. In Cetinje, the situation was different from Niksic. The Registrar said they had about 800 deficient records in Cetinje and there were about 60 duplications left on their voters list. There was a difficulty with reducing these based on most of these records represent elderly people who have never been issued personal numbers and the balance are believed to be citizens living abroad.

Follow-up phone calls were also placed by IFES Elections Specialist Tom Parkis concerning the scheduling of training for expanded members of political parties.

Program Activities

Follow-on training was conducted for the core training group to discuss the use of invisible ink and optical scanners and to review some modifications to the poll worker manual.

Revisions were made to the Candidate Handbook and Poll Worker Manual based on USAID comments, recommendations stemming from the independent legal review, and confirmation that the invisible ink and optical scanners would arrive in time for the elections.

Spot checks of the voter registration process at the offices of municipal authorities continued in Niksic and in Cetinje.

Progress Toward Stated Goals/Impact

- ▶ The Candidate Handbook and Poll Worker Manual have gone through an independent legal review and edits incorporated. These documents are currently before members of the Republican Election

Commission for consideration.

- ▶ Albanian translations of the Candidate Handbook and Poll Worker Manual have been completed.
- ▶ Post-production work has been completed on the television and radio spots, including Albanian language spots, and mock-ups prepared for the leaflets and posters. A presentation of the entire media campaign was made to the REC.
- ▶ Alternative arrangements for rush printing have been made by IFES with the assistance of the REC.
- ▶ Training sessions have been scheduled for representatives of the Liberal Alliance, the People's Party, and the Social Democrats. Consultations will also be held with the training team of the Democratic Party of Socialists. Commitments have also been secured from both Albanian parties to participate in training.
- ▶ At the request of the REC, IFES has assisted in identifying a vendor for the invisible ink and scanners that can deliver the full procurement within existing timetables. An order has been placed and commodities are expected to be delivered between the 21st and 24th of May. Training packages for all 21 municipalities have already been sent.
- ▶ Additional free airtime has been secured from Antenna M Radio Station for audio spots.

Upcoming Activities

Secondary training sessions will be held on the 1st, 14th, and 15th of May.

Technical materials are expected back from review by members of the Republican Election Commission early next week. Technical materials are likely to go to print by week's end.

Meetings have been scheduled for next week with the Ministry of Justice, the Supreme Court, and the Secretariat of Information.

Election Update

On 5 May, the Secretariat of Development issued a statement on the creation of the Central Voter's List. The statement reaffirmed that voters should check to see whether their names appear in the Registry of Electors by calling one of two special phone lines set up by the Secretariat of Development: 9891 or 9892. One is an automated system which can verify information the other is an operator assisted phone bank. Voters and those interested in the Montenegrin elections can access the Secretariat's Website at: www.cbs.cg.yu. Thus far, there have been 91,150 inquiries via phone and internet. The statement also indicated that the central list has been given to those parties which have requested it to date, namely the Liberal Alliance, Serbian Radical Party's Vojislav Seselj, and the Socialist People's Party.

The last day for the submission of candidate nominations was 10 May. The Republican Election Commission is currently reviewing the submitted applications.

IFES/Montenegro Team

Catherine Barnes, Voter Information Specialist/Chief of Party
Tom Parkins, Senior Elections Advisor

Chedomir Flego, Voter Registration Specialist
Dan Finn, Legal Specialist



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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 11 May - 17 May 1998

Podgorica Administrative

USAID's Kathryn Stratos and Chuck Howell attended a 3 hour briefing at IFES in Podgorica on Wednesday, 13 May. Presentations were provided on the political situation and the status of program activities. Chuck Howell attended an IFES training session with IFES Election Specialist Tom Parkins. IFES Voter Registration Specialist Chedomir Flego will be briefing USAID/Belgrade on the on-going controversies surrounding the Register of Electors on Tuesday, 19 May in Belgrade.

USAID has authorized IFES to proceed with independent publishing/broadcasting of voter education materials provided they were cleared for content by the REC. All items have gone through an independent legal review and have been informally cleared by individuals at the REC. For political reasons, however, this does not represent an institutional endorsement.

Ink Procurement

The governments of Denmark, Norway, and Sweden have agreed to reimburse the Republican Election Commission for the cost of the purchase of invisible ink and optical scanners. The commodities are expected to arrive between the 21st and the 24th of May.

Meetings and Contacts

On 11 May 1998, Voter Education Specialist Catherine Barnes accompanied the Chairman of the Republican Election Commission to the OBOD printing house in Cetinje to observe discussions on the printing of ballots maintaining ballot security, and providing access to observers. A print order was also placed for IFES developed technical manuals, posters, and leaflets.

On Tuesday 12 May 1998, Barnes met with the Foreign Minister to discuss the growing Constitutional crisis in the federal parliament and its ramifications for the electoral environment in Montenegro. An update on programming activities was also discussed. In addition, a request for observer credentials was submitted.

Also on the 12th, a meeting was held with the Secretary of Information to review the status of IFES programming activities.

Elections Specialist Tom Parkins met with representatives of the Democratic Party of Socialists responsible for training their appointees to polling boards. Discussions were held on the DB's own training program and whether IFES materials or trainers could be used to supplement this effort.

Throughout the week, contact was made with all 17 political parties or coalitions certified to participate in the parliamentary elections to invite them to participate in training or to schedule training sessions.

On the 13th, Chedomir Flego and Legal Advisor Dan Finn undertook a series of meetings to discuss allegations about improprieties in the Register of Electors and to identify options for correcting the Register between now and the 25th of May, which is the deadline for changes to the Register on the basis of an order of the Constitutional Court. Specifically, the team met with the Minister of Justice, the judges of the Supreme Court, the Deputy Secretary of the Secretariat for Development, and Socialist People's Party representative Danilo Vuksanovic. The Deputy Secretary of Development indicated that all 35,000 problematic entries had been published in Pobjeda with an appeal to those voters to visit their municipal authorities in an effort to provide missing documentation or clarify duplicate information. He also indicated that every assistance is being given to the Supreme Court in providing documentation for their deliberations on voter registration issues.

A meeting was also held with the Chairman of the Republican Election Commission to specifically discuss options for maintaining ballot security and transparency during the process of verification of the ballots. Meetings with the Commission were held regularly throughout the week to exchange information.

On the 14th, Flego and Barnes met with the Deputy Prime Minister responsible for elections, Miodrag Vukovic. Rising tensions between Serbia and Montenegro and the ramifications for the elections were the main focus of discussion. Issues pertaining to voter registration and ballot security measures were also covered. A brief update on IFES programming activities was also provided. In light of the extensive allegations being made by the Socialist People's Party and their potential to undermine public confidence in the integrity of the election process, the Deputy Prime Minister was advised that the appropriate government representatives should go on television to explain to the voters all of the efforts that are being undertaken to fix the Register of Electors, to guarantee ballot security, and provide for transparency. He agreed that this was necessary and indicated that this may be done next week.

On the 15th, Flego and Barnes met with the Deputy Minister of Police, Zarko Sturanovic, to discuss the access provided by his Ministry to the Ministry of Development and to observers in order to verify the records that exist for a vast majority of the persons whom the Socialist People's Party claims are phantom voters. The Minister was also notified that IFES voter education posters would be hung and leaflets distributed in the 21 municipalities between the 18th and 24th so that the local authorities could be informed.

Also on the 15th, the team visited Herceg Novi to speak with representatives of the Municipal Election Commission and the municipal authority.

Program Activities

Instruction in polling site procedures and training programs was conducted throughout the week for political party representatives from the municipalities and planning undertaken for the training of remaining political parties and municipal election commissions.

Final arrangements for the printing and distribution of technical and voter education materials were undertaken.

Spot checks continued at the municipal level with respect to the registration of voters. Consultations with the numerous entities responsible for some aspect of voter registration were also undertaken.

Daily advising was provided to the Republican Election Commission on a host of issues including the printing and verification of ballots and a number of proposals to modify polling site procedures.

Progress Toward Stated Goals/Impact

- ▶ Training was conducted for representatives of the Liberal Alliance, the People's Party (Kilibarda), and the Social Democratic Party.
- ▶ According to the anonymous evaluations completed by each training group, the participants rated their knowledge/confidence levels in each area of training on the basis of oral presentations, training demonstrations, and written materials prepared by IFES. The numbers below represent average scores on a scale of 1 to 5 with 5 being the highest rating:

The Liberal Alliance

Election Materials and Arrangement of Polling Sites	4.64
Pre-Voting Procedures	4.58
Rights of Observers and Appeals of Polling Board Actions	4.70
Processing of Voters	4.70
Counting of Votes	4.76
Reporting of Results	4.70
Trainer's Knowledge of Montenegrin Electoral System	4.86
Effectiveness of Training Session	4.86
Clarity and Comprehensiveness of Written Materials	4.80

The People's Party

Election Materials and Arrangement of Polling Sites	4.83
Pre-Voting Procedures	4.55
Rights of Observers and Appeals of Polling Board Actions	4.61
Processing of Voters	4.61
Counting of Votes	4.77
Reporting of Results	4.40
Trainer's Knowledge of Montenegrin Electoral System	4.72
Effectiveness of Training Session	4.94

Clarity and Comprehensiveness of Written Materials	4.77
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The Social Democrats

Election Materials and Arrangement of Polling Sites	4.53
Pre-Voting Procedures	4.38
Rights of Observers and Appeals of Polling Board Actions	4.61
Processing of Voters	4.76
Counting of Votes	4.92
Reporting of Results	4.92
Trainer's Knowledge of Montenegrin Electoral System	5.00
Effectiveness of Training Session	5.00
Clarity and Comprehensiveness of Written Materials	4.92

- ▶ Six voter education radio spots began airing in Montenegrin and Albanian language on Radio/Television Montenegro.
- ▶ Six voter education television spots were provided to Radio/Television Montenegro, three of which have begun airing.
- ▶ The Candidate Handbook, Poll Worker Manual, four posters and four leaflets went to print on the 13th and 14th of May.
- ▶ 1,500 copies of the Candidate Handbook and 3,000 copies (first run) of the Poll Worker Manual were delivered to the IFES Office for distribution to political parties on the 18th of May.
- ▶ Albanian translation of the Candidate Handbook, the Poll Worker Manual, and the voter education poster and leaflet have been completed.
- ▶ Funding for the invisible ink and optical scanners was obtained from the governments of Denmark, Norway, and Sweden. A formal presentation will be made prior to election day.

Upcoming Activities

Secondary training sessions will be held on the 18th, 20th, 21st, 22nd, 23rd, and 24th, for representatives of the Socialist People's Party, the Serbian People's Party, the Democratic Action Party (Muslim), the Albanian Democratic Union, and the Democratic League of Albanians in Montenegro. Depending upon the schedule of the REC and its subordinate commissions, invitations will also be sent to the 21 municipal election commissions to send representatives to a special training session slated for the end of the week.

Throughout the week, the Candidate Handbook and Poll Worker Manual will be distributed to all 17 political parties/coalitions participating in the parliamentary elections. Plans will also be discussed concerning the

provision of manuals to municipal election commissions.

Between the 18th and 24th of May, IFES voter mobilization/information posters and leaflets will be hung and distributed in all of Montenegro's 21 municipalities. These are targeted not only at the general electorate, but also women, young and first time voters, and the Albanian community. Training kits of the invisible ink and optical scanners for the 21 municipalities are anticipated to be delivered this weekend with the full shipment of commodities to be delivered sometime between the 21st and 24th of May.

Copies of the audio tape of IFES' radio spots will be provided to Antenna M Radio and several local radio stations broadcasting in Albanian language. A copy of the video spots will also be provided to Elmag Television for consideration. Discussions will continue with the Editor in Chief of Radio/Television Montenegro regarding the airing of the remaining television spots.

Consultations on voter registration and ballot security measures will continue throughout the week as well as discussion on compliance with and enforcement of legislation governing elections.

Election Update

Room for compromise and co-operation between the two main political parties, the Democratic Party of Socialists and the Socialist People's Party, is clearly eroding as the Federal Constitutional crisis plays out. In response to the removal of Federal Prime Minister, Radoje Kontic, the Government of Montenegro has withdrawn part of its parliamentary delegation from the Federal Parliament. Representatives of the Republican Government are clearly concerned that a state of emergency will be declared in Montenegro by federal authorities thus clearing the way for the movement of federal troops into the country. The full closure of the border between Montenegro and Albania and threats to stop the flow of money into Montenegro with the intent of creating hyper-inflation are clearly intensifying tensions and precluding a stable electoral environment. The next 4 to 5 days are seen as critical.

At the same time, the Socialist People's Party is threatening to call people into the streets over alleged discrepancies in the Register of Electors. They will not discount the possibility of violence and indicate that once this happens it will be impossible to predict the course of events, although the prospect of "civil war" was not ruled out. For their part, government officials insist that every possible measure is being undertaken to rectify the problems with the voter registry, ensure ballot security, and guarantee transparency. The Secretariat of Development has been very straight-forward, in a very public way, about the remaining problems with the Register and has made numerous appeals through the media for the 35,000 people with incomplete or partially duplicated data to please go to their municipal authorities to provide the necessary documentation to rectify these problems. The OSCE and IFES have been bombarded with alleged documentation by the Socialist People's Party of problems in the registry. Both organizations have been selecting pieces of this documentation to conduct spot checks at the municipal level and with the Ministry of Development. While some problems do exist, a large number of the deficiencies which the SPP claims still exist have, in fact, been rectified.

A total of 17 organizations, some political parties and some coalitions of parties, have been certified by the REC to participate in the elections. This number is twice that expected.

Based on the number of registered voters as of the close of the public modification process on 10 May, the REC has determined that there will need to be at least 100 polling sites. The number of voters at each polling site has been reduced to not more than 1000 in order to accommodate the processing time associated with all

the additional ballot security measures, such as the use of invisible ink and optical scanners and requirement that voters sign their name to a special extract of the registry upon receipt of ballots for local and parliamentary elections.

A proposal to allow the voters with incomplete data on the Register of Electors to sign in on a special list at the polling site on election day and to provide for a second level of validation of ballots at the polling site level was forwarded by 6 political parties, including the DPS and SPP, although the DPS later withdrew its support. The Republican Election Commission rejected the proposal on the grounds that the law did not provide for these modifications although discussion on the issue continues. According to members of the Constitutional Court, a state entity is not permitted to act or rule on issues not specifically proscribed in the law. The REC has been particularly sensitive to the experience of its predecessor to bow to public and political pressure despite the letter of the law and has thus far been unwilling to stray from a narrow interpretation. There remains disagreement among participants in the process as to whether the provision of the law which allows the REC to determine the specifications of the ballot and provide for verification would permit them to introduce the second level of security at the polling site.

IFES/Montenegro Team

Catherine Barnes, Voter Information Specialist/Chief of Party

Tom Parkins, Senior Elections Advisor

Chedomir Flego, Voter Registration Specialist

Dan Finn, Legal Specialist

May 22, 1998

MEMORANDUM

TO: Catherine Barnes
Chief of Party, IFES/Montenegro

Alexandra Levaditis
Program Assistant, IFES/Washington

FROM: Daniel Finn, Consultant

SUBJECT: Weekly Report, 16 May - 22 May 1998

Programmatic

- On 16 May at 1000 hrs., consultants Flego and Finn met with Mr. Danilo Vuksanovic and two attorneys from the opposition SNP party, at the party's headquarters. The primary subject was continuing problems in development of the voter registry.
- On 17 May consultants Flego and Finn attended two meetings of the Republican Election Commission (REC) -- at 0900 with the permanent members of the commission, and at 1000 with the extended (party representative) membership. The consultants attended because they had been informed that there might be a discussion of the package of ballot security measures that had been proposed by several parliamentary parties, but which had been rejected by the REC previously. This discussion did in fact occur, and there was also consideration of an agenda item concerning an appeal by an Albanian political party from a decision of the municipal election commission (MEC) not to accept their party list on the grounds of defective signature petitions. (The MEC decision was approved by the REC, and the appeal was denied.)
- On 18 May consultants Flego and Finn attended a meeting for municipal officials that had been called by the republican Secretary of Development, and also included representatives of the republican Supreme Court and Law Ministry. The subject was correction of the voter registry, and what steps would be taken by republican and municipal authorities from that point until finalization of the registry.

- Commencing 18 May, the consultant conducted a series of meetings with the main political parties, for the purpose of consultations on matters of election law and procedure. The meetings in this series to this point include:

Meeting with Mr. Zharko Sturanovic, Board Member of the ruling DPS party, on May 18 at 1600 hrs.;

Meeting with Mss. Marika Novakovic and Verica Jahjusevic, lawyers with the main opposition SNP party on May 19 at 1800 hrs. During this meeting, Mss. Novakovic and Jahjusevic confirmed that the commentary on the proposed election laws that the consultant had prepared previously (during Jan. - Feb. 1998) had been available to the parties in parliament involved in drafting modifications to the proposed laws prior to final legislative consideration, and had in fact been relied upon extensively by them;

Meeting with Mr. Ljubo Terzic, board member, and others from the Liberal Alliance party on May 19 at 1915 hrs.;

Meeting with Parliamentarian Dragisa Burzan, Vice President of the Social Democratic Party, on May 20 at 0900 hrs.;

Meeting with four members of the People's Party, representing the municipalities of Bar and Niksic, on May 20 at 1600 hrs.

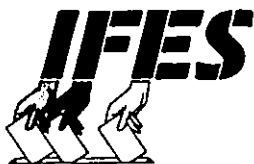
- On 21 May at 0900 hours, the consultant together with other IFES consultants (Parkins and Flego) met with Mr. Slobodan Franovic and other representatives of the Montenegrin Helsinki Committee, a human rights group that will be fielding a certain number of observers (60+) on election day. There was a discussion of various election law and monitoring issues.
- On 21 May at 1000, the consultant spent a short time at a conference at the Hotel Crna Gora entitled "Montenegro Facing Next Elections", which was organized by an NGO called "CEDEM" -- the Center for Democracy and Human Rights. The consultant's assistant/translator, Jelena Jaukovic, went to the conference later in the afternoon and took notes concerning the proceedings, which largely featured academic, press and NGO personalities.
- On 22 May at 1000 and 1100 hrs., consultants Flego and Finn attended training sessions for MEC officers and, separately, pollworkers from the SNP party -- both of which were conducted under IFES auspices by IFES-trained local core trainers.
- On 22 May at 1300, consultants Parkins, Flego and Finn met with U.S. embassy (Belgrade) officer Bob Norman. There was a discussion of technical (administrative and legal) and political issues concerning the

elections, as well as the broader Yugoslav, Montenegrin and regional political context.

- The consultant has drafted an extensive legal analysis of voter registration issues, which could potentially be used for technical assistance as well as informational purposes. Due to the extremely polarized political environment surrounding election issues, however, it would appear unlikely the memorandum can be used directly in its current form. Parts of this product may, however, be used for informational purposes now and, later -- after the elections -- perhaps for technical assistance purposes as well.
- The consultant also drafted a detailed analysis of the refinements in the Montenegrin legislative election law that were made prior to its final passage and enactment in February. This analysis demonstrates the extent to which IFES recommendations influenced the final form of the legislation, and helped resolve legal and procedural problems in the earlier drafts.
- The consultant is currently preparing a summary of his consultations to date, including with various interested parties on voter registration issues, and also with political parties and others on other aspects of election law and practice. This document should be available next week.

Administrative

- On 17 May at 0800 hours, consultant Finn together with the other IFES consultants in Montenegro had breakfast together at 0800 hrs. The get-together had been requested by IFES consultant Sally Hunter, who wished to make a film of the proceedings! This was to be done in connection with IFES organizational development activities.
- In absence of COP Catherine Barnes, the consultant sent several messages to IFES/Washington reporting on recent election and broader political developments and offering some analysis of them.



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Matt Palmer, State/EUR Felix Vargas, State/EUR

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 18 May - 24 May 1998

Podgorica Administrative

IFES Registration Specialist Chedomir Flego traveled to Belgrade on 19 May and met with USAID's Kathryn Stratos. They discussed the status of the voter registries and the current process of updating them.

Ink Procurement

The governments of Denmark, Norway, and Sweden have agreed to reimburse the Republican Election Commission for the cost of the purchase of invisible ink and optical scanners. A formal presentation will be held on 29 May by the donor countries during which IFES will be acknowledged for assisting in procuring the ink and supplies. Chedomir Flego and the Secretary of the REC traveled to Budapest on Saturday, 23 May to meet the CODE International representative traveling with the shipment and oversee the transfer of commodities. The supplies will be distributed to the 21 municipalities. IFES has incorporated instructions on how to use the ink and scanners into its training manual which was distributed to the municipalities.

Chedomir Flego had contacted CODE International in Canada with a request to supply an additional 100 kits of ink bringing the total to 1100 kits. This was based on a request from Republican Election Commission (REC) Chairman Stevan Damjovanovic.

Meetings and Contacts

IFES Voter Registration Specialist Chedomir Flego met frequently with the members of the REC and Chairman Damjanovic on issues associated with supply of ink and ultraviolet lamps. The Chairman appealed on Saturday morning, 16 May for an additional 100 ink and lamp kits for the extra polling places they propose to establish. There will now be 1087 total polling sites.

IFES Voter Registration Specialist Chedomir Flego and IFES Legal Specialist Dan Finn met with Mr. Danilo Vuksanovic, Socialist Peoples Party, to discuss voter registration issues. Mr. Vuksanovic was unhappy with the delay in the SNP obtaining the voters' list on diskette; they waited three days for delivery. He claimed that this gave the police an opportunity to work on the list prior to getting a copy.

On 17 May, Flego and Finn attended meetings of the Republican Election Commission (REC) - one with the

permanent members of the commission, and the second with the extended (party representative) membership. Mrs. Marika Novakovic of the SNP asked IFES representatives to attend the meeting in advance. The only agenda item was an appeal by a minor Muslim party in Plav on a decision of the municipal election commission (MEC) not to accept their party list on the grounds of defective signature petitions. The MEC decision was approved by the REC, and the appeal was denied. There was also a discussion of the package of ballot security measures that had been proposed by several parliamentary parties, but which had been rejected by the REC previously.

On 18 May Flego and Finn attended a meeting for municipal officials that had been called by the Secretary of Development, and also included representatives of the republican Supreme Court and Law Ministry. The subject was correction of the voter registry and what steps would be taken by republican and municipal authorities from that point until finalization of the registry.

Commencing 18 May, Dan Finn conducted a series of meetings with the main political parties, for the purpose of consultations on matters of election law and procedure. These meetings include: Mr. Zharko Sturanovic, Board Member of the ruling DPS party; Mss. Marika Novakovic and Verica Jahjusevic lawyers with the main opposition SNP party on May 19. During this meeting, Mss. Novakovic and Jahjusevic confirmed that the commentary on the proposed election laws that IFES had prepared previously (during Jan. - Feb. 1998) had been available to the parties in parliament involved in drafting modifications to the proposed laws prior to final legislative consideration, and had in fact been relied upon by them; Mr. Ljubo Terzic, board member, and others from the Liberal Alliance party on May 19; Parliamentarian Dragisa Burzan, Vice President of the Social Democratic Party, on May 20; and four members of the People's Party, representing the municipalities of Bar and Niksic, on May 20.

On 21 May, Flego, Finn and IFES Elections Specialist Tom Parkins met with Mr. Slobodan Franovic and other representatives of the Montenegrin Helsinki Committee to discuss voter registration as well as monitoring issues. The representatives are concerned with the rights of the voters without full details on the list. The Committee will be undertaking an observation of the elections on 31 May, fielding over 60 observers. Copies of IFES' poll worker manual were provided to the Committee in Montenegrin, English, and Albanian.

On 22 May, Parkins, Flego and Finn met with U.S. Embassy/Belgrade Officer Bob Norman. There was a discussion of technical (administrative and legal) and political issues concerning the elections, as well as the broader Yugoslav, Montenegrin and regional political context.

Program Activities

Instruction in polling site procedures and training programs was conducted throughout the week for political party representatives from the municipalities and representatives of municipal election commissions.

Tom Parkins and his training staff contacted all parties that had participated in IFES training to enquire into their plans to undertake a third level of training for their polling board members. Thus far, only the Social Democrats have responded with one session planned. More follow-up will be conducted.

Distribution of voter education/information posters and leaflets began on a massive scale beginning the 21st and continuing through the 24th of May via the Printing House Obod, student groups, and an ad hoc group of Albanians which concentrated their efforts on Bar, Ulcinj, Krajina, Plav, Gusinje, Rozaje, Tuzi, and Konik. Some distribution of leaflets through the students is still ongoing. All persons mobilized for distribution were provided with written instructions in their native tongue that addressed ordinances governing the hanging of

posters and dispersal of leaflets, distribution of targeted materials, restrictions on distribution within 50 meters of polling stations or at places where political activities are conducted. These persons were required to sign and date a verification sheet confirming that they had read and understood these instructions. The Ministry of Police was also notified in advance of distribution to alert their municipal counterparts that IFES would be posting and dispersing non-partisan voter education materials. IFES has received no reports of any problems with local authorities relative to these activities.

Progress Toward Stated Goals/Impact

- ▶ During this week, training was conducted for the following parties: the Socialist People's Party, the Serbian People's Party, the Democratic Action Party (Muslim), the Albanian Democratic Union, and the Democratic League of Albanian Montenegro. The party of JUL was scheduled for training on Wednesday but did not attend.
- ▶ According to the anonymous evaluations completed by each training group, the participants rated their knowledge/confidence levels in each area of training on the basis of oral presentations, training demonstrations, and written materials prepared by IFES. The numbers below represent average scores on a scale of 1 to 5 with 5 being the highest rating:

Socialist People's Party

Election Materials and Arrangement of Polling Sites	3.84
Pre-Voting Procedures	3.96
Rights of Observers and Appeals of Polling Board Actions	3.88
Processing of Voters	4.16
Counting of Votes	4.24
Reporting of Results	4.12
Trainer's Knowledge of Montenegrin Electoral System	4.20
Effectiveness of Training Session	4.24
Clarity and Comprehensiveness of Written Materials	4.00

Serbian People's Party

Election Materials and Arrangement of Polling Sites	4.82
Pre-Voting Procedures	4.23
Rights of Observers and Appeals of Polling Board Actions	4.30
Processing of Voters	4.47
Counting of Votes	4.70
Reporting of Results	4.64
Trainer's Knowledge of Montenegrin Electoral System	4.33
Effectiveness of Training Session	4.82

- ▶ Approximately 50 representatives from 17 of 21 municipalities were trained on Friday, 22 May. The REC agreed that IFES could contact the MECs directly to offer services and participation was on a voluntary basis. Poll worker manuals were distributed through the training sessions with 4 manuals allocated for the core membership of each polling station. For the four MECs that could not send representatives, arrangements were made to deliver copies of the poll worker manuals to them directly.
- ▶ Roughly 10,000 polling station manuals have been distributed to political parties and municipalities.
- ▶ Copies of both the Candidate Handbook and the Poll Worker Manual as well as IFES sponsored voter education leaflets have been provided in bulk to the Helsinki Committee of Montenegro and the Center for Democracy and Human Rights for use by their observers. These materials have also been given, in English, to the Organization for Security and Cooperation in Europe.
- ▶ Early last week, up to 78 copies, the total number of candidates allowed on candidate slates for the Republican Assembly, were delivered to 16 of the 17 parties contesting the parliamentary elections. The Albanian parties were given copies of the handbook both in Albanian and in Serbo-Croatian. The total number of manuals provided to political parties was approximately 1300.
- ▶ IFES sponsored voter education radio spots are currently broadcasting in Serbo-Croatian on Radio Montenegro and Antenna M. Albanian language spots are being broadcast on Radio Montenegro and on local stations in Podgorica (dedicated time for Albania programming), Bar, and Ulcinj. Television Montenegro continues to air four IFES sponsored spots.
- ▶ The total number of voter education print items (posters and leaflets) distributed thusfar is approximately 24,000.
- ▶ The shipment of ink and UV lamps was received by Chedomir Flego and the REC Secretary and delivered to Montenegro accompanied by a representative from CODE. While this was outside the scope of the delivery order, IFES' efforts to procure the ink and UV lamps and secure funding provided a critical service to the REC.

Upcoming Activities

The Serbian Coalition is scheduled for training on Monday, 25 May by IFES core trainers. This will complete the training process for the 31 May elections.

IFES will be observing the 31 May elections in several different localities, concentrating on areas in which problems have been reported by various parties.

Election Update

The Secretariat of Development issued statistics on the status of the voter registry as follows:

- ▶ new entries, 19,121

- ▶ deleted entries, 29,004
- ▶ more than 600,000 changes
- ▶ 140,000 citizens checked their names on the register
- ▶ number without personal number, 35,496 (7.74%)
- ▶ number on the roll is 458,348

There are still errors on the voters list with approximately 35,000 records without a personal number on the database. The SNP claims that of these 35,000, only 10,000 may represent 'real' voters while the others represent 'phantom' voters who were added to the register between the first and second rounds of last year's presidential elections. Mr. Vuksanovic indicated that the SNP will insist on full documentation of records on the voters list and identification of voters in the polling place before they will agree to a voter being allowed to vote.

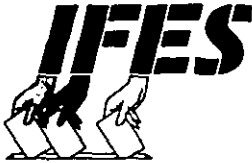
IFES/Montenegro Team

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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 25 May - 30 May 1998

Podgorica Administrative

IFES is sad to report that Voter Registration Specialist Chedomir Flego has had to return to Australia following the unexpected death of his mother. IFES will continue to monitor the registration question through its office in Podgorica.

Ink Procurement

Flego was able to supervise the delivery of the ink and optical scanners to the Republican Election Commission (REC) prior to his departure on 25 May. These commodities were distributed and training on their use conducted. On Friday night, 29 May, IFES Chief of Party Catherine Barnes attended a meeting at the Republican Election Commission with Bjorn Nengesland of the Helsinki Commission of Norway, who presented the Chairman with a check to cover the costs of invisible ink and optical scanners to be used on election day. Donations to cover the costs were made by Norway, Denmark, and Sweden. IFES was recognized for its role in identifying both the vendor for the ink and the donors.

Meetings and Contacts

IFES Voter Information Specialist/Chief of Party Catherine Barnes and Election Specialist Tom Parkins met with the Chairman of the Republican Election Commission (REC) on Wednesday the 27th of May to provide an update on the training of representatives of municipal election commissions and the distribution of the IFES-developed poll worker manual to the core membership of polling boards. IFES access to the REC on election day and the donation of the Scandinavian countries to cover the costs of the purchase of invisible ink and optical scanners were also discussed.

On Thursday 28 May, IFES representatives met with the Deputy Minister of Police to discuss security concerns on election day and its immediate aftermath. The Ministry of Police anticipated disruptions at polling sites and possible street demonstrations at or about the time of the closing of the polls based on threats made by a number of political parties supported by Belgrade. During the course of the meeting, it was made clear that the Government of Montenegro expected that the international community would not tolerate activities, orchestrated in Belgrade, aimed at destabilization of the political situation in Montenegro.

Also on the 28th, IFES Elections Specialist Tom Parkins attended the briefing for short-term observers of the Organization for Security and Cooperation in Europe.

IFES Legal Advisor Dan Finn traveled to Ulcinj on the 28th to discuss legal issues with representatives of the two Albanian political parties, the Democratic Union of Albanians and the Democratic League of Albanians in Montenegro.

Finn also met with the Head of the Secretariat of Development, Mr. Gvozdenovic, to discuss changes to the Register of Electors based on orders of the Supreme Court between 10 and 25 May 1998.

Parkins held a meeting with the core training group to arrange for follow-up inquiries on the status of tertiary training initiatives and to discuss the overall evaluation of the training program. Consultations were also held with core trainer Professor Vesko Pavicevic regarding plans to introduce an election law and administration program at the Faculty of Law and opportunities for IFES cooperation in this important endeavor.

On 29 May 1998, the IFES team met with Deputy Prime Minister Miodrag Vukovic to discuss rising tensions between Belgrade and Podgorica leading into the Montenegrin elections. The presence of international organizations in deterring fraud, encouraging acceptance of election results, and demonstrating to Slobodan Milosevic that intervention in Montenegrin affairs will not be tolerated was deemed to be of the utmost importance. Copies of IFES sponsored voter education, candidate information, and poll worker training materials were presented to the Deputy Prime Minister during this meeting.

Also on the 29th, IFES Legal Advisor Dan Finn met with Judge Milan Filipovic, head of the Administrative Division of the Supreme Court, to discuss the volume, nature, and disposition of voter registration complaints following the 10 May deadline for public review.

Tom Parkins observed the distribution of ballots and other election materials to polling sites in Podgorica on 29 May.

Program Activities

At the request of the Republican Election Commission, IFES Voter Registration Expert Chedomir Flego traveled to Budapest, Hungary on Sunday 24 May to assist with the hand-over of invisible ink and optical scanners by CODE, Inc. to the REC. Upon arrival in Podgorica, commodities were distributed to municipal election authorities for delivery to polling sites. IFES has incorporated instructions on these of the invisible ink and optical scanners into its training program and materials.

Training for representatives of political parties tasked with instruction of their appointees to the expanded membership of polling boards was conducted on the 25th of May. Polling Site Manuals were distributed throughout the week to political parties which opted not to participate in actual training sessions and municipalities which could not send representatives to training conducted in Podgorica.

Voter education materials, including posters and leaflets explaining voters' rights and polling place procedures to the general electorate and special target groups - among them young and first time voters, women, and Albanians - were distributed throughout Montenegro between the 18th and 24th of May.

Copies of IFES-developed voter education, candidate information, and poll worker training materials were provided to observer organizations including the Organization for Security and Cooperation in Europe (OSCE), the Center for Democracy and Human Rights (CEDEM), and the Helsinki Commission of

Montenegro.

Based on a number of requests, IFES is preparing a series of briefing papers on issues central to this election campaign, including voter registration, ballot security measures, and Albanian representation. These briefing papers are aimed primarily at election observers and policy makers monitoring long term political developments in Yugoslavia. The briefing papers will be modified for use during post-election consultations with election officials, political parties, parliamentarians, judges, and journalists.

Daily advising was provided to the Central Election Commission on a host of issues including the printing and verification of ballots and a number of proposals to modify polling site procedures.

Progress Toward Stated Goals/Impact

- ▶ Secondary training for representatives of political parties was completed on Monday 25 May. According to the anonymous evaluations completed by each training group, the participants rated their knowledge/confidence levels in each area of training on the basis of oral presentations, training demonstrations, and written materials prepared by IFES. The numbers below represent average scores on a scale of 1 to 5 with 5 being the highest rating:

Municipal Election Commissions

Election Materials and Arrangement of Polling Sites	4.30
Pre-Voting Procedures	4.30
Rights of Observers and Appeals of Polling Board Actions	4.23
Processing of Voters	4.30
Counting of Votes	4.50
Reporting of Results	4.40
Trainer's Knowledge of Montenegrin Electoral System	4.63
Effectiveness of Training Session	4.73
Clarity and Comprehensiveness of Written Materials	4.50

Coalition "For the Serbs"

Election Materials and Arrangement of Polling Sites	4.33
Pre-Voting Procedures	4.83
Rights of Observers and Appeals of Polling Board Actions	4.50
Processing of Voters	4.50
Counting of Votes	4.83
Reporting of Results	4.50
Trainer's Knowledge of Montenegrin Electoral System	5.00
Effectiveness of Training Session	4.83
Clarity and Comprehensiveness of Written Materials	4.83

Albanian Democratic Union

Election Materials and Arrangement of Polling Sites	4.92
Pre-Voting Procedures	4.64
Rights of Observers and Appeals of Polling Board	4.14
Actions	
Processing of Voters	4.57
Counting of Votes	4.85
Reporting of Results	4.71
Trainer's Knowledge of Montenegrin Electoral System	4.85
Effectiveness of Training Session	4.71
Clarity and Comprehensiveness of Written Materials	4.78

Socialist People's Party (2nd Session)

Election Materials and Arrangement of Polling Sites	4.18
Pre-Voting Procedures	4.25
Rights of Observers and Appeals of Polling Board	4.06
Actions	
Processing of Voters	4.25
Counting of Votes	4.56
Reporting of Results	4.62
Trainer's Knowledge of Montenegrin Electoral System	4.75
Effectiveness of Training Session	4.81
Clarity and Comprehensiveness of Written Materials	4.56

Democratic Action Party

Election Materials and Arrangement of Polling Sites	4.83
Pre-Voting Procedures	4.66
Rights of Observers and Appeals of Polling Board	4.66
Actions	
Processing of Voters	4.58
Counting of Votes	4.66
Reporting of Results	4.33
Trainer's Knowledge of Montenegrin Electoral System	4.80
Effectiveness of Training Session	4.70
Clarity and Comprehensiveness of Written Materials	4.80

The core training group instructed 230 trainers representing 17 municipalities and 9 political parties or coalitions. According to reports received by the core trainers throughout the week,

tertiary training has been conducted for approximately 10,000 core and expanded members of polling boards as of 28 May 1998.

- ▶ The breakdown of secondary trainers is as follows:

Liberal Alliance	21
Social Democratic Party	12
Democratic Action Party	12
Democratic Union of Albanians	20
Coalition "For the Serbs"	6
People's Party	19
Serbian People's Party	19
Socialist People's Party	43
Democratic League	37
Municipal Election Commissions	43

- ▶ IFES training manuals were provided to 21 municipalities (4 per polling station) and 17 political parties and coalitions (based on size). IFES has been told by the DPS, which opted not to participate in IFES sponsored training sessions as they had already completed their own internal training, that the manuals had been given to all their appointees to the expanded membership of polling boards and that they had been instructed to carry these manuals "in their pockets at all times" on election day.
- ▶ Two voter education radio spots began airing in Albanian language on local radio stations in Podgorica, Bar, and Ulcinj. All six spots in Montenegrin and Albanian aired on Radio/Television Montenegro and Antenna M through the black-out period beginning at midnight on the 28th of May.
- ▶ Four IFES sponsored voter education television spots continued to be broadcast on Radio/Television Montenegro through the black-out period beginning at midnight on the 28th of May.
- ▶ Additional copies of IFES' Candidate Handbook and Poll Worker Manual were distributed to political parties, municipal election commission, and observer groups at their request.
- ▶ Ink and optical scanners for each polling station, mobile voting unit, and reserve were distributed by the REC to municipal election commissions for delivery to polling sites throughout the week. A representative of CODE, Inc. traveled to Podgorica to meet with the REC and address questions of political parties. A donation to cover the cost of the commodities purchase was made by Norway, Denmark, and Sweden. IFES helped the REC to identify a vendor for the commodities as well as donor countries/organizations.

Upcoming Activities

IFES will be sending observer teams to monitor polling site procedures in Podgorica, Danilovgrad, Niksic, Pluzje, and Plav. Visits will also be made to municipal election commissions and the Republican Election Commission to monitor the adjudication of election day complaints and reporting/aggregation of election results. USAID Representative Kathryn Stratos will be observing the election process with IFES teams.

Election Update

Representatives of the Government of Montenegro have expressed great concern that representatives of the SNP and other Belgrade backed political parties will disrupt the work of polling boards on election day and challenging voters they have targeted as suspicious. The SNP has confirmed as much during discussions with IFES representatives. The Government also anticipates that the SNP will call its agitators/supporters out on or about the time of the closing of the polls to declare "victory," thereby creating confusion about the election results. IFES has been told through several sources that the Government of Montenegro expects that the international community will not tolerate activities, orchestrated in Belgrade, aimed at destabilization of the political situation in Montenegro.

The Ministry of Police has identified Pljevlje as a likely location for election day disturbances. The Municipal Election Commission there is reportedly in complete control of the SNP and the SDP alleges that 98% of the polling boards are controlled by the SNP. It claims to have representatives on only 4 of the polling boards there. Niksic, Plav, and Bijelo Polje have also been identified as places where there will be significant problems. Street demonstrations are also expected in Podgorica.

For its part, the SNP has identified the following areas as having alleged single party municipal election commissions: Niksic, Danilograd, Bijelo Polje, Herceg Novi, Pluzine, and Tivat.

Both JUL and the List of United Bosnians-Muslims have withdrawn their candidate lists from the General Electoral List in violation of election legislation which stipulations that the withdrawal of a candidate list must be done prior to the announcement of the General Electoral List by the REC. The names of both parties will appear on the ballot, which was printed prior to the decision of each party.

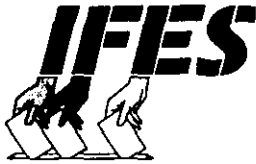
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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 31 May - 6 June 1998

Podgorica Administrative

With the completion of the 31 May elections, IFES successfully completed the poll worker training and voter information aspects of its program. Attention is now being turned to evaluating the elections from a legal and administrative perspective through consultations. IFES will be developing a series of recommendations for the further improvement of the election process in Montenegro and will engage the government, political parties, NGOs, and the media toward this end.

Meetings and Contacts

IFES briefed a visiting USAID delegation in Podgorica on 5 June on the political and electoral environment following the 31 May poll. Voter Information Specialist/Chief of Party Catherine Barnes, Senior Elections Advisor Tom Parkins, and Legal Specialist Dan Finn provided an overview of IFES activities in support of the election process prior to and following the elections.

Progress Towards Stated Goals

With the completion of the pre-election technical assistance phase of the project, IFES compiled the results and impact of its project thus far. Quantitative and qualitative analysis of the training, political party outreach voter education campaign and legal reform efforts were assessed. This evaluation is outlined in detail below.

Training of Trainers/Poll Worker Training

Secondary training for representatives of political parties and representatives of municipal election commissions was completed as of Monday 25 May.

According to the anonymous evaluations completed by each training group, the participants rated their knowledge/confidence levels in each area of training on the basis of oral presentations, training demonstrations, and written materials prepared by IFES. The numbers below represent cumulative average scores of on a scale of 1 to 5 with 5 being the highest rating:

Election Materials and Arrangement of Polling Sites	4.54
Pre-Voting Procedures	4.47
Rights of Observers and Appeals of Polling Board Actions	4.38
Processing of Voters	4.50
Counting of Votes	4.68
Reporting of Results	4.55
Trainer's Knowledge of Montenegrin Electoral System	4.70
Effectiveness of Training Session	4.77
Clarity and Comprehensiveness of Written Materials	4.60

The breakdown of secondary trainers by party is as follows:

Liberal Alliance	21
Social Democratic Party	12
Democratic Action Party	12
Democratic Union of Albanians	20
Coalition "For the Serbs"	6
People's Party	19
Serbian People's Party	19
Socialist People's Party	43
Democratic League	37
Municipal Election Commissions	43

The breakdown of secondary trainers, including party and municipal election commission representatives, by municipality is as follows:

Municipality	Secondary Trainers
1. Andrijevica	4
2. Bar	9
3. Berane	14
4. Bijelo Polje	5
5. Budva	8
6. Danilovgrad	6
7. Zabljak	5
8. Kolasin	10
9. Kotor	8
10. Mojkovac	11
11. Niksic	10
12. Plav	18
13. Pluzine	5
14. Pljevlja	7
15. Podgorica	19
16. Rozaje	12
17. Tivat	6
18. Ulcinj	53

19. Herceg Novi	12
20. Cetinje	5
21. Savnik	4
TOTAL	231

According to reports collected by the core training group to date, the following number of poll workers received instruction from secondary trainers:

Liberal Alliance	900
People's Party	200
Social Democratic Party	200
Democratic Party of Socialists	4,500
Serbian People's Party	137
Democratic Action Party	56
Socialist People's Party	3,940
Democratic Union of Albanians	50
Democratic League in Montenegro (Albanian)	110
Municipal Election Commissions (21 municipalities)	2,700
TOTAL	12,793

The DPS did not participate in the secondary training phase of the program, having already completed an internal training program, but did use the IFES manuals/and training plans to instruct their appointees to polling boards (third tier training).

A total of 10,000 IFES training manuals were provided to 21 municipalities (4 per polling station) and 17 political parties and coalitions (as per size). Based on observations by IFES team members on election day, poll worker manuals were spotted in the possession of political party representatives and core members of election commissions in 27 of 33 polling sites visited. In addition, copies of the poll worker manual were provided to the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights.

Non-Partisan Voter Education Campaign

Four IFES voter education spots, developed in cooperation with the marketing agency "Bas Celik," were broadcast by Radio/Television Montenegro, which provided free air time. The two motivational spots began airing on 11 May, while informational spots addressing voter registration (by means of a court order) and provisions for voting outside the polling site premises, began airing the following week. Deputy Prime Minister Miodrag Vukovic, who is responsible for election issues, commented that he was quite surprised that a foreign organization could develop a television campaign that was so culturally appropriate, noting that it spoke directly to the "hearts of all Montenegrins."

Six radio spots, four in Montenegrin and two in Albanian, were also broadcast, free of charge, by Radio/Television Montenegro. Three of the spots were motivations, while the remainder addressed the proper way to mark one's ballot (so that it would not be invalidated), processing of votes at the polling site, and the type of elections being conducted and terms of elected representatives. In addition to Radio/Television Montenegro, Antenna M also broadcast the spots free of charge. Albanian language spots were also broadcast under the same terms, by local radio stations in Podgorica, Bar, and Ulcinj.

Some 18,500 voter education pieces, including posters and leaflets were distributed throughout Montenegro between 18 and 28 May. The posters were tied to the leaflet campaign, which informed voters, through a question and answer format, about changes in the election process that directly affected them, about their voting rights, and about polling site procedures on election day. These also highlighted the efforts taken to enhance transparency and safeguard the integrity of the elections in Montenegro. These were designed both for the general electorate and modified for specific target groups including, young and first time voters, women, and Albanians. Distribution was carried out through a professional distribution company (to the 21 municipalities), student groups (to Montenegro's university campuses), and representatives of the Albanian community organized through representatives of the Ministry of Information. Posters were hung in officially sanctioned areas, while leaflets were distributed to libraries, post offices, sporting and recreation facilities, dormitories, cultural centers, and business districts. Posters and leaflets were also provided to the Helsinki Commission of Montenegro and the Center for Democracy and Human Rights.

Candidate Information Materials

Some 1,326 candidate handbooks were distributed to all political parties/coalitions participating in elections to the Republican Assembly. Copies were provided to each party based on the size of its candidate list. The candidate handbooks brought together information on provisions of all the laws and regulations pertaining to the rights and obligations of candidates as well as the resources available to them. The handbook was organized by theme and in chronological order. It contained the only calendar of administrative and campaign deadlines to appear in any public document to appear during the course of the elections.

Legal Reform

In February of this year, the Republican Assembly of Montenegro passed the new Law on the Election of Councilors and Representatives (Legislative Election Law). The law was signed by President Milo Djukanovic on February 18 and became effective after being published in the Official Gazette the next day.

The law passed by the Assembly derived from the results of a working group on election law reform established by the Assembly to help implement the program adopted on a multi-party basis in Fall 1997 to expedite democratic political reform¹. The working group submitted draft bills on elections to the Republican and municipal assemblies (legislative elections), voter registration, and other subjects in November of that year.

Earlier this year, the IFES undertook an analysis of several of the bills that were then under consideration by the Assembly, and made recommendations for further refinements². The results of this analysis were communicated to the government prior to final passage of the legislation. The new Legislative Election Law as finally passed and enacted, contains numerous refinements, many of which appear to reflect the comments submitted by IFES.

Agreement on the Minimum Principles for the Development of Democratic Infrastructure in Montenegro.

¹Republic of Montenegro: Technical Legal Analysis of Draft Election Legislation" (February 1998), reprinted in IFES, Voter Awareness Assessment and Legal Review, November 1997-February 1998.

Leveraging of International Assistance

At the request of the Republican Election Commission, IFES was able to identify a vendor able to deliver on time the invisible ink and optical scanners, as mandated by the election law, for use at each polling site and by mobile voting units. Demonstration and training packets as well as reserve supplies were also secured. IFES was also able to identify donors for the \$105,000 commodities purchase and is grateful to the Government of Norway, through the Norwegian Helsinki Committee, and the Government of Denmark for their assistance. The invisible ink and optical scanners provided an important and necessary form of polling site/ballot security on election day, thereby increasing public confidence in the integrity of the election results.

Election Update

On 31 May, IFES observed polling six municipalities- Podgorica, Tuzi, Danilovgrad, Niksic, Pluzine, and Plav - visiting a total of 33 polling sites. The observations of the IFES team, which includes preliminary election results and seat allocation, are attached to this report.

IFES/Montenegro Team

Catherine Barnes, Voter Information Specialist/Chief of Party

Tom Parkins, Senior Elections Advisor

*Chedomir Flego, Voter Registration Specialist**

Dan Finn, Legal Specialist

(on-site role completed)



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Chuck Howell, ENI/ECA
Felix Vargas, State/EUR

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 7 June - 13 June 1998

Washington Administrative

A request for a modification of the delivery order was submitted on 10 June to the RCO in Budapest and COTR Kathryn Stratos in Belgrade. The request included additional staff and consultant time as well as the reallocation of remaining funds to successfully accomplish project deliverables.

Meetings and Contacts

The IFES team met with Miodrag Vukovic, Deputy Prime Minister of the Government of Montenegro to discuss political developments in the region and concerns about the composition of Montenegro's delegation to the upper-house of the Federal Parliament, specifically constitutional and legal options that may allow for modification of the method by which delegates are selected.

IFES Senior Election Specialist Tom Parkins and Legal Advisor Dan Finn met with the Chairwoman of the Democratic Party of Socialists (DPS) to review political developments in the region, priorities of the new Republican Assembly, and necessary electoral reforms. She agreed that necessary legal and procedural questions be addressed in the short term rather than waiting until the next election campaign.

Parkins met with the Chairman of the Podgorica Municipal Election Commission to exchange views on election process and procedure and to discuss the Chairman's intent to develop some sort of association of election officials to provide for on-going training, professional development, experience sharing, and networking. The Chairman envisions such an association as providing a mechanism for election practitioners to participate in formulating laws, regulations, and procedures to improve the electoral system. He also shared his hope that such an association might include administrators from both Montenegro and Serbia.

Voter Education Specialist Catherine Barnes met with the marketing director of Elmag Television to discuss the independent station's provision of paid airtime to political parties. The television station has prepared a report on the number of minutes purchased by each political party.

The IFES team spoke with the Chairman of the Republican Election Commission (REC) on Thursday 11 June 1998 to discuss complaints filed by the SNP with respect to repeated voting in Herceg Novi and Zabljak (more

below); the revised schedule for announcement of final results, certification of representatives, and convocation of the Republican Assembly; and REC plans to assess election system performance and offer recommendations to the Republican Assembly on electoral reform. Chairman Damjanovic did indicate that he plans to undertake an analysis of the strengths and weaknesses of the electoral process and hopes to spearhead efforts aimed at reforming election-related legislation. He did note, however, that now that elections are over, his primary responsibilities as a criminal judge might preclude immediate attention to this analysis. He did concur with IFES' position that election practitioners have much to contribute to the reform process and must be included in this debate.

IFES Legal Advisor Dan Finn met with representatives of the Social Democratic Party and with the People's Party to discuss their impressions of election system performance and recommendations for electoral reform, as well as recent political developments in the region.

IFES representatives attended a press conference on 12 June, 1998 to announce final election results.

Meetings were also held with the IFES core training group to discuss the feasibility of certain electoral reforms and to consider necessary next steps.

Program Activities

Consultations with political parties to continue in order to solicit feed-back on necessary legal and procedural reforms, and to share IFES observations and thoughts on means of improving the electoral system. Preparation of a final project report and analysis of election system performance with recommendations for reform is on-going.

Progress Towards Stated Goals

1. Briefing papers on voter registration, ballot security, and minority representation have been completed and are available through IFES/Montenegro and IFES/WDC.
2. IFES has received letters of appreciation and proposals for cooperation from the President of the Republic Assembly, the Deputy Prime Minister responsible for elections, the Center for Democracy and Human Rights (CEDEM), the Faculty of Law, and the Student Center of the Faculty of Economics.
3. Representatives of the Social Democratic Party report that IFES-designed information and training materials are currently being used by their affiliate NGOs – in particular women's groups – as an example of and a guide to the systemic approach required in the development and implementation of civil society programming.

Election Update

The announcement of final election results was delayed as a result of "1st hour" complaints filed by Momir Bulatovic's Socialist Peoples Party (SNP) at two polling stations, where repeat voting was conducted on 3 June 1998 (in Herceg Novi and in Zabljak). These complaints were filed despite the fact that the SNP's authorized representative in each polling site signed the record of the official work of the polling board and did not note any discrepancies, and the outcome of voting in each site would not impact the outcome of the election or the distribution of mandates. This action was widely regarded as a tactical move aimed at delaying the opening of the new Republican Assembly, as political maneuvering by Federal authorities continued in Belgrade.

The complaints may have been in response to intentions of Milo Djukanovic's Democratic Brty of Socialists and its coalition partners to amend legislation governing the composition of Montenegro's delegation to the upper house of the Federal Parliament. As the law currently stands, the delegation would mirror the proportional representation of political parties in Montenegro. As any possible SNP contingent within the delegation is expected to vote with the Serbian representation and since as few as 7 votes are necessary to empower Milosevic to amend the Federal Constitution, the coalition partners think it critical to modify Montenegro's law to allow for the delegation to be formed on the basis of a majority vote of the Republican Assembly. This appears to be permissible under the Federal Constitution and is consistent with Serbian practice, although current political realities may make any such move unacceptable to the Federal Constitutional Court.

Both SNP complaints were ultimately found to be groundless by the Republican Election Commission (REC). No appeal was filed with the Constitutional Court of Montenegro. The SNP, however, is threatening to pull out of Parliament if the DPS continues with its plan to amend legislation governing the constitution of Montenegro's delegation to the upper house of Parliament.

Final election results were announced by the Chairman of the Republican Election Commission at a press conference on Friday 12 May 1998:

Election Data

Number of Voters Entered Into The Register of Electors	457,633
Number of Voters Who Cast Ballots at Polling Sites	340,382
Number of Voters Casting Ballots Via Letter (mobile voting)	7,603
Total Number of Voters Participating in Elections	347,985
Number of Ballots Received	458,258
Number of Unused Ballots	110,273
Number of Marked Ballots	347,985
Number of Invalid Ballots	4,634
Number of Valid Ballots	343,350

Election Results

Votes Won by the Liberal Alliance of Montenegro: Slavko Perovic	21,612
Votes Won by the Serbian Radical Party: Vojislav Seslj	4,060
Votes Won by "For Serbianism"	1,299
Votes Won by the Serb People's Radical Party of Montenegro: M.C. Dacevic	761
Votes Won by JUL: Jovanka Mijanovic	345
Votes Won by the Democratic Union in Montenegro: Mehmet Bardhi	5,425
Votes Won by the "Coalition of Unified Bosniacs-Muslims"	419
Votes Won by the Party of Natural Law	611
Votes Won by the Socialist People's Party: Momir Bulatovic	123,957
Votes Won by the Serbian People's Party: Dr. B. Bojovic	6,606
Votes Won by the Party for Protection of Savings and Social Security	199
Votes Won by the Communist Union of YUG - Communists of Montenegro	1,885
Votes Won by the Coalition "To Live Better:" Milo Djukanovic	170,080

Votes Won by the Liberal Alliance of Montenegro: Slavko Perovic	21,612
Votes Won by the Party of Foreign Currency Savings of Montenegro	371
Votes Won by Democratic Action	1,996
Votes Won by the Democratic League of Albanians	3,529
Votes Won by the Party of the Human Way	195

Distribution of Mandates in the Republican Assembly

"To Live Better: Milo Djukanovic"	42 seats
Socialist People's Party: Momor Bulatovic	29 seats
Liberal Alliance	5 seats
Democratic Union in Montenegro: Mehmet Bardhi (Albanian)	1 seat
Democratic League of Albanians	1 seat

The new convocation of the Republican Assembly is expected to open on Monday 15 June 1998.

Public outcry over the mobilization of Montenegrin soldiers for Federal Army actions in Kosovo is increasing with families of deployed soldiers calling for an explanation from President Milo Djukanovic and several democratic political parties demanding to know under whose authority soldiers were sent to Kosovo. Unofficial and unconfirmed reports indicate that Federal Army movements are fanning further out from Montenegro's border with Kosovo than previously believed.

IFES/Montenegro Team

Catherine Barnes, Voter Information Specialist/Chief of Party

Tom Parkins, Senior Elections Advisor

*Chedomir Flego, Voter Registration Specialist**

Dan Finn, Legal Specialist

(on-site role completed)



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Felix Vargas, State/EUR

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 14 June - 20 June 1998

Washington Administrative

A request for a modification of the delivery order was submitted on 10 June to the RCO in Budapest and COTR Kathryn Stratos in Belgrade. The request included additional staff and consultant time, as well as the reallocation of remaining funds to successfully accomplish project deliverables. IFES is awaiting the approval of the RCO.

Podgorica Administrative

IFES Senior Elections Advisor Tom Parkins and Legal Specialist Dan Finn will be departing Montenegro next week and returning to the United States. They will have completed their contributions to the IFES report upon departure but will continue to provide input as necessary.

Meetings and Contacts

Meetings were held with the IFES core training group to discuss the feasibility of certain electoral reforms and to consider necessary next steps.

On 17 June, Senior Elections Specialist Tom Parkins and Legal Advisor Dan Finn met with representatives of the Podgorica Municipal Election Commission to discuss necessary legal and procedural reforms and proposals to create a professional association of election practitioners. Follow-up consultations on the latter were conducted in Podgorica and Budva on 19 June.

Also on the 17th of June, IFES Chief of Party Catherine Barnes attended a luncheon meeting with Foreign Minister Branco Perovic and representatives of the US Embassy in Belgrade to discuss Montenegro's position on the Kosovo crisis and the implications for Montenegro of Western sanctions on Yugoslavia.

The same day, Barnes met with Nikola Camaj of the Ministry of Information to discuss the impact of the Kosovo crisis on Albanian areas of Montenegro, particularly in terms of refugees, resolutions being debated by the Republican Assembly with respect to the deployment of Montenegrin soldiers in the Federal Army to Kosovo, and the reaction of the ethnic Albanian party leadership to their relatively poor performance in the recent elections.

IFES representatives also met with Maria Teresa Mauro of the United Nations Liaison Office in Belgrade and

with USAID to discuss the Kosovo crisis, the refugee situation in Montenegro, and the position of the Government of Montenegro with respect to the growing conflict.

On 18 June, Barnes met with representatives of the Center for Democracy and Human Rights to share observations on the campaign, election day, and the post-election period. Political strategies and dynamics at the republican and federal levels were also considered. Immediate plans for activities in the area of elections and opportunities for cooperation were also discussed.

Program Activities

Consultations with political activists, electoral practitioners, and legal scholars to continue in order to solicit feed-back on necessary legal and procedural reforms and to share IFES observations and thoughts on means of improving the electoral system. Preparation of a final project report and analysis of election system performance with recommendations for reform is on-going.

Progress Toward Stated Goals

IFES has received a number of letters of appreciation and proposals for future cooperation. Extracts of some of these comments are listed below:

"The motivational/informational spots prepared for Radio by IFES have been made with great understanding of Montenegro and clearly influenced voter turn-out."

-Radio Montenegro

"IFES engagement in Montenegro contributed greatly to voter mobilization and information and the conduct of democratic elections."

-Television Montenegro

"The International Foundation for Election Systems made a significant contribution to the organization and regulation of elections in Montenegro . . . throughout the entire process, we could feel its positive influence."

-Podgorica Municipal Election Commission

"The experience of the IFES team and their efforts really helped the People's Party with respect to the organization and control of the election process."

-People's Party

"The manual for polling board members with the first of its kind in Montenegro and greatly helped every members because they finally had access to instructions in common and understandable language."

-Social Democratic Party

"Training provided in Ulcinj was both professional and systematic and used modern teaching methods that are a novelty here . . . many thanks for providing all necessary materials in Albanian language."

-The Democratic Union of Montenegro

"International and domestic observers agreed that polling boards did a great job on election day. I think this is the result of IFES training. As a former election commission member in 1990, 1992, and 1996, I know how difficult uniform polling place procedures are to achieve."

-Aleksa Ivanovic, UNHCR Montenegro

"The Government of Montenegro expresses its sincere appreciation to the United States of America for the technical assistance provided during recent parliamentary and municipal elections by the International Foundation for Election Systems.

-Miodrag Vukovic, Deputy Prime Minister

"Thank you for your support in helping to provide the conditions for a regular, dignified, and peaceful election."

-Svetozar Marovic, President of Parliament

"Based on the findings of its observers, the Center for Democracy and Human Rights (CEDEM) considers the recent parliamentary and municipal elections to be the most regular since 1990. One of the organizations which contributed most to this was IFES."

-Center for Democracy and Human Rights

Election Update

The new convocation of the Republican Assembly of the Republic of Montenegro was convened on Monday 15 June 1998. Svetozar Marovic was re-elected President of the Assembly. As anticipated, the DPS-led coalition moved to introduce amendments to legislation governing the composition of Montenegro's 20 member delegation to the upper house of the Federal Parliament, effectively switching it from a proportional to majoritarian system. Once debate began on this issue, Bulatovic's opposition SNP walked out of the Assembly. This move by the DPS was deemed necessary to bloc efforts by Federal President Slobodan Milosevic to change the Federal Constitution in a manner deemed to be against the interests of the Republic of Montenegro. Serbia currently uses a majoritarian system to select its 20 member delegation to the upper house.

Resolutions have also been passed calling on Slobodan Milosevic to end the violence in Kosovo and comply with demands of the International Contact Group aimed at resolving the crisis. If he fails to do so, the members of parliament are demanding that Montenegrin soldiers serving in the Yugoslav Army be withdrawn from the province and allowed to serve the remainder of their term on Montenegrin territory. The Assembly has also resolved to send a parliamentary delegation to the province. It also called on the Government of Montenegro to refrain from any policies that would bring it into conflict with the international community on this issue.

IFES/Montenegro Team

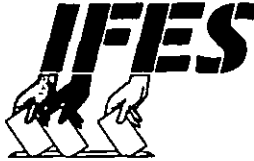
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** (on-site role completed)*



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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 21 June - 27 June 1998

Washington Administrative

The RCO responded to the IFES request for a modification of the delivery order, which was submitted on 10 June. After a minor adjustment, IFES signed and sent the modification to the RCO for final approval.

On 26 June, IFES submitted a request for a one no-cost extension of the delivery order (DO). The additional time would allow IFES to engage in follow-up consultations with the government and political parties once IFES' report, including recommendations, is finalized and distributed. The DO is currently scheduled to expire on 10 July.

Podgorica Administrative

IFES Senior Elections Advisor Tom Parkins and Legal Specialist Dan Finn departed Montenegro and returned to the United States. They will continue to provide input into the IFES report as needed.

Meetings and Contacts

IFES Chief of Party Catherine Barnes met with First Political Officer of the US Embassy Bob Norman to discuss the post-election political environment in Montenegro and the impact of the continued crisis in Kosovo on stability in the region.

Discussions were also held with Nikola Camaj of the Ministry of Information, concerning observations within the Albanian community with respect to elections, their attitude toward the current political situation in Montenegro, and the ramifications of a growing number of misplaced persons from Kosovo in Montenegro.

On Thursday 25 June, IFES Chief of Party Catherine Barnes met with representatives of the Helsinki Committee to discuss campaign period and election day observations and the broader political situation in the region.

A meeting was held with Branimir Gvozdenovic and other representatives of the Secretariat of Development on Friday, 26 June to review the application of modern technologies to the voter registration and election reporting processes. The Secretariat's planned activities in the sphere of election reform were also discussed.

Program Activities

Consultations with political activists, electoral practitioners, and legal scholars continue, in order to solicit feed-back on necessary legal and procedural reforms and to share IFES observations and thoughts on possible improvements to the electoral system. Preparation of a final project report and analysis of election system performance with recommendations for reform is on-going.

Progress Toward Stated Goals/Impact

The Helsinki Committee of Montenegro and the Secretariat of Development expressed their appreciation for IFES' role during the parliamentary and municipal elections, and stated their interest in future cooperation on issues pertaining to democratic, political, and electoral processes.

Election Update

IFES has received reports of alleged misuse of mobile voting in a number of polling sites located in the Albanian suburb of Tuzi in Podgorica. Mehmet Bardhi's Democratic League in Montenegro was reporting that as many as five polling stations in Tuzi had voter turnout in excess of 85% and that the number of votes cast through mobile voting was abnormally high. The party contended that the DPS was responsible for casting fraudulent votes via this method of behalf of persons not currently in the country. The party further asserted that the DPS had won one of the five mandates set aside for voting in specially designated Albanian communities in this manner (although they conceded that the other two seats won by the DPS in these communities were won outright).

For its part, not all of the Democratic League's authorized representatives in Tuzi had proper credentials to enter their respective polling sites on election day, and were sent to the Podgorica Municipal Election Commission to be accredited. As such, they were not present to observe balloting until the afternoon, by which time they claimed abuses had already occurred. The Democratic League also failed to have an authorized representative on the Podgorica Municipal Election Commission.

Upon checking these figures with the election statistics for the polling sites in question, IFES found that none reported a turn-out of over 75% (some reported considerably less); nor were the numbers of persons casting ballots by mobile voting significant. No formal complaints were ever filed. IFES could also not corroborate these allegations through the Center for Democracy and Human Rights (CEDEM) or the OSCE, both of which had observers in Tuzi. The Helsinki Committee, which also had observers in Tuzi, indicated that there were incidences involving approximately 40 votes, although they could produce no tangible evidence or documentation to this effect.

With respect to the number of Kosovar Albanians currently in Montenegro, the Helsinki Committee estimated that there are anywhere from 10,000 to 15,000. They also expressed concern that the closure of the border with Albania was an attempt by Slobodan Milosevic to force displaced persons into Montenegro as a means of destabilizing the political situation.

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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 27 June - 11 July 1998

Washington Administrative

The current expiration date for Delivery Order 805 was extended by one month to 10 August. IFES is currently awaiting the second modification of the delivery order from the RCO. The request was submitted on 26 June and would allow Chief of Party Catherine Barnes to remain in Montenegro through the end of the active project. IFES has requested a meeting with USAID/W during the week of 12 July allowing for an update on the status of the project.

Meetings and Contacts

On 4 July, IFES Chief of Party Catherine Barnes met with Foreign Minister Branko Perovic and representatives of the US Embassy, House Foreign Affairs Committee, and Ambassador Robert Gelbard's office to discuss: Montenegro's potential to spearhead reform within Yugoslavia; it's importance to the overall regional security situation; and the need for continued foreign aid to Montenegro, not only in terms of economic assistance, but also democracy programming.

Follow-on discussions were also held on 9 July with Nikola Camaj, of the Ministry of Information, concerning the Albanian community's attitude toward the current political situation in Montenegro and the ramifications of a growing number of misplaced persons from Kosovo in Montenegro.

The same day, Barnes met with Deputy Prime Minister Miodrag Vukovic to discuss the status of Montenegro's delegation to the upper house of the Federal Assembly, the prospects for early Federal elections, and progress in the formation of the Government of Montenegro.

Program Activities

Consultations with political activists, electoral practitioners, and legal scholars continue in order to solicit feed-back on necessary legal and procedural reforms and to share IFES observations and

thoughts on means of improving the electoral system. Preparation of the analysis of election system performance with recommendations for reform is on-going.

Progress Toward Stated Goals/Impact

Deputy Prime Minister Miodrag Vukovic repeated his request that IFES remain on site in Montenegro. In light of the continued political instability within Yugoslavia, he stressed the importance of the international presence in Podgorica and technical support in the development *and consolidation* of democracy in Montenegro.

Election Update

The Government of Montenegro has yet to be formed. Rumors persist that disagreement within the coalition on a number of issues including the appropriate stance toward Belgrade, federal power structures, and the SNP in Montenegro are hindering the formation of the Government. One official estimates that it may be another 2 weeks until all the parties within the coalition can reach an agreement on ministerial appointments.

The federal constitutional crisis concerning Montenegro's delegation to the upper house of the Federal Assembly remains suspended as a session of the body has not been called since Montenegro modified its system for selecting representatives from proportional to majoritarian representation, thus denying seats to Momir Bulatovic's Socialist People's Party. All reports out of Belgrade suggest that Montenegro's delegation will not be recognized. Speculation persists about the possibility of early federal elections before year's end.

Displaced Kosovars continue to arrive in Albanian communities in Montenegro. It would appear that the Kosovo crisis is leading to more extreme positions on the part of at least some Albanian political elites in Montenegro who are disinterested in integration efforts and make no distinction between this and assimilation. Moves by the Government of Montenegro to move toward an ethnically diverse state, including a decision to provide airtime for an Albanian language news program and promises to retain Albanian representation in the Government, are described by some as "tokenism." At the same time, it is clear that considerable fissures exists between the 2 Albanian political parties and Albanian representatives within and outside state power structures. Attitudes among the average citizen of Montenegro's Albanian communities are harder to gauge, although the relatively poor showing of ethnically based parties in these areas may be understood, in part, as the gulf that currently exists between the Albanian political elite and its constituency.

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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 12 July - 18 July 1998

Washington Administrative

IFES has received the second modification of the delivery order from the RCO and is in the process of reviewing and signing it. The request was submitted on 26 June and will allow IFES Chief of Party Catherine Barnes to remain in Montenegro through 10 August with local staff support.

IFES met with USAID/W on 12 July to discuss prospects for continuing IFES' presence in Montenegro due to repeated requests from Montenegrin government officials, political parties, the media, NGOs, student groups, and educational institutions.

Meetings and Contacts

On 14 July, IFES Chief of Party Catherine Barnes met with People's Party Chairman Novak Kilibarda to discuss issues central to discussions on the formation of the Government, diverging opinions about the stance to be taken toward federal authorities in Belgrade, and the political ramifications of the flow of refugees from Kosovo into Montenegro. Similar issues were the topic of discussions between Barnes and Social Democratic Party Chairman Zarko Rakcevic on 15 July. Also on 15 July, a meeting was held with Nikola Camaj of the Ministry of Information to get updates on the Kosovo refugee situation in Montenegro, democratization of the mass media, and efforts to form a new government.

On 17 July, Barnes flew to Belgrade to meet with USAID representative Keith Sherper to discuss political developments in Montenegro and their impact on various US funded projects as well as to consider the prospects for continued IFES programming in Montenegro through year's end.

Program Activities

Consultations with political activists, electoral practitioners, and legal scholars continue in order to

solicit feed-back on necessary legal and procedural reforms and to share IFES observations and thoughts on means of improving the electoral system. Preparation of the analysis of election system performance with recommendations for reform continues.

Election Update

The Government of Montenegro was formed on 16 July 1998:

Prime Minister:	Filip Vujanovic (DPS)
Deputy Prime Ministers:	Milutin Lalic (DPS), Foreign investment Novak Kilibarda (People's Party), Political System and Internal Affairs Dragisa Burzan (Social Democratic Party), Social services Asim Telacevic (DPS), Economic Policy Predrag Goranovic (DPS), Finance
Minister of Internal Affairs:	Vukasin Maras (DPS)
Minister of Foreign Affairs:	Branko Perovic (DPS)
Minister of Justice:	Dragan Soc (People's Party)
Minister of Finance:	Miroslav Ivanisevic (DPS)
Minister of Industry:	Vojin Djukanovic (DPS)
Minister of Education:	Dragan Kujovic (DPS)
Minister of Culture:	Budimir Dubac (People's Party)
Minister of Transportation:	Jusuf Kalamperovic (Social Democratic Party)
Minister of the Exterior:	Radovic Bakic (DPS)
Minister of Trade:	Ramo Bralic (Social Democratic Party)
Minister of Tourism:	Vlado Mitrovic (DPS)
Minister of Agriculture:	Milutin Simovic (DPS)
Minister of Health:	Miomir Mugosa (DPS)
Minister of Environment:	Miladin Vukotic (DPS)
Minister of Social Security:	Predrag Drecun (People's Party)
Minister for Protection of Minority Rights:	Ljuidj Jancaj (Democratic Union of Albanians)
Minister of Religion:	Slobodan Tomovic (no political affiliation)
Minister of Sports:	Slavoljub Stijepovic (DPS)

Of the 24 ministerial posts, 17 have been filled by representatives of the previous Government. Three muslims and one Albanian hold posts in the new Government. No women were appointed to ministerial positions. In addition to coalition parties, representatives of both Albanian parties threw their support behind the new Government. The only votes cast against the new Government came from representatives of the Liberal Alliance. The SNP continues to boycott the Republika Assembly.

Rumors persist about fissures within the ruling coalition over the position of the Government of Montenegro toward the Federal Government headed by Momir Bulatovic and federal power structures. The People's Party and the Social Democrats contend that any recognition of or overtures toward federal authorities by the DPS or President Milo Djukanovic would result in their withdrawal from the coalition. Participation by President Djukanovic in recent meetings of the Federal Security Council and with Federal President Slobodan Milosevic have had the effect of feeding distrust within the coalition. It also appears that the SNP is playing upon these suspicions with the possible intent of undermining the political situation in Montenegro. Headlines in the 20 July edition of Vjesti read "SNP congratulates President Djukanovic on his capitulation." The ramifications of a split within the coalition would be serious, as the DPS would not possess or have access to the 40 votes required to pass legislation.

Speculation also continues about the non-recognition of Montenegro's delegation to the upper house of the Federal Parliament, if and when it is called into session. Relatively few political actors seem to think that the crisis will go unresolved indefinitely. Some predict early elections to the Federal Assembly, noting that this is the only possible means of resolving the crisis. Others doubt Milosevic would agree to a poll and expect relations to decline precipitously in the upcoming period.

According to the Social Democrats, none of the democracy oriented parties in Montenegro believe that Milosevic can be brought down peacefully. They are equally skeptical that his removal would resolve the current situation in Yugoslavia as potential successors would be products of the same corrupt system. The SDP contends that polling data in Montenegro reportedly suggests that 40% of those surveyed doubted that federalism can work.

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Felix Vargas, State/EUR
Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 19 July - 25 July 1998

Washington Administrative

IFES has signed the second modification of the delivery order and faxed it back to the RCO for final approval. The request was submitted on 26 June and allows IFES Chief of Party Catherine Barnes to remain in Montenegro through 10 August with local staff support.

Meetings and Contacts

On-going discussions were held with Nikola Camaj of the Secretariat of Information on the Kosovo refugee situation in Montenegro and its impact on the political situation there, in particular the prospect of constitutional changes to give Kosovo republic status which could, in turn, provide an opportunity for Montenegro to secede from FRY; and democratization of the mass media, specifically difficulties in complying with the highly detailed and ambitious public information law. Follow-on discussions with representatives of the two Albanian political parties on their impressions of the new Government and political developments in Montenegro are slated.

On 19 July, Chief of Party Catherine Barnes held a follow-on meeting with USAID/Belgrade's Keith Sherper to review the revised scope for continued IFES programming in Montenegro through the end of the year.

On 21 July, discussions were held with election scholar and IFES domestic core trainer Vesko Pevicevic on the identification of appropriate election practitioners to serve on a special presidentially-appointed, advisory panel on election law reform. Contact was made with prospective advisory panel members throughout the week.

Efforts continue to try to schedule a meeting with the Liberal Alliance on their case filed with the

Constitutional Court of Montenegro concerning non-compliance with the law governing campaign financing. The Liberal Alliance reportedly did not receive state subsidized campaign funds provided for under the law. As the most significant opposition to the DPS-led coalition within the democratic camp, the possible failure of the State to provide these funds could well be interpreted as a political effort to undermine the Liberal Alliance.

Program Activities

Consultations with political activists, electoral practitioners, and legal scholars continue in order to solicit feed-back on necessary legal and procedural reforms and to share IFES observations and thoughts on means of improving the electoral system.

Preparation of the analysis of election system performance with recommendations for reform is ongoing.

At the request of USAID Belgrade, a list of names was drawn up of qualified election practitioners available to serve on a specially appointed advisory panel on election law reform.

Election Update

The Socialist People's Party (SNP) continues its efforts to shake up the Montenegrin political environment by attempting to undermine public confidence and exacerbate fissures within the ruling coalition particularly as they pertain to Montenegro's position toward and engagement of federal power structures and authorities. The following paragraph brought to a dramatic conclusion a newspaper article appearing in last Monday's *Vijesti* and sponsored by the SNP:

"At the end, the SNP's conclusion is that through this capitulation to the President of Yugoslavia, Djukanovic has deceived all his voters and coalition partners. Besides this, he completely admits the truth of the main positions of the SNP, the Federal Government, and Momir Bulatovic. We can see from these events that every capitulation is not a bad one. We welcome it with the statement that there is still hope for Djukanovic policy and that the person who can help him find his way back is Slobodan Milosevic, the same man Djukanovic previously claimed to be a washed-up politician. In a normal situation and for a normal person, this would have been an absurdity, but for Djukanovic, the grand master of deceits and frauds, it is normal and in the spirit of reform."

Statement of the SNP

Published reports also indicate that the SNP rebukes earlier statements by advisors to President Milo Djukanovic that Momir Bulatovic's days as Federal Prime Minister were numbered. SNP representatives also reaffirm that Montenegro's new delegation to the upper house of the Federal Parliament, now formed on the basis of a majoritarian rather than proportional system as a result of legislative amendments, will not be recognized.

There appears to be some recent moderation, on the part of several Djukanovic critics, on the appropriateness of his meetings with the Serbian and FRY Presidents on the Kosovo issue. The prospect of republic status for Kosovo requires constitutional changes that could provide an opportunity for Montenegro to secede from the FRY. This more moderate line suggests that it is important for Djukanovic to publicly demonstrate that every possible effort was made to co-operate with federal authorities to resolve issues of importance both to Montenegro and FRY (the inference being that these efforts will be futile) prior to moving toward secession for Montenegro.

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**(on-site role completed)*

Ministry of Finance was considerably less transparent and accessible than the REC and that it is virtually impossible to obtain precise information on the recipients and sums of state subsidies for the campaign. It is his opinion that if funds had been passed through the REC, the exact amount of money available for the campaign and its division among qualified parties would have been clear.

Upcoming Activities

Meetings are planned with the REC, Deputy Prime Minister Novak Kilibarda, Speaker Of Parliament Svetozar Marovic, and the OSCE Chief of Mission in the coming week. An out-going de-briefing for USAID Chief of Mission is tentatively slated for 18 August.

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From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 16 August - 22 August 1998

Washington Administrative

IFES is awaiting an RFP from the Regional Contracting Officer (RCO) in Budapest which would allow for Modification 3 of the delivery order and extend IFES activities in Montenegro beyond the current 10 September end date.

Podgorica Administrative

IFES Chief of Party Catherine Barnes departed Podgorica on 18 August for Belgrade where a debriefing was held with USAID/Belgrade. The IFES/Podgorica office will remain open on a part-time basis under the direction of local Program Assistant Ana Drakic and IFES/W.

Meetings and Contacts

On Tuesday 18 August, IFES Chief of Party Catherine Barnes met with USAID/Belgrade Mission Director Richard Hough and Program Officer Svetlana Djuric to discuss program activities to date and the impact of IFES' program on the 31 May elections. In addition, they discussed the proposed modification to the delivery order and the implementation of Phse II activities.

Program Activities

IFES is finalizing the analysis of election system performance and will forward it to the Republican Election Commission for inclusion in their final report on the elections. It will also be forwarded to USAID upon completion.

IFES/Montenegro Team

*Catherine Barnes, Voter Information Specialist/Chief of Party**
*Tom Parkins, Senior Elections Advisor**

*Chedomir Flego, Voter Registration Specialist**
*Dan Finn, Legal Specialist**
**(on-site role completed)*



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Mitch Benedict, ENI/DG
Chuck Howell, ENI/ECA
Felix Vargas, State/EUR
Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 23 August - 29 August 1998

Washington Administrative

IFES is awaiting Modification 4 of the delivery order from the Regional Contracting Officer (RCO) in Budapest. The modification would allow IFES to extend its activities in Montenegro beyond the current 10 September end date.

Podgorica Administrative

The IFES/Podgorica office continues to remain open on a part-time basis under the direction of local Program Assistant Ana Drakic and IFES/W.

Program Activities

IFES is finalizing the analysis of election system performance and will forward it to the Republican Election Commission for inclusion in their final report on the elections. It will also be forwarded to USAID upon completion for comment and approval.

IFES/Montenegro Team

*Catherine Barnes, Voter Information Specialist/Chief of Party**

*Tom Parkins, Senior Elections Advisor**

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**(on-site role completed)*



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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 30 August - 12 September 1998

Washington Administrative

IFES has received Modification 4 of the delivery order from the Regional Contracting Officer (RCO) in Budapest. It is currently being reviewed by IFES and will be faxed back to the RCO for his signature. The modification will allow IFES to extend its activities in Montenegro to January 1999 and continue the electoral reforms that began prior to the 31 May elections.

IFES Election Assistance Specialist/Chief of Party Tom Parkins and Senior Program Assistant Alexandra Levaditis will be departing for FR Yugoslavia by the end of the week in order to begin Phase II program activities under Delivery Order No. 805. They will meet with USAID/Belgrade prior to traveling to Podgorica.

Podgorica Administrative

The IFES/Podgorica office continues to remain open on a part-time basis under the direction of local Program Assistant Ana Drakic and IFES/W.

Program Activities

IFES is awaiting approval from USAID/Belgrade to distribute the analysis of election system performance finalized by IFES. The report will be forwarded to the Republican Election Commission for inclusion in their final report on the elections once approved. It will also be distributed to USAID and the US Embassy.

IFES/Montenegro Team

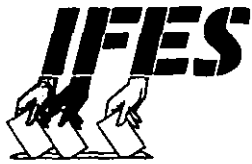
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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 13 – 19 September 1998

Washington Administrative

IFES has received approval for Modification 4 of Delivery Order No. 805 from the Regional Contracting Officer (RCO) in Budapest. The modification will allow IFES to extend its activities in Montenegro to January 1999 and to continue the electoral reforms that began prior to the 31 May election. IFES Election Assistance Specialist/Chief of Party Tom Parkins and Senior Program Assistant Alexandra Levaditis departed for FR Yugoslavia on 19 September in order to begin Phase II program activities under Modification 4. A meeting has been scheduled with USAID/Belgrade upon the arrival of the team in Belgrade.

Podgorica Administrative

The IFES/Podgorica office continues to remain open on a part-time basis under the direction of local Program Assistant Ana Drakic and IFES/W.

Program Activities

IFES is awaiting approval from USAID/Belgrade to distribute the analysis of election system performance finalized by IFES.

IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

*Chedomir Flego, Voter Registration Specialist**

Alexandra Levaditis, Senior Program Assistant.

*currently off-site



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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 20 September – 26 September 1998

Washington Administrative

IFES has received approval for Modification 4 of Delivery Order No. 805 from the Regional Contracting Officer (RCO) in Budapest. The modification will allow IFES to extend its activities in Montenegro to January 1999 and continue the electoral reforms that began prior to the 31 May elections.

Podgorica Administrative

The IFES/Podgorica office continues to remain open on a part-time basis under the direction of local Program Assistant Ana Drakic and IFES/W.

Meetings and Contacts

On 21 September

Program Activities

IFES is awaiting approval from USAID/Belgrade to distribute the analysis of election system performance finalized by IFES.

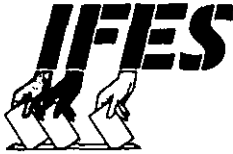
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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 27 September - 3 October 1998

Podgorica Administrative

Election Assistance Specialist/Chief of Party Tom Parkins and Senior Program Assistant Alexandra Levaditis are currently selecting a candidate to fill the part-time Administrative Support position. The potential candidate will be responsible for book-keeping, receiving calls and other administrative tasks.

Alexandra Levaditis will be departing from Montenegro next week after the successful transition of the Podgorica office to new Chief of Party Tom Parkins and the initiation of Phase II activities. Levaditis will be available to meet with USAID/Belgrade upon her return to Belgrade.

Meetings and Contacts

On 29 September, Parkins and Levaditis met with the Legal Counselor to the President Miodrag Vukovic in order to discuss IFES= proposed election law panel and its formation. IFES proposed that the panel be appointed by President Milo Djukanovic and begin its work as soon as possible. Mr. Vukovic agreed to discuss the panel with President Djukanovic later that day. Mr. Vukovic informed IFES that no reform initiatives related to elections have taken place since the elections were held in May, and that he supports IFES= initiative.

IFES hosted a meeting with USAID and OTI representatives at its office on 30 September. USAID/Belgrade Democracy Specialist Chuck Howell traveled to Podgorica with USAID Local Governance Advisor Bruce Abrams, and USAID/Belgrade Project Development Assistant Milan Bastovanovic, and were joined by OTI/Montenegro Office Representative Nebojsa Cagorovic. USAID/OTI received a briefing by IFES on its proposed program and proposed panel Chairman Veselin Pavicevic elaborated on the organization and working of the panel as well as the production and presentation of the draft laws to the Republican Assembly for consideration.

A meeting was held with the Chairman of the Republican Election Commission (REC) Stevan Damjanovic

on 1 October. Mr. Damjanovic expressed his gratitude for the close cooperation the Commission had with IFES and all of its assistance. IFES described its plans for Phase II programming and expressed its desire to cooperate with the REC in its endeavor.

On 1 October another meeting was held with the proposed Chairman of the IFES election law panel, Veselin Pavicevic, to discuss the formation of the panel, the implications of the model election laws on other aspects of the government, and how the model laws may be used as a tool for the reform of the election system.

Parkins, Levaditis and Pavicevic met with Minister of Justice Dragan Soc and Secretary of the Ministry of Justice Vladan Djuranovic on 2 October to discuss the legal reforms currently being undertaken by the Ministry. Minister Soc has proposed and organized a series of working groups to draft new legislation in several key areas, including, non-governmental organizations (NGOs), elections, and public administration.

A draft law on NGOs was prepared by the Ministry and is currently being reviewed by domestic NGOs for comment. This law would allow for the registration of foreign NGOs in the same fashion as domestic ones.

In addition, the Minister had planned to begin amending election legislation early next year. In lieu of the formation of a separate group, Minister Soc offered his cooperation to IFES= election law panel and indicated he supports the goals of the panel. In response, IFES expressed its desire to cooperate with the Minister on every possible occasion toward the realization of common goals.

On 2 October, Parkins and Levaditis met with Deputy Prime Minister and Chairman of the People=s Party Novak Kilibarda to present IFES= plan for the coming months, including the formation of the election law panel. Mr. Kilibarda offered his suggestions for the reform of campaign financing in order to make the process more transparent. In addition, Kilibarda expressed his concerns with the current situation in Kosovo, the question of displaced persons from Kosovo in Montenegro and the possibility of NATO air strikes. Kilibarda stated that he believed the inflow of ethnic Albanians from Kosovo into Montenegro was designed by the federal government to de-stabilize Montenegro and encourage discontent among Montenegro=s ethnic Albanians.

Program Activities

Tom Parkins, Alexandra Levaditis and Veselin Pavicevic have been meeting with all of the relevant political actors that are responsible for elections and election reform in Montenegro in order to secure their support for the IFES initiative. All have indicated that they are fully behind the panel and look forward to the initiation of its work.

IFES is awaiting approval from USAID/Belgrade to distribute the finalized analysis of election system performance.

Upcoming Activities

IFES is hoping that its election law panel may be formed as early as next week. IFES is expecting to hear from the office of President Milo Djukanovic shortly on the appointment of the panel.

Political Update

With the increasing threat of NATO air strikes looming, Serbia and Montenegro have been completely focussed on this issue. Local newspapers have indicated that Americans may be evacuated if NATO strikes begin. IFES personnel will remain in close contact with USAID in Belgrade in the event of any new developments in this regard.

The early fall parliamentary session that began on 25 September to consider a resolution on Kosovo presented by Momir Bulatovic=s Socialist People=s Party (SNP), has failed to produce any results as of yet. The Republican Assembly held its first normal session on 1 October in Cetinje.

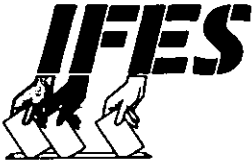
IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

*Chedomir Flego, Voter Registration Specialist**

Alexandra Levaditis, Senior Program Assistant

*currently off-site



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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Senior Program Officer
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 4 October - 17 October 1998

Washington Administrative

Approval was received from USAID/Budapest for Ms. Borka Fatic to serve as administrative support for the IFES/Montenegro office.

Podgorica Administrative

Due to the ordered departure of all Americans from FR Yugoslavia as a result of threatened NATO airstrikes, IFES Election Assistance Specialist/Chief of Party Tom Parkins departed Podgorica for Sarajevo on 8 October. During Parkins' absence, Program Assistant Ana Drakic managed the administration of the office with direction from Parkins in Sarajevo. In addition, Senior Program Assistant Alexandra Levaditis left Montenegro after the successful transition of the IFES/Montenegro office to Parkins. Due to USAID's exodus from Belgrade to Budapest and the departure order, Levaditis was unable to meet with USAID prior to departing from FR Yugoslavia.

Program Activities

On Tuesday, 13 October, Program Assistant Ana Drakic spoke with Advisor to the President, Miodrag Vukovic, who requested that IFES move forward with the first meeting of the Advisory Panel on Election Law Reform as soon as possible. IFES selected panel members from a list approved by Mr. Vukovic and indicated that President Djukanovic would meet with Parkins next week to formally endorse the formation of the panel and its objectives. USAID/Belgrade will be advised of the meeting and urged to attend, if possible.

On Friday, 16 October, the first meeting of the Advisory Panel on Election Law Reform was held at the request of Mr. Miodrag Vukovic. The panel consists of four regular members and one Chairman as well as two Serbian observer members. The panel will review IFES' draft analysis on the May elections and begin drafting the model law on the Election of Councillors and Representatives. The second formal meeting is scheduled for 6 November. There will be frequent informal contact between panel members beginning next week and through the next meeting of the panel.

IFES is awaiting USAID/Belgrade approval of its report on election system performance during the 31 May elections.

Impact/Progress Toward Stated Goals

The first meeting of the Advisory Panel on Election Law Reform was held. Panel Chairman Veselin Pavicevic outlined his vision for the model law drafting process which consists of daily contact and formal meetings as necessary to work out details and settle any differences among panel members. He further discussed the goal of the panel to draft model laws which will be submitted to the Ministry of justice and ultimately to the Republican Assembly.

Upcoming Events

A meeting is currently being scheduled with President Milo Djukanovic for next week in order to secure his formal endorsement of IFES' election law panel.

Panel Chairman Pavicevic will call an informal meeting of the panel next week. It will give members the opportunity to discuss objectives informally and establish positive working relationships.

IFES/Montenegro Team

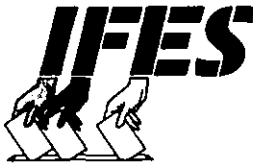
Tom Parkins, Election Assistance Specialist/Chief of Party

*Chedomir Flego, Voter Registration Specialist**

*Alexandra Levaditis, Senior Program Assistant***

**(currently off-site)*

*** (on-site role completed)*



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Svetlana Djuric, USAID/Belgrade
Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 18 October - 24 October 1998

Podgorica Administrative

With the lifting of the ordered departure on Americans in FR Yugoslavia, IFES Election Assistance Specialist/Chief of Party Tom Parkins was able to return to Montenegro and resume on-site management of the IFES office.

Meetings and Contacts

On Wednesday, 21 October, US AID/Belgrade Democracy Specialist Chuck Howell, IFES/Montenegro Chief of Party Tom Parkins, and Program Assistant Ana Drakic met with President Milo Djukanovic and Counsel to the President Miodrag Vukovic to discuss and obtain his support for the formation of IFES' election law panel and its objectives. President Djukanovic: expressed his appreciation for IFES' technical assistance to the REC in preparation for the May 3rd elections and for essential contributions to the successful conduct of the elections; expressed appreciation for the article written by former Chief of Party Catherine Barnes and published in the *Washington Times* describing Montenegro's commitment to reform efforts; publicly committed his full support for the formation and objectives of the panel of experts in reforming Montenegrin election laws; and expressed his support for IFES' recommendation for permanently operating election commissions and long-term IFES participation in consultation with these commissions on reform.

On Thursday Panel Chairman Vesko Pavicevic, Tom Parkins and Ana Drakic met with OTI representative Nebojsa Cagorovic to submit a request on behalf of the panel for funding to allow for additional activities promoting the model laws.

On Thursday, Tom Parkins held an informal meeting of the election law panel. Also in attendance, at the Chairman's request, was OTI representative Nebojsa Cagorovic. There was extensive discussion of the panel's objectives, including the proposed legal definition of a political party. This will prove important in limiting access to the ballot to legitimate parties and excluding those organizations that are narrow and do not have real political goals.

Program Activities

The panel continues to map out the overall project. Currently, panel members are working out the content of

the model laws and determine objectives within an overall timetable.

The second formal meeting of the panel is scheduled for November 6th. There will be frequent informal contact between panel members through the next regular meeting of the panel. The panel chairman will be in daily contact with IFES/Montenegro to advise of progress and problems.

Panel Chairman Pavicevic submitted a request to OTI (attached) for funding of translation, publishing, printing, meeting expenses, distribution and a public information campaign of the panel's model laws. The panel is prepared to respond to requests for further information and awaits a response.

IFES received approval from USAID/Belgrade to distribute its report on election system performance during the 31 May elections. The report includes a series of recommendations that will be considered by the election law panel for inclusion in the model laws. The report will be distributed to USAID.

Impact/Progress toward Stated Goals

The meeting with President Djukanovic received extensive coverage on state television and in the state newspaper, *Podjeda*. It was the lead story on that evening's television newscast and was the front page headline story (translation summary attached) the next morning. The President indicated that he fully supports IFES' election law reform initiative and will support the panel's objectives.

The Advisory Panel on Election Law Reform is reviewing IFES analysis and has reached consensus that it will separate the Law on Election of Councillors from the Law on Election of Representatives - an IFES recommendation. The panel also decided to identify terms during drafting which require strict legal definition in order to clarify ambiguities of terms to be included as a part of the model law. This was another IFES recommendation as detailed in its report on election system performance.

Upcoming Activities

Republican Assembly Speaker Svetovar Marovic was contacted for a meeting with Tom Parkins in order to advise the Speaker of IFES activities in Montenegro. Scheduling procedures, as dictated by the Speaker's office, are underway. Tom Parkins will meet with Assembly Speaker Marovic as soon as schedules permit.

Political Update

In a news conference on Thursday, 22 October President Mlo Djukanovic indicated that he believes Federal President Slobodan Milosovic's "days are numbered," because of his dwindling political support in Serbia. He also said he will support Kosovo's status as a republic providing that it does not adversely affect Montenegro's position with respect to the Yugoslav Federation.

IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

*Chedomir Flego, Voter Registration Specialist**

**currently off-site*

Attachment - summary translation by IFES/Montenegro

PRESIDENT MILO DJUKANOVIC RECEIVES IFES AND USAID CHIEFS

A Positive View of Democratic Reforms

The guests stated a positive view of the organization of recent elections in Montenegro and of the development of democratic reforms, expressing readiness to offer assistance in completing democratic infrastructure in the Republic. President Djukanovic expressed gratitude for their previous efforts and support in forming the team of legal experts who will work to complete election reforms with IFES and USAID.

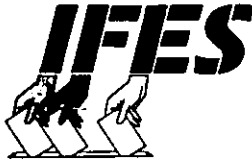
Podgorica, October 21st

President of the Republic of Montenegro Milo Djukanovic met today with Tom Parkins, Chief of Party of the International Foundation for Election Systems (IFES) and Chuck Howell, Chief of the United States Agency for International Development (USAID).

The guests expressed positive views of the organization of recent elections in Montenegro and on development of democratic reforms as well, expressing the readiness to offer further help in completing democratic infrastructure in Montenegro.

President Djukanovic expressed gratitude to the previous mission of IFES, headed by Catherine Barnes, for efforts in education of citizens and parties in preparation for recent parliamentary elections in Montenegro and for positive evaluations of democratic processes in Montenegro that reached the American public.

President Djukanovic said he supports objectives of the new mission to stay in Montenegro until at least the end of the year, and supports forming the team of legal experts in Montenegro who will work to complete reforms of the election system with IFES and USAID.



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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 1 November - 7 November 1998

Washington Administrative

IFES received formal approval from USAID for IFES Voter Registration Specialist Giedmoir Flego to travel to Montenegro this week and assist the Advisory Panel on Election Law Reform in drafting the model Law on the Register of Electors. Flego is scheduled to arrive in Podgorica on 12 November from Melbourne.

IFES submitted its workplan for Phase II activities to USAID/Belgrade through 30 January 1999. Activities to be implemented are the drafting of the three model election laws and their presentation to the President by then end of the delivery order.

Meetings and Contacts

On Monday 2 November, IFES Election Assistance Specialist/Chief of Party Tom Parkins and Program Assistant Ana Drakic met with Republican Election Commission (REC) Chairman Stevan Damjanovic to deliver the IFES Technical Assessment of Election System Performance and to receive his input regarding the model laws being drafted by the election law panel. The Chairman made suggestions relating to the make-up of election commissions, methods to limit ballot access to legitimate parties through the model law on financing political parties, and giving authority to municipalities to modify voter lists.

On Wednesday 4 November, Parkins met with Panel Chairman Veselin Pavicevic to discuss progress on the draft model laws. The Chairman was confident that the panel is making progress in analyzing the current legislative election law and IFES recommendations, as listed in its assessment report.

Last weekend Parkins met with Paul Rowland of the National Democratic Institute (NDI) to discuss future programming in Montenegro. NDI will soon open an office in Podgorica to work with political parties. Parkins described the IFES program in Montenegro. IFES' technical election assessment has been shared with NDI in Washington.

Program Activities

Panel members continue to draft model laws and identify issues which may be contentious or delicate. The first drafts of the model election law will be completed next week. Parkins met with the full Advisory Panel

on Election Law Reform to discuss their progress on the model Law on the Election of Councillors and Representatives and a document drafted by the panel which analyzed IFES recommendations and which may be included in the model election law .

Panel Chairman Pavicevic contacted the two Serbian panel observers and sent copies of the IFES assessment report for their review. Both will be in Podgorica for a panel meeting on Monday, 9 November.

Impact/Progress Toward Stated Goals

The recently approved IFES Technical Assessment of Election System Performance has been distributed to The Republican Election Commission, Special Counsel to the President Miodrag Vukovic, the Ministry of Justice, the Secretaries of Information and Development, and political parties holding seats in Parliament. The document was mailed to municipal election commissions.

The following substantive issues recommended by IFES in its assessment have been identified by the panel as areas that they will support for potential inclusion in the model laws:

- ▶ The panel agreed to include an oath to be administered or signed by all members of election commissions including polling station commissions.
- ▶ The panel agreed to staggered terms for REC and MEC core membership.
- ▶ The panel agreed that the current law provides unreasonable timeframes for certain REC functions to be completed. Verifying signatures on nomination petitions and printing ballots after certification of party lists are two examples. The panel will attempt to extend the time for REC processes without extending the entire campaign period.
- ▶ The panel agreed to the IFES recommendation of allowing the REC to compile supplementary voting lists in extraordinary circumstances.
- ▶ The panel rejected the recommendation for the establishment of a challenged ballot procedure in the law, contending such a provision would make elections too vulnerable to disruption.

The following issues were put aside for further discussion or later action:

- ▶ Establishment of a hierarchy of rights which will allow better interpretation and applications of laws. For example, establishing protection of the citizen's right to vote as fundamental in the law.
- ▶ The IFES recommendation that the President appoint members of the REC to ensure compliance with the separation of powers doctrine in the Constitution. Panel members assert that the constitution must grant this power of appointment to the President which it does not. IFES/Montenegro will attempt to verify this assertion and resolve conflicting interpretations.
- ▶ The transfer of legal responsibility for the accuracy and maintenance of the voter registry is very sensitive. IFES Voter Registration Specialist Chedomir Flego, who arrives next week, will meet with the Secretariat of Development to establish a basis for institutionalizing control of the registry in the law.

- ▶ There is considerable debate within the panel regarding IFES' recommendations to establish single mandate seats in the Republican Assembly, and re-instate municipality status to Tuzi, providing for greater representation of ethnic Albanians in bureaucracies and the courts where there are high concentrations of Albanians. Parkins asserted that the current law establishing special election district shows good faith but is technically flawed and it will be up to the panel to devise a provision which assures ethnic Albanians reasonable access to Assembly seats and legal protection under the law.

Upcoming Activities

IFES has received most of the recommendations of the REC chairman and will finish with his recommendations next week.

IFES/Montenegro Chief of Party Tom Parkins will meet with Republican Assembly Speaker Marovic as soon as schedules permit.

The next formal panel meeting is scheduled for 9 November. At that time, the panel will hear from Serbian election experts who will share their thoughts on Montenegrin election reform and IFES recommendations.

IFES consultant Chedomir Flego arrives in Montenegro next week to begin work on the voter registry law. He will meet with the REC Chairman, the Secretariat of Development, and the panel.

Political Update

Montenegrin President Milo Djukanovic was elected President of the Democratic Party of Socialists (DPS) at the party's convention last weekend. He replaces outgoing President Milica Pejanovic-Djurisic.

IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

*Chedomir Flego, Voter Registration Specialist**

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Svetlana Djuric, USAID/Belgrade
Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 8 November - 14 November 1998

Washington Administrative

IFES is awaiting for final approval from USAID/Belgrade of its workplan for Phase II activities through 30 January 1999. Activities to be implemented are the drafting of the three model election laws and their presentation to the President by then end of the delivery order.

Podgorica Administrative

IFES Voter Registration Specialist Chedomir Flego arrived in Podgorica on 12 November and will meet with the panel as soon as possible to begin work on the drafting of the model Law on the Register of Electors. On Friday, 13 November, IFES Election Assistance Specialist/Chief of Party Tom Parkins and Program Assistant Ana Drakic met with him to brief him on panel progress and plan his activities while in Podgorica.

Meetings and Contacts

On Monday, 9 November, the election panel met for the first time with election experts from Serbia, Vesna Rakic-Vodinelic and Vladimir Goati. They will be serving as observer members of the panel providing their input, as needed, on the drafting process.

IFES Election Assistance Specialist/Chief of Party Tom Parkins and Program Assistant Ana Drakic met privately with the Serbian observers following the panel meeting. The two are among the professors at the university in Belgrade who have been suspended for their vocal opposition to the policies of the Milosevic regime. They have published on democratic reforms and are extremely knowledgeable and committed. Rakic-Vodinelic and Goati have agreed to assist in persuading the panel in areas where it is hesitant to change current law in conformance with IFES recommendations.

On Thursday, 12 November, Parkins and Drakic met with the Panel chairman Veselin Pavicevic to discuss the suggestions of the Serbian panel observers.

Program Activities

Panel members continue to draft model laws and identify issues which may be contentious or delicate. The first draft of the model Law on the Election of Councillors and Representatives was submitted this week.

IFES Voter Registration Specialist Chedomir Flego has begun working on the draft model Law on the Registry of Electors after being briefed by Parkins.

The panel is awaiting OTI's response to its request for funding of translation, publishing, printing, meeting expenses, distribution and a public information campaign of the panel's model laws. The panel is prepared to respond to any requests for further information.

Impact/Progress toward Stated Goals

Seventy articles of the draft model Law on the Election of Councillors and Representatives were submitted this week to Parkins. This is slightly more than 50% of this law. The panel will complete the first complete draft of the model election law next week.

Serbian panel observers shared their opinions regarding election law reform with panel members. As a result, the panel Chairman agreed to specify that the Republican Election Commission (REC) shall act as the election authority, directing the work of municipalities and supporting government agencies in election administration and in voter registry operations.

The following issues were discussed with respect to Montenegrin election law:

- ▶ Three options for improving the system of representation and ensuring ethnic minority access to seats in municipal and republican legislative bodies;
- ▶ Continuing with some form of positive discrimination;
- ▶ Applying the mixed proportionate and single mandate model to the Montenegrin electoral system at the republican and/or local level;
- ▶ Lowering threshold from 3% to 2% to gain mandate in Republican Assembly as possible method for ensuring minority access to legislature;
- ▶ Establishing more detail relative to the duties of the REC and MECs;
- ▶ Mandating multiparty membership on election commissions and eliminating or reducing roles of extended memberships;
- ▶ Clarifying the role of the REC as one of primary authority for election administration and the voter registry;
- ▶ Protecting privacy of citizens on the voter list by denying access to records for nonpolitical purposes and limiting access of citizens except in viewing their personal records and records of those within their households;
- ▶ Applying Yugoslav Law on Administrative Procedures, which delineates process of appeals of decisions and actions of administrative agencies through the agencies and to the courts.

Upcoming Activities

On Monday, 16 November, Parkins, Flego, and Drakic will meet with REC Chairman Damjanovic to discuss

the voter registry law and to receive additional recommendations on model laws.

During the week of 16 November, Parkins, Flego, and Drakic will meet with the Secretary of Development to discuss the voter registry law.

Early in the week of 16 November, Panel Chairman Pavicevic and Parkins will meet with and OTI Representative Ray Jennings to discuss OTI's potential funding of translation, publishing and distribution of model laws.

IFES/Montenegro Chief of Party Tom Parkins will meet with Republican Assembly Speaker Marovic as soon as schedules permit.

Flego and the panel will begin working on the first draft of the model voter registry law.

If panel members do not agree to include single mandate districts in the assembly and/or positive discrimination to assure reasonable opportunity for minority representation, Parkins will meet with Albanian party leaders to ascertain whether they believe reducing the mandate threshold to 2% will be adequate to ensure their representation in the legislature.

Political Update

An article published in the *New York Times* about Montenegro was reprinted in the Montenegrin state newspaper, *Pobjeda*. The article contrasted Montenegro's open treatment of the media, commitment to political reforms, and sensitivity to ethnic minorities with the repressive regime in Belgrade. It identified Montenegro as a threat to the regime in Belgrade and therefore a possible future flash point.

IFES/Montenegro Team

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 15 November - 20 November 1998

Washington Administrative

IFES received formal approval from USAID/Belgrade of its workplan for Phase II activities through 30 January 1999. Activities to be implemented are the drafting of the three model election laws and their presentation to the President by the end of the delivery order.

Meetings and Contacts

IFES Election Assistance Specialist/Chief of Party Tom Parkins, Voter Registration Specialist Chedomir Flego, and Program Assistant Ana Drakic met with Republican Election Commission (REC) Chairman Steva Damjanovic and REC Secretary Branslav Radulovic on Monday, 16 November. Three key areas were discussed with the REC members: the issue of the REC assuming policy and regulatory responsibility for all election processes including the register of electors; public input into the updating of the voter registration database; and ongoing nature of the updating process, requiring the REC to have a permanent presence and give direction on electoral administration. Chairman Damjanovic indicated his reluctance to change a system that worked for an uncertain process. While he was interested in the proposals, particularly the proposal to give the REC on-going responsibility for electoral administration, he also indicated that the process was a cooperative, multi-party agreement and that changes were a "delicate" matter. The Chairman and members indicated that while they thought that the election was run well and the electoral process was praised it was not without controversy or considerable difficulty. They indicated that getting agreement at the multi-party board meetings required considerable effort. The meeting was concluded with the understanding that IFES would continue to discuss the proposals for the model election laws with the Secretary of the REC, Mr. Branslav Radulovic, who is now located in the Ministry of Justice.

On Wednesday 18 November, Parkins, Flego, Drakic and panel chairman Veselin Pavicevic met with Minister of Justice Dragon Soc to discuss two primary IFES recommendations which panel members regard as sensitive.

The first issue relates to the REC assuming regulatory control of the voter registry. This will require the REC to be staffed full-time to coordinate the work of the Ministry of Development with the municipal election officials, who are responsible for maintaining voter registries at the local level. The Minister is agreeable to the concept and committed to garner whatever political support is necessary to accomplish all reasonable IFES

recommendations including this one. The second topic of discussion was a recommendation forwarded by IFES and OSCE, which would provide for a mixed system of parliamentary representation. The recommendation suggests that a portion of parliament be elected in single mandate districts as opposed to the current system, which is wholly proportional. It would allow elimination of the provision in the law which establishes positive discrimination for ethnic Albanians. The minister recommends keeping the current system, saying it is a product of difficult negotiations with Albanian party leaders. He says lowering the threshold to achieve mandates, a panel consideration, was offered and refused prior to the last election. He recommends that IFES meet with Albanian party leaders to get their input.

Flego and Parkins met with Vesko Pavicevic on 18 and 19 November to continue work on the voter registry law. Pavicevic expressed concerns about giving legal authority for citizens and political parties to appeal the accuracy of voter registry data in spite of the fact that to some degree, the parties were allowed such rights prior to the last election.

On 19 November, Flego and Parkins met with USAID/Belgrade Democracy and Governance Officer Chuck Howell to brief him on program progress. He was given a copy of the current draft on the voter registry, which is likely very near the final version.

Parkins met with Ray Jennings of the Office of Transition Initiatives (OTI) to discuss the panel proposal to fund translation, printing, and distribution of model laws. Mr. Jennings indicated the proposal is well within the scope of OTI's mission and expects to approve if the panel provides more budget detail.

Program Activities

Panel members and IFES consultants continue to refine draft model laws and identify issues which may be contentious or delicate.

IFES Voter Registration Specialist Chedomir Flego has drafted a proposed model law on the voter registry. Refinements will be made through Wednesday of next week when the panel meets to discuss the model law.

The panel is awaiting OTI approval of its request for funding of translation, publishing, printing, presentation and distribution, and a public information campaign of the panel's model laws. The panel is prepared to respond to requests for further information. Response is not expected immediately as most of the funded activities are anticipated to take place in January.

Impact/Progress Toward Stated Goals

Model draft Law on the Registry of Electors is nearly complete.

Separate first drafts of the model Law on the Election of Councillors and Representatives have been completed by the panel and by IFES/Montenegro.

Upcoming Activities

On Saturday, 21 November, Flego and Parkins will meet with Serbian panel observers to discuss voter registry law and appeals.

On Tuesday, 24 November, Flego will meet with the Secretary of Development to discuss the draft model law on the voter registry currently being finalized.

On Wednesday, 25 November, the panel will meet to finalize the law on the voter registry.

Next week, IFES/Montenegro will schedule meetings with: the constitutional court of Montenegro to discuss the voter registry law and election appeals; Albanian political parties to discuss the parliamentary representation plan; OTI to provide budget detail on panel proposal; municipal authorities to discuss voter registry law.

IFES/Montenegro Chief of Party Tom Parkins will meet with Assembly Speaker Marovic as soon as schedule permit.

IFES/Montenegro anticipates having model law on the voter registry sent to Legal Specialist for review late next week.

Political Update

Panel members and the REC raised concerns about extensive election reforms and subsequent repercussions from Belgrade. Violent recent history and experience from the past two elections have made them hesitant to propose what, in some cases, seem like relatively modest changes to the international community. The reluctance is understandable, but the Minister of Justice does not seem to share these concerns. IFES will continue to urge the panel to be bold in the belief that ministers and members of the Republican Assembly will assess the risks later in the process of reform.

IFES/Montenegro Team

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 21 November - 26 November 1998

Washington Administrative

IFES has submitted to USAID Mr. Dan Blessington to fill the approved Legal Specialist position. The position will allow for independent comments to be delivered to the Election Assistance Specialist/Chief of Party and the Advisory Panel on Election Law Reform on their draft model election legislation. Mr. Blessington has extensive experience throughout Central and Eastern Europe working with election authorities and reviewing election legislation.

Meetings and Contacts

IFES Election Assistance Specialist/Chief of Party Tom Parkins and Voter Registration Specialist Chedomir Flego met with panel observer member Vesna Rakic-Vodinelic in Belgrade on Sunday, 22 November regarding voter registry issues.

On Tuesday, 24 November, Parkins, Flego, and Program Assistant Ana Drakic met with Panel Chairman Pavicevic to stress the importance of focusing the panel on refinements and edits of model law language. It was also pointed out that the Minister of Justice suggested last week that the panel should not be hesitant to consider ambitious reforms included in IFES recommendations.

On Wednesday, 25 November Parkins, Flego and Drakic met with Secretary of Development Branimir Gvozdenovic and Brano Radulovic, a member of his staff that has been engaged in voter registry issues. Mr. Gvozdenovic welcomed IFES input into the draft laws and expressed appreciation for IFES assistance during the election period. IFES presented its thoughts for changes to the draft laws, and Mr. Gvozdenovic asked that his staff look at the proposals in order to provide a more detailed response. However, he confirmed that he was in agreement with the proposal to place election administration under the jurisdiction of the Republican Election Commission (REC), including the registration of voters. He also agreed that individual voter applications, corrections and appeals should be included in the law. Mr. Gvozdenovic sought to confirm that IFES supported the Secretariat of Development remaining the administrative center for the central voter registry. The Secretariat also has plans to computerize the registers of births, marriages, and deaths and have these link up to the voter registry for automatic updating. He also informed IFES that the Secretariat has encouraged municipalities to put several full-time staffers in charge of maintaining the voter registry and that

all but one was working on this.

On Thursday, 26 November, Parkins, Flego, and Drakic met with Pogorica Municipal Election Commission Chairman Chedomir Dobrovic. IFES presented its thoughts for changes to the draft laws, and Mr. Dobrovic expressed appreciation for IFES assistance during the election period. The Chairman stated that it was only through the presence of IFES and other international organizations that Montenegrins realized what was missing and identified where the "holes" were in their laws. He said that the work of correcting these omissions is yet to be done and he appealed to IFES to be available in Podgorica for this work to be undertaken. Chairman Dobrovic agreed with IFES' proposal that the REC should have overall responsibility in administration matters but that elector information processing should be retained at the municipality level.

On Friday, 27 November, Parkins, Flego, and Drakic met with members of the Montenegrin Constitutional Court to discuss voter registry issues. The court expressed its approval of any IFES recommendation which would further protect the right to vote and the Chairman stated that it was the court's responsibility to protect that right as it is stated in the Constitution. The Chairman further offered suggestions as to how to update the voter registry, including a residence check or voter identification cards. Constitutional Court members welcomed IFES participation in the drafting of election legislation and expressed appreciation for IFES assistance during the election period.

On Friday, 27 November, Parkins, Flego, and Drakic met with the panel of election experts to finalize the draft model law on the election registry. There was lively discussion among the panel considering the proposed changes to the law, including the role of the REC in maintaining the registry, how to handle objections, the timeline for municipal authorities to respond to complaints, and the privacy of data.

Program Activities

Panel members and IFES election specialists continue to refine draft model laws and identify issues which may be contentious or delicate. The panel's first draft of the law on election of councillors and representatives is in translation.

The Yugoslav Law on Administrative Procedures suggested by Serbian panel observers as a model for election appeals is in translation.

The panel is awaiting OTI approval of its request for funding of translation, publishing, printing, meeting expenses, distribution and a public information campaign of the panel's model laws. The panel is prepared to respond to requests for further information.

Impact/Progress toward Stated Goals

Model draft law on the voter registry is complete and will be submitted for legal review.

Separate first drafts of the law on election of councillors and representatives have been completed by the panel and by IFES/Montenegro. Analysis of roughly 1/3 of the panel's draft has been completed.

Upcoming Activities

On Monday, 30 November, Flego and Parkins will meet with panel members to begin refinement and editing of the model law on councillors and representatives.

Next week, IFES/Montenegro will schedule meetings with Albanian political parties to discuss the

parliamentary representation plan.

Next week IFES/Montenegro will schedule a meeting with OTI to provide budget detail on panel proposal.

IFES/Montenegro Chief of Party Tom Parkins will meet with Assembly Speaker Marovic as soon as schedule permit.

Political Update

The following statement was copied from a news service update following the sacking of high ranking military officials at the federal level sympathetic to the Montenegrin government.

Milo Djukanovic: "We were elected in Montenegro so that we could look after the interests of its citizens. Therefore we have no right and we will not allow a group of pathologically vain citizens who fled from Montenegro and are now huddled under Slobodan Milosevic's umbrella, to take revenge against Montenegro because it did not give them a vote of confidence.

"Our view was that the problem of Kosovo had been neglected due to the many years absence of initiative on the part of Serbian government bodies and most importantly of Mr. Milosevic, the longtime president of Serbia, and that the problem must now be solved through a dialogue between the sides in the political conflict with obligatory mediation by the international community.

"With the misguided state policy which has been pursued so far at the level of the FRY, and which has been lacking in any strategy whatsoever, the very survival of the joint state has been brought into question. I believe that this is not due to a misunderstanding between the Serbian and Montenegrin people, or to the fact that the citizens of Yugoslavia have no interest in living in a joint state. The problem lies in the character of the political system and power in Serbia, which has also been transferred to the level of the FRY through the domination of one person.

"I believe that Mr. Milosevic is not a nationalist who denies the equality of Montenegro in the Federation for that reason. I also don't think that he is the prisoner of ideology - an incorrigible communist who cannot see that a market-oriented and politically pluralistic system is inevitable. He is only a man who wants absolute power, who therefore sees the state at whose head he is as his personal fief, and who therefore has no intention of establishing a healthy partnership in politics, nor of allowing normal market competition in the economy, afraid that this would threaten his monopoly of power.

"Milorad Vucelic is my friend. He was my friend even before he held various political offices. As far as I'm concerned, he'll continue to be so... As for Mr Stanistic, although we are not personally close, I've been told by my associates that he is a man of excellent professional qualities. That is why I am sorry that this kind of selection continues within the Serbian leadership.

"We should be able to recognize another revival of Milosevic's typical scenario - the attempt, assisted by the self-styled Federal prime minister, to renew the conflict which would help them recover what they lost at the last parliamentary and presidential elections in Montenegro. I see this as an illusion and a waste of time. This course of action, if, of course, Mr. Milosevic should decide on it, would turn into just another defeat of his. But that is a question he should be considering," the president of Montenegro said in an interview published on Thursday in the latest issue of the Belgrade weekly NIN, excerpts of which are reported by the Belgrade daily Blic.

IFES/Montenegro Team

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 6 December - 12 December 1998

Podgorica Administrative

IFES Legal Specialist Dan Blessington is scheduled to arrive in Montenegro on Sunday, 13 December and remain there until 17 December in order to provide his comments to the Advisory Panel on Election Law Reform on the draft model legislation currently being drafted by the panel.

Meetings and Contacts

The panel met Monday through Thursday to complete work on the model law on the election of councillors and representatives. Monday's meeting was for evaluation and planning of the remainder of the panel's work. The project is on schedule according to the work plan approved by USAID. Many of the principal IFES recommendations have been included in the model laws. The ones that have not been addressed are considered future possibilities but problematic at this time. It was decided that because of the linkage of the election law to the law on political party and NGO registration currently under consideration in the national assembly, that IFES Election Assistance Specialist/Chief of Party Tom Parkins will schedule a meeting with the Minister of Justice to try to bring the laws into some degree of conformity.

Parkins met with USAID/Belgrade Mission Director Richard Hough and Democracy Specialist Chuck Howell on Thursday to brief them on project progress. Hough indicated that he is looking at Montenegro as a 'laboratory' for future programming in Kosovo and will facilitate communication between IFES/Montenegro and Kosovo programming as it moves forward. IFES gave him an Albanian minority contact in government to link Montenegrin programming with that in Kosovo.

Parkins met with Panel Chairman Vesko Pavicevic on Friday to discuss the model law on financing political parties. The chairman has model laws from Belgrade which include a number of useful ideas. He expressed concern though about parliament's imminent consideration of the law on registration of parties and implications it will have on our final model laws.

Program Activities

Panel members and IFES are beginning a redraft of the model law on financing political parties.

The panel is awaiting completion of IFES Legal Specialist Dan Blessington's review of the model law on the voter registry.

The panel is awaiting OTI approval of its request for funding of translation, publishing, printing, meeting expenses, distribution and a public information campaign of the panel's model laws.

Impact/Progress Toward Stated Goals

Model Law on the Election of Councillors and Representatives - Work on the model law on election of councillors and representatives progressed to completion on Thursday. Among issues resolved were lengthening deadlines which affect REC responsibilities during campaign periods, electoral party list filing verification procedures, ballot security issues, and polling place procedures. The most serious outstanding concern at this point is the panel's rejection of an IFES recommendation relating to reconducting elections in the event of procedural errors at polling stations. Reconduct of elections is required at polling stations even in the event of inconsequential errors. In spite of long debates on the subject, the panel remains adamant about retention of the election reconduct provision in the law. The second draft of the model election law is complete. Translation to English is near completion and will be submitted early next week for legal review.

Progress that has been made with the model law includes:

- ▶ The institutionalization of the electoral process through a full-time Republican Election Commission (REC) with regulatory authority
- ▶ The further development of election expertise through this addition
- ▶ The codification of party agreements for multiparty commissions in law

Areas in which the panel has failed to reach agreement on IFES recommendations and which have been obstacles in the drafting process are:

- ▶ The change in representation system. The Minister of Justice and panel members are reluctant to change an area that is the product of very difficult inter-party negotiations that may create, through the creation of single mandate districts as suggested by IFES/OSCE, additional political fault lines in Montenegro. IFES is attempting to devise some form of positive discrimination and will not push on single mandate districts at this time.
- ▶ The panel is insisting on reconducting elections in polling stations where even inconsequential errors have occurred as the current law states. IFES believes this may serve as an invitation for disruption and destabilization and recommends flexible solutions which respond to problems according to severity.
- ▶ The reform process in political party registration is not well coordinated with the election reform process. This may hinder efforts to deal with the problem of defining parties and limiting ballot access to legitimate parties. IFES will seek to address this through a meeting with the Minister of Justice.
- ▶ The loss of about seven weeks due to the conflict in Kosovo and the threat of NATO intervention
- ▶ The reluctance of panel members to give complete regulatory control to the REC has posed problems. Inspections will continue to be carried out by government ministries.

Model Law on the Registry of Electors - The model voter registry law draft is complete and in legal review. Two primary objectives have been accomplished in the law to a significant degree while the third is more questionable:

- ▶ REC authority to regulate voter list maintenance and issues
- ▶ Citizen and political party review and appeal or objection system
- ▶ Removal of phantom voters

Model Law on the Financing of Political Parties- The model law on the financing of political parties is in first draft. After discussion between Parkins and the panel the following top three issues were identified for consideration:

- ▶ Regulatory control of financing political parties to the REC
- ▶ Requiring parties to periodically report financial activity to the REC
- ▶ Reimbursing only political parties which meet thresholds of support for campaign expenses to discourage proliferation of phantom parties.

Upcoming Activities

IFES Election Assistance Specialist/Chief of Party Tom Parkins and Legal Specialist Dan Blessington will meet with the Minister of Justice on Tuesday to conform provisions of the party registration law with the model law on election of councillors and representatives. Additional discussion topics will include the law on financing political parties.

Parkins will meet with Assembly Speaker Marovic to discuss model laws as soon as schedules permit.

The panel will meet next week to complete a draft model law on financing political parties. IFES Legal Specialist Dan Blessington will lead panel discussions on this law as this is his primary area of expertise.

IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

Dan Blessington, Legal Specialist

*Chedomir Flego, Voter Registration Specialist**

**completed on-site role*



1FIELD(KEYBOARD())

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 13 December - 19 December 1998

Podgorica Administrative

IFES Legal Specialist Dan Blessington arrived in Montenegro on Sunday, 13 December and remained there until 17 December in order to provide his comments to the Advisory Panel on Election Law Reform on the draft model legislation currently being drafted by the panel.

Meetings and Contacts

The IFES team met with Mr. Nikola Camaj of the Secretariat of Information and a member of the Democratic League of Albanians to discuss the parliamentary representation plan options for the model election law and to ask him to facilitate a meeting with both ethnic Albanian parties. Camaj predicts the ethnic Albanian parties will favor the 2% across-the-board mandate threshold.

IFES Election Assistance Specialist/Chief of Party Tom Parkins, Legal Specialist Dan Blessington, Panel Chairman Vesko Pavicevic and Program Assistant Ana Drakic met with Minister of Justice Dragan Soc and Ministry Secretary Vladan Djuranovic on Wednesday, 16 December. The following topics were discussed:

- ▶ Having reviewed the Law on Registration and Financing Political Parties headed for passage this week or early next in the Assembly, the IFES team expressed serious concerns about the law particularly relating to financing. There are no provisions in the law for reporting, prohibitions or limitations of party financial activities. The Minister responded that the law being considered is transitional in nature, designed to implement a party agreement on distribution of public financing and he is looking forward to receiving, analyzing and presenting the model law on the Financing of Political Parties to parliament in the Spring.
- ▶ Relating to the representation plan in parliament, the panel has all but ruled out the mixed proportional and single mandate system recommended by IFES and the OSCE. The political and technical conditions are simply not in place. The consensus of the panel, the Minister, and IFES team members is that the mixed system will require the conduct of a census and a degree of stabilization not realized at this point. Instead, the panel is considering three alternatives: retaining the current system; an across-the-board 2% threshold; or retaining the current 8% threshold with a 2% threshold for ethnic minority parties. The latter would require definition of an ethnic minority party which may

be difficult and contentious.

- ▶ The Minister was informed that a public information campaign will be conducted by the panel after the law has been transmitted to him. It will include a conference, newspaper articles, an editorial, and a television spot. Minister Soc expressed serious reservations about the commercial. He says it will be necessary to build a political consensus on the laws and the commercial may be premature and disruptive to building such a consensus.

On Wednesday, 16 December, Parkins met with Pavicevic to discuss the public information campaign. Pavicevic echoed Minister Soc's concerns regarding the commercial. On Friday, 18 December, Parkins met with Pavicevic to plan the public information campaign. Pavicevic will recruit newspaper article and editorial writers. Two script writers will also be retained for two days work to draft television spots. Based on information provided by OTI, Mr. Pavicevic was informed the television spots can be delayed until the time of passage of the model laws.

The panel met with Parkins and Blessington on Tuesday and Wednesday of this week to discuss the model voter registry law and the model campaign finance law. Blessington gave the panel high marks for the voter registry law recommending minor changes which were largely incorporated by the panel. With respect to the campaign finance law, the panel agreed to draft a model law which includes reporting, limitations on contributions and prohibitions. The panel also agreed to make a larger portion of the public financing payments to parties after the election and only to parties meeting predetermined vote thresholds to be eligible for final payment.

Parkins met with Howard Koh, Assistant Secretary of State for Democracy and Human Rights, USAID Donor Organizations and NGOs on Thursday, 17 December. Parkins and other NGO representatives met with Mr. Koh to brief him on progress in each's respective programs. The group included approximately one dozen people and Parkins described in general terms the objectives of the model law reform program including efforts to develop independent, multiparty election commissions.

Parkins met with Julie Dargis, World Learning, at her request to discuss their training programs funded by USAID. IFES/Montenegro will stay in contact with World Learning to share information.

Program Activities

Panel members and IFES consultants are beginning a redraft of the model law on financing political parties.

The panel is awaiting completion of IFES Legal Consultant Dan Blessington's review of the model law on election of councillors and representatives.

IFES/Montenegro is bringing in expert observers from Belgrade next week to review the law on councillors and representatives and a preliminary draft on the law on financing political parties.

Impact/Progress Toward Stated Goals

The model law on the voter registry has passed legal review and has been submitted to the Minister of Justice and the REC for informal review. The law will be formally presented to the Minister with the additional model laws in January.

The panel's request for funding of translation, publishing, printing and distribution of model laws as well as

expenses related to the public information campaign was approved by OTI.

The second draft of the model law on the election of councillors and assembly is complete. Translation to English is complete and translation to Albanian will begin next week.

Upcoming Activities

IFES/Montenegro Chief of Party Tom Parkins will meet with Assembly Speaker Marovic to discuss model laws as soon as schedules permit.

Parkins will meet with representatives of the two Albanian ethnic minority parties this weekend to hear their opinions relating to the parliamentary representation plan. Meetings will also be scheduled with the other major parliamentary parties to give briefings on the model laws.

IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

Dan Blessington, Legal Specialist

*Chedomir Flego, Voter Registration Specialist**

**completed on-site role*



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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 20 December - 25 December 1998

***Podgorica Administrative
Service Providers***

Nikola Camaj signed a contract with the panel this week to translate the model laws from Montenegrin to Albanian. He is working on the voter registry law. Vesna Radunovic will also be signed to a panel contract early next week for translation from English to Montenegrin and Montenegrin to English. Both will be paid for future work from the OTI grant.

Other Issues

IFES/Chief of Party Parkins has been contacted repeatedly by one of the private newspapers here to give an interview. USAID/Belgrade will be contacted next week for direction. Please share thoughts from IFES/Washington. IFES/Podgorica prefers to keep profile low but our presence here is no secret. Every party meeting last week, four, was followed by news stories on TV and in newspapers. IFES should not give the impression of secrecy. Some transparency may be in order.

Meetings and Contacts

Ethnic Albanian Political Parties

On Saturday, 20 December, IFES/Montenegro Chief of Party Tom Parkins and Program Assistant Ana Drakic, met with leaders from both ethnic Albanian political parties in Ulsinj. Discussion centered on the model law as it relates to parliamentary representation. IFES has recommended a mixed proportionate and single mandate model in the long term though conditions will not allow for it in the immediate future. Party leadership expressed a desire for a model including positive discrimination guaranteeing seats in parliament equal to the percentage of their population of the republic. They also want voter lists, electoral lists,

election ballots and supporting materials done in Albanian.

Panel

On Monday, 21 December, a panel meeting was held to discuss changing provisions of the current law which provide for reconduct of elections in polling stations where errors occur, in some cases even inconsequential errors. The panel agreed to replace these provisions with appeal provisions under the condition that they be allowed to file an attachment to the model laws which will state the panel's reservations. Discussion also surrounded the necessary planning for the public information campaign and schedule for parliamentary consideration which is expected between March and June.

Helsinki Commission News Conference

The director of the commission held a news conference outlining reasons for his NGO's opposition to the NGO bill set for passage in the parliament in the immediate future. He regards the law as being overly restrictive and asserts some provisions are in violation of the Constitution which allows free assembly.

Liberal Alliance

On Thursday 24 December IFES/Montenegro Chief of Party Tom Parkins and Program Assistant Ana Drakic met with Liberal Alliance President Miodrag Zivkovic and former President Slavko Parovic to discuss model laws which will be presented in January. Parovic agrees that there is a need to institutionalize the REC with full time professional staff and to consolidate all election functions within the purview of the commission. He also characterized the Djukanovic government as corrupt, citing smuggling and black market operations used to finance the government and support the economy.

SNP

Parkins and Drakic met with SNP President Predrag Bulatovic and Secretary Vojo Cicmil to discuss model laws. The party leaders agree with need to institutionalize the REC with full time professional staff and to consolidate all election functions within the preview of the commission. They also characterized the Djukanovic government as corrupt, citing smuggling and black market operations used to finance the government and support the economy.

Expert Observers

Parkins, Drakic and Panel Chairman Pavicevic spent about one and one half days with Vesna Rakic-Vodinelic and Vladimir Goati, university professors in Belgrade, to review the proposed model law on the election of councillors and representatives. The two made about a dozen recommendations which will be covered during the panel next week for consideration.

Program Activities

Panel members and IFES consultants are redrafting the model law on financing political

parties. The panel is awaiting completion of IFES Legal Consultant Dan Blessington's review of the model law on election of councillors and representatives.

The model voter registry law is being translated to Albanian.

Planning of the public information campaign is underway.

Impact/Progress toward Stated Goals

IFES consultant Dan Blessington has submitted a partial draft and the panel has submitted a draft of the model law on financing political parties.

IFES/Montenegro has completed a third draft of the model law on the election of councillors and representatives incorporating suggestions of the panel experts from Belgrade.

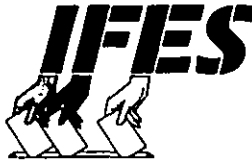
Upcoming Activities

IFES/Montenegro Chief of Party Tom Parkins will meet with Assembly Speaker Marovic to discuss model laws as soon as schedules permit

The panel will meet next week to discuss recommendations of the two model laws still in draft stage.

IFES/Montenegro Team

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Dan Blessington, Legal Specialist



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Nebojsa Cagorovic, OTI/Montenegro

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 25 December, 1998 - 1 January 1999

Administrative Activities

Service Providers

Vesna Radunovic signed a panel contract earlier this week for translation of the model laws from English to Montenegrin and Montenegrin to English. She will be paid for future work from the OTI grant.

USAID

Chuck Howell was contacted Monday to discuss a request for interview with IFES/Montenegro chief of party Tom Parkins by the private newspaper *Vijesti*.

Meetings and contacts

Panel

Panel meetings were held on Monday and Wednesday. The panel discussed the incorporation of recommendations of experts from Belgrade into the model laws. Several problematic issues were identified:

- ▶ A proposal on the system of representation that provides a fair chance for minority seats in Parliament, most importantly but not exclusively Albanian;
- ▶ Under current law, a party can remove a member of Parliament who "ceases to be a member of the party". International standards call for due process to remove any elected official. There is, in the purely proportional system utilized in Montenegro, some rationale for allowing the party to remove non-members, but it should not be totally arbitrary. The panel is searching for a middle ground.
- ▶ Disclosure of assets and sources of income by candidates is an issue that has split the panel.

The panel also discussed issues surrounding the law on financing political parties and reestablished deadlines in response to the extension of Phase II from late January to February 15.

Panel Chairman

On Tuesday, 29 December, IFES/Montenegro Chief of Party Tom Parkins met with Chairman Pavicevic to discuss problematic issues and the revision of plans due to Phase II extension. The conference of members of parliament, ministers, NGOs, party leaders and election officials will be scheduled early in February.

Newspaper Interview

Jodranka Rebrenovic, reporter for the newspaper *Vijesti* On Tuesday interviewed Tom Parkins on 29 December. The story is scheduled to run on New Year's Day. Questions surrounded our programming in Montenegro, both last Spring in preparation for the parliamentary and local elections and the current model law project.

Program Activities

Panel members and IFES consultants are redrafting the model law on financing political parties. The panel is awaiting completion of IFES Legal Expert Dan Blessington's review of the model law on election of councillors and representatives and his recommendation for the model law on financing political parties.

The model voter registry law is in translation to Albanian.

Planning of the public information campaign is underway.

Impact/Progress toward Stated Goals

IFES Consultant Dan Blessington has submitted a partial analysis of the law on election of councillors and representatives.

Upcoming Activities

IFES/Montenegro Chief of Party Tom Parkins will meet with Assembly Speaker Marovic to discuss model laws as soon as schedules permit.

The panel will meet next week in an attempt to complete the two model laws still in draft stage.

Parkins will schedule a meeting with the private television station Sky Sat to discuss production of television spots called for in the OTI grant.

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 2 January - 9 January 1999

Washington Administrative

On 5 January, IFES submitted to USAID a request for the Modification of the Delivery Order and a one-month no-cost extension through 28 February 1999. The Modification is necessary because of delays in programming due to the shortened period because of a later than anticipated arrival in Montenegro under Phase II and the need to depart Montenegro as a result of threatened NATO strikes. The Advisory Panel on Election Law Reform will make the final presentation of the model law package to the Montenegrin government in early February.

Meetings and Contacts

IFES Election Assistance Specialist/Chief of Party Tom Parkins met with Panel Chairman Veselin Pavicevic on Tuesday and Wednesday to discuss two sample items submitted by IFES Legal Specialist Dan Blessington and to cover outstanding issues that need to be decided upon by the panel. The Chairman, based on samples, believes refinement to English translation and very minor adjustments will suffice in most cases. Outstanding issues include the parliamentary representation plan and requirement of parliamentary candidates to submit statements of assets and sources of income when filing with the Republican Election Commission (REC) as candidates.

Program Activities

Panel members and IFES are redrafting the model law on financing political parties. The panel is awaiting completion of IFES Legal Specialist Dan Blessington's review of the model law on election of councillors and representatives and recommendation for the model law on financing political parties.

Planning of the public information campaign on the model law package is underway.

Impact/Progress Toward Stated Goals

The model voter registry law has been translated into Montenegrin and Albanian.

Upcoming Activities

IFES/Montenegro Chief of Party Tom Parkins will meet with Assembly Speaker Marovic to discuss model laws as soon as schedules permit.

The panel will meet next week in an attempt to complete the two model laws still in draft stage.

Parkins will schedule a meeting with the private television station Sky Sat to discuss production of television spots called for in the OTI grant.

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 10 January - 16 January 1999

Washington Administrative

On 14 January, IFES received from USAID a Modification of the Delivery Order and a one-month no-cost extension through 28 February 1999. IFES will review and sign the Modification promptly. The Advisory Panel on Election Law Reform will make the final presentation of the model law package to the Montenegrin government in early February.

Meetings and Contacts

Panel meetings were held on 12 and 14 January. The first meeting was spent reviewing IFES Legal Specialist Dan Blessington's comments on the law on election of councillors and representatives. The meeting indicated the need to refine the English translation. Several of Mr. Blessington's comments had already been incorporated by the panel after the model law's review by the Serbian observer members from Belgrade while others were dismissed by the panel. The most serious problem relative to Mr. Blessington's comments concern the degree to which the REC has broad regulatory authority to implement election laws. Mr. Blessington recommends a general provision be written in empowering the commission with this authority in addition to the specific authority which is in the current draft. The panel asserts this combined approach would violate the normative law structure used in Montenegro.

The second panel meeting was held to reconcile Mr. Blessington's draft model law on political party financing with that of the panel. When Mr. Blessington worked with the panel in December, an agreement was made to draft a model law which includes basic, year-round reporting of party finances, including contributions over agreed to thresholds, expenditures, prohibitions, and regulation and enforcement by the REC. The panel's draft did not encompass the verbal agreements made at the previous meeting where campaign financing was discussed. The arguments cited by the panel in defense of their draft included "parties will not comply", and "parties" must, by constitution, "be treated equally with all other subjects of the state such as state businesses." It should be pointed out that parties are currently being treated differently than other subjects of the state but not necessarily unequally. The panel also resists adoption of Mr. Blessington's draft. The panel will meet again to further discuss this issue.

IFES Election Assistance Specialist/Chief of Party Tom Parkins met with Panel Chairman Veselin Pavicevic to discuss the panel's arguments against significantly changing the political party finance law and against the Blessington proposal.

On Thursday, 14 January, a meeting was held with Djuro Vucinic of Sky Sat Television Company to discuss production of TV spots on election law reform upon the potential passage of the new laws (anticipated in early Spring or Summer). Mr. Vucinic assured Parkins on the ability of his company to produce such spots. He invited Parkins and Pavicevic to visit production facilities and to view spots made by Sky Sat. He also agreed to propose a price for production within thirty days.

Program Activities

Blessington is reviewing the panel's draft of the law on financing political parties and will send comments over the weekend.

IFES/Montenegro is refining the English translation of the law on councillors and representatives.

Planning of the public information campaign is underway.

Impact/Progress toward Stated Goals

Two drafts of the model law on financing political parties, one by Blessington, the other by the panel are complete.

Legal review of the law on election of councillors and representative has been completed by IFES Legal Specialist Dan Blessington.

Upcoming Activities

Early next week IFES Election Assistance Specialist/Chief of Party Tom Parkins will meet with Assembly Speaker Marovic to discuss the model laws and the scheduling of a model election law roundtable early in February.

Efforts will be made to schedule leaders of Muslim parties to discuss model laws.

Parkins is scheduled to meet with USAID/Belgrade representatives Chuck Howell and John Tennant next week.

Political Update

On Wednesday, 13 January following religious services, several thousand Serbian People's Party (SNP) members marched through the center of Podgorica apparently without a permit. Several hundred police lined the parade route in full riot gear. IFES/Montenegro is aware of no reports of serious incidents or disturbances despite on-going rumors that major disturbances were expected on New Year's Day by SNP supporters.

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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 17 January - 23 January 1999

Washington Administrative

IFES signed and submitted the Modification to the Delivery Order received from USAID for a one-month no-cost extension through 28 February 1999. The Advisory Panel on Election Law Reform will make the final presentation of the model law package to the Montenegrin government in early February.

Meetings and Contacts

Each day this week except Tuesday, IFES Election Assistance Specialist/Chief of Party Tom Parkins met with the Chairman of the Advisory Panel on Election Law Reform Veselin Pavicevic to discuss strategy for completion of the model finance law. As an outgrowth of these meetings the model law was completed combining the panel's draft on state financing of political parties with that of IFES' Legal Specialist with respect to private finance and reporting. The panel met on Friday, January 22, to complete final editing of the party finance law.

On Monday a brief meeting was held with Mr. Chuck Howell from USAID/Belgrade to advise him on program progress and briefly discuss future programming.

Parkins and NGO representatives working in education and economic reform met with USAID Deputy Director for Europe John Tennant, USAID/Belgrade Mission Director Richard Hough, Chuck Howell and Bruce Abrams, Local Governance Adviser from USAID/Washington. Parkins recapped all phases of the IFES mission in Montenegro from technical assistance provided in preparation for parliamentary and local elections last May to the present. At the close of the presentation, Mr. Tennant turned to Richard Hough and declared, "This is one of the real success stories in the Balkans." USAID officials urged IFES to hold consultations between IFES/Montenegro and any teams to be deployed in Kosovo.

Program Activities

IFES/Montenegro is making final edits to the law on party financing.

The Law on Election of Councilors and Representatives is being translated to Albanian.

Planning of the public information campaign is underway.

Impact/Progress Toward Stated Goals

The Law on Election of Councilors and Representatives has been finalized. It includes a change recommended by Mr. Blessington to remove any ambiguity regarding the broad authority of the REC to adopt regulations with respect to each of the model laws. The law on political party financing is in final draft stage with only edits remaining.

The formal presentation of the model laws has been scheduled for 8 February.

Upcoming Activities

The Secretary to the Minister of Justice will meet with IFES/Montenegro Monday of next week to discuss the presentation of the model law package. The Ministry has offered its assistance in the preparations.

Invitations to the presentation and photocopies of the model laws stamped "draft" will be distributed to members of the parliament, political parties, the Republican Election Commission, interested government ministries and departments, municipal governments and municipal election commissions, NGOs and IFES core trainers who worked in preparation for elections of last May. This is being done to give participants at least 10 days notice to review the model laws.

Efforts will be made to schedule meetings with the leaders of the ruling coalition and Muslim parties to discuss model laws.

IFES/Montenegro Team

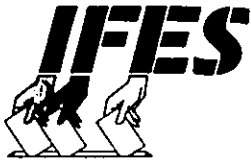
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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 24 January - 30 January 1999

Washington Administrative

IFES signed and submitted the Modification to the Delivery Order received from USAID for a one-month no-cost extension through 28 February 1999. The Advisory Panel on Election Law Reform will make the final presentation of the model law package to the Montenegrin government on in early February.

Meetings and Contacts

IFES Election Assistance Specialist/Chief of Party Tom Parkins met with Panel Chairman Veselin Pavicevic to discuss final details regarding model law booklet content and to plan the formal presentation of the model laws. Pavicevic will be the primary presenter with Parkins and panel members assisting. Slobodon Dragovic, as the primary drafter, will be seated at Pavicevic's side to provide technical assistance. Detailed presentation plans will be drafted in the coming week.

On Friday, 29 January, Parkins and Program Assistant Ana Drakic met with Republican Election Commission (REC) Chairman Stefan Damjanovic to discuss the model laws. In earlier meetings, the Chairman had expressed reservations about giving the commission a truly permanent status with a staff and granting it broader regulatory authority. Chairman Damjanovic, after further consideration, has reconsidered his position. His recollection of 18-hour working days, sleepless nights during the campaign period and the prospect of how a small professional staff at the Commission's disposal could have improved preparation were the catalyst for this change of heart. The meeting was a breakthrough of sorts in that Damjanovic while on earlier occasions expressed reservations about extensive changes in election laws now seems open to them. He also indicated he will be present at the formal presentation of the model laws.

On Wednesday, 27 January, Pavicevic, Parkins and Drakic met with the President of the Democratic Action Party of Montenegro (the major party of Muslims in Montenegro) Sahman Rasim and Federal Parliament Member and Party Vice President Veskovic Rifat. Mr. Pavicevic recapped IFES programming in Montenegro since last April and summarized the model laws for the party leaders. They indicated support for the concepts as described, and intent to attend the presentation.

On Thursday, 28 January, Parkins and Drakic met with Member of Parliament and Party Vice President Ranko Krivokapic of the Social Democratic Party. Parkins recapped IFES programming in Montenegro since last April and summarized the model laws for the party leader. Mr. Krivokapic indicated support for the concepts as described, and intent to attend the presentation.

On Friday, 29 January, Parkins and Drakic met with Member of Parliament and Party Vice President Predrag Popovic of the People's Party. Parkins recapped IFES programming in Montenegro since last April and summarized the model laws for the party leader. Mr. Popovic indicated support for the concepts as described, and intent to attend the presentation.

Parkins and Drakic met with the desk-top publishing contractor and printer to agree on services which will provide for publishing model laws prior to the formal presentation on February 8th. Parkins and Drakic also met with staff from the Hotel Crna Gora to agree on space and services to be provided to the panel for the formal presentation.

Program Activities

The executive summary of the model law package has been translated to Montenegrin and will be translated into Albanian by Sunday. Preparation for model law publishing is near completion. Desk-top publishing will be completed this weekend and camera-ready copy will go to the printer on Monday in order to have the model law package ready for the 8 February presentation. The printer will return copies by the end of next week.

The delivery of invitations for the presentation of the model laws is underway, as is the planning and preparation for the public information campaign.

Impact/Progress Toward Stated Goals

IFES/Montenegro has completed drafting and editing model laws. Based on meetings with all major political parties, it appears a consensus has been reached on issues relating to codifying multiparty election commissions and polling boards and an REC with permanent status and broad regulatory authority.

Drafts of model laws and invitations to the formal presentation have been delivered to many invitees.

Upcoming Activities

The Secretary to the Minister of Justice will meet with IFES/Montenegro Monday of next week. The Ministry has offered assistance in preparations for the formal presentation of the model laws.

Political Update

Earlier this week, the Liberal Alliance and the Socialist Peoples Party (SNP) led by Momir Bulatovic called for new elections, stating that there have been never been free and fair elections in Montenegrin history.

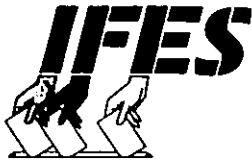
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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 31 January - 5 February 1999

Washington Administrative

With the approval of the one-month no-cost extension of Delivery Order 805, the current activity as well as IFES' presence in Montenegro is scheduled to be completed on 28 February 1999. The presentation of the model law package to the Montenegrin government, through the Ministry of Justice, will provide the legislative tools for the institutionalization of reforms in the Montenegrin electoral process. In order for this legislation to really take root as well as the professionalization of the election commission structure, follow-up training and advising should be considered. IFES has proposed to undertake extensive training to the Republican Election Commission and Municipal Election Commissions in the coming months through the production of an Election Commission Guidebook and one-on-one as well as group training sessions to solidify legislative efforts.

Meetings and Contacts

Special Counsel to the President Miodrag Vukovic met with IFES Election Assistance Specialist/Chief of Party Tom Parkins, Panel Chairman Veselin Pavicevic and Program Assistant Ana Drakic on Wednesday, 3 February to discuss the formal presentation of the model laws. Mr. Vukovic offered assistance in publicizing the event and logistical support, in particular, providing a sound system. He indicated that President Milo Djukanovic will send a representative from the Democratic Party of Socialists (DPS). In addition, he warned that the Socialist People's Party (SNP) and the Liberal Alliance may use the event as an opportunity to support their assertion that a new election needs to be conducted because previous elections were not democratic.

On Wednesday, 3 February, Parkins and Drakic met with Chairman Pavicevic to detail plans for the presentation of the model laws. It was agreed the theme of the presentation will be *Building an Electoral System that all Montenegrins Can Trust*. Each point that will be made in the Chairman's presentation was discussed in detail and responses to possible questions and controversial issues that may be raised were formulated. It was agreed that the most likely objection will be lodged by the Albanian minority parties regarding the parliamentary representation plan which lowers the threshold for winning a seat to 2% but does not call for any form of positive discrimination. The role of panel members was also established. Panel member Slobodon Dragovic will provide legal advice to the

Chairman and other panel members will keep a detailed record of discussion.

On Thursday, 4 February, Parkins and Drakic met with Republican Election Commission (REC) Chairman Stefan Damjanovic to discuss model laws. The Chairman was very complimentary regarding most aspects of the laws but is somewhat concerned about the possible diminished role of the Chairman when the Commission Secretary position becomes full-time and staff is hired. He maintains the chairman has primary responsibility to run the commission and must maintain authority to carry out his responsibility. Parkins encouraged him to make a proposal for modifying the law to address his concern.

On Thursday, 4 February, Parkins and Drakic met with the panel to discuss their roles in the presentation (see report on meeting with panel chairman above). In addition, the panel was asked to share their opinions regarding contentious issues that may arise. The panel agreed with earlier assessments that the most likely contentious issue will be raised by Albanian minority parties regarding the proposed representation plan.

Program Activities

Planning and preparation of the public information campaign on the model law package is underway.

The preparation of the presentation is near completion. IFES was consumed with logistical and agenda preparations for the presentation. On Monday, Parkins and Drakic traveled to Cetinje to give model law proofs to the printer.

Impact/Progress Toward Stated Goals

The model laws are being published in Montenegrin and Albanian.

The presentation agenda is finalized (See attachment). 120 people have indicated their intent to be present at the presentation of the model election laws. Drafts of model laws and invitations to the formal presentation have been delivered to:

Members of Parliament	78 of 78
Members of REC	9 of 9
Members of MECs	63 of 63
Mayors	21 of 21
Major Political Parties	8 of 8
NGOs	5 of 5
Key Ministries and Government officials	5 of 5
Courts	2 of 2

Upcoming Activities

Published laws will be picked up in Cetinje on Saturday. IFES/Montenegro will meet with the Secretary to the Minister of Justice Saturday to finalize the presentation agenda.

The formal presentation of model laws will be held Monday, 8 February.

Parkins will meet with USAID/Belgrade Tuesday, 9 February to discuss the fate of the model law package.

Drafting of the final activity report on Phase II will begin next week.

Political Update

President Milo Djukanovic offered the use of airports and coastal facilities to NATO in support of any potential military activities if and when they become necessary.

IFES/Montenegro Team

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*Alexandra Levaditis, Senior Program Assistant**

** off-site*

PRESENTATION OF MODEL ELECTION LAWS REPUBLIC OF MONTENEGRO AGENDA

Podgorica, Montenegro
Hotel Crna Gora
February 8, 1998

10:00 - 11:00

Registration and Refreshments

11:00 - 11:30

Panel Chairman Veselin Pavicevic: Welcome participants and introduce Minister of Justice

Minister of Justice Dragan Soc (if available) or designee: Brief overview of reform program

IFES Election Assistance Specialist/Chief of Party Tom Parkins: Brief description of IFES programming in Montenegro and efforts toward building an electoral system Montenegrins will trust

11:30 - 11:40

Panel Chairman Veselin Pavicevic: Agenda review

11:40 - 12:20

Panel Chairman Veselin Pavicevic: Overview of the Model Law on Election of Councilors and Representatives

Potential Issues:

- ▶ Codifying multiparty election commissions and polling boards
- ▶ The Republican Election Commission as an institution
- ▶ Full-time professional Commission Secretary and staff
- ▶ Staggered terms to provide institutional memory
- ▶ Regulating and Consulting - voter list, election procedures
- ▶ Detailed preparation for the next election
- ▶ Programming - MEC, polling board training, voter education
- ▶ Transparency - Providing access to information and understanding of processes
- ▶ Record keeping
- ▶ Representation plan - Balancing the will of the majority with minority rights
- ▶ 2% threshold
- ▶ Positive discrimination
- ▶ Long term - mixed model
- ▶ Signature verification of electoral lists - limiting access to the ballot

12:20 - 1:15

Discussion of the Model Law on Election of Councilors and Representatives

1:15 - 1:30 Break

1:30 - 1:45

Panel Chairman Veselin Pavicevic: Overview of the Model Law on the Register of Electors

Potential Issues:

- ▶ Establishing a partnership with the Secretariat of Development
- ▶ Defining roles - administrative regulations to the REC, maintenance of procedures with the Secretary of Development
- ▶ Accuracy and Transparency - '97/'98 voter list problems - never again
- ▶ Continuous maintenance
- ▶ Periodic reminders to public of access to registry and right to file for corrections

1:45 - 2:15

Discussion of Model Law on on the Register of Electors

2:15 - 2:30

Panel Chairman Veselin Pavicevic: Overview of Model Law on Financing Political Parties

Potential Issues:

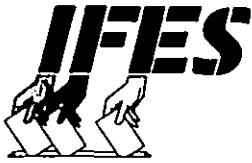
- ▶ Distribution of state funds
- ▶ Private funding
- ▶ Prohibitions
- ▶ Reporting

2:30 - 2:50

Discussion of Model Law on Financing Political Parties

2:50 - 3:00

Panel Chairman Veselin Pavicevic: Review and wrap up



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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 6 February - 12 February 1999

Washington Administrative

The current completion date for Delivery Order 805 as well as IFES' presence in Montenegro is 28 February 1999. IFES has proposed to undertake extensive training to the Republican Election Commission and Municipal Election Commissions in the coming months through the production of an Election Commission Guidebook and one-on-one as well as group training sessions to solidify legislative efforts.

Podgorica Administrative

IFES Election Assistance Specialist/Chief of Party Tom Parkins will be completing his activities on 15 February. The IFES office will remain open on a part-time basis during 16-28 February by Program Assistant Ana Drakic. Chairman of the Advisory Panel on Election Law Reform Veselin Pavicevic will continue to coordinate progress on the model laws with the Minister of Justice until the end of the month.

Meetings and Contacts

On Tuesday, 9 February, IFES Election Assistance Specialist/Chief of Party Tom Parkins met with USAID/Belgrade Mission Director Richard Hough, D/G Officer Chuck Howell, and Development Assistance Specialist Svetlana Djuric to discuss conditions necessary for USAID to continue IFES programming in Montenegro.

On Thursday, 11 February, Parkins, Program Assistant Ana Drakic and Chairman of the Advisory Panel on Election Law Reform Veselin Pavicevic met with Djordje Blizic and Brano Radulovic, Local Government Reform Panel Members, to discuss the model election laws. The reform panel members presented a number of useful technical and conceptual proposals which will be considered by the multiparty working group formed by the Ministry of Justice to finalize election reform legislation.

On Friday, 12 February, Parkins and Drakic met with Vesko Pavicevic. Pavicevic indicated he spoke with Minister of Justice Dragan Soc who said that next week government ministers will meet and, among other things, forward a proposal to the parliament to form a multiparty working group for the

purpose of considering model laws presented on February 8.

Program Activities

Parkins is preparing a final report of the IFES model law project and is working with USAID/Belgrade to secure a commitment from the Minister of Justice to meet conditions required for further IFES programming in Montenegro.

The translation of newspaper articles resulting from the formal presentation of the model law package is in progress. Proposals for the modification of the model laws presented on 8 February will also be translated.

Impact/Progress Toward Stated Goals

The formal presentation of the model laws was made on Monday, 8 February, at the Hotel Crna Gora in Podgorica. One hundred four people from government institutions, political parties and NGOs participated in the event. Vladan Djuranovic, Secretary to the Minister of Justice, served as moderator. Minister of Justice Dragan Soc opened the presentation, speaking briefly about the overall reform program in Montenegro and IFES Chief of Party Tom Parkins made a brief presentation on IFES programming in Montenegro.

Panel Chairman Vesko Pavicevic then presented highlights of the model laws. This was followed by a hearing where conference participants came forward and commented on the laws. These comments will be used by a multiparty parliamentary working group which will consider electoral reform in the immediate future. Participants at the panel presentation included:

INSTITUTIONS

- Supreme Court - Milan Filipovic
- Constitutional Court - Radojko Djuricanin
- Ministry of Justice - Dragan Soc (Minister), Djordje Blazic (Deputy Minister), Vladan Djuranovic (Secretary)
- Secretary of Information - Nikola Camaj, Abaz Dzafic
- Secretary of Development - Branislav Radulovic, Borivoje Maric
- Republic Election Commission - Stevan Damjanovic (President), Niko Nikcevic (Deputy of the President), Branislav Radulovic (Secretary), Branko Vukcevic (member), Vebi Doda (member), Rodoljub Pejovic (member), Miomir Vulic (member), Predrag Djolevic (member), Halim Kasmi (member)
- Municipal Election Commissions - 35 people representing 14 municipalities attended

PARTIES

- Democratic Party of Socialists - Miodrag Vukovic (Political Advisor to President Djukanovic)
- People's Party - Oleg Filipovic
- Social Democratic Party - Ranko Krivokapic, Miodrag Ilickovic, Zelimir Vulikic
- Liberal Alliance - Predrag Djolevic, Zdravko Soc
- Socialist People's Party - Vuksan Simonovic, Vladimir Vujovic, Kaludjerovic Velizar, Kaludjerovic Cedo, Bozovic Neven
- Democratic Union of Albanians - Ferhat Dinosa, Djokovic Becir, Hasan Djoni, Milasin Mustafa, Cikotic Sukrija
- Democratic League in Montenengro - Mehmet Bardhi, Muhamerovic Milosim, Djolako Mustafa



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Mark Phillips, ENI/ECA

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Senior Program Assistant

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 13 February - 20 February 1999

Washington Administrative

The current completion date for Delivery Order 805 as well as IFES' presence in Montenegro is 28 February 1999 which is quickly approaching. IFES has proposed to undertake extensive training to the Republican Election Commission and Municipal Election Commissions in the coming months through the production of an Election Commission Guidebook and one-on-one as well as group training sessions to solidify legislative efforts. In order to ensure the effectiveness of the model legislation effort just undertaken by IFES, it is strongly recommended that the training of the election commission structure be considered. IFES' continued on-site presence in Montenegro can serve as a valuable resource in ensuring the fate of the model legislation and its implementation. Without assistance in the implementation of the model laws, much of the effort put into legislative reform may be lost.

Podgorica Administrative

Due to the evacuation ordered this week for all USAID contractors, IFES Election Assistance Specialist/Chief of Party Tom Parkins evacuated Montenegro on Friday, 19 February for Bari, Italy and returned to the United States. Program Assistant Ana Drakic continues to work on a part-time basis in the IFES office through the end of the month when the office is expected to close.

IFES was also informed on Friday close-out activities should be initiated for completion by the end of this project. Initial steps have been taken to fulfill this request.

Program Activities

The Ministry of Justice has formed a working group to review the model election legislation developed by IFES' Advisory Panel on Election Law Reform and prepare it for submission to the Republican Assembly. Depending on the continuation of IFES' presence in Montenegro, IFES hopes to advise the working group and ensure that the key principles in the model legislation - provisions empowering the Republican Election Commission with broad regulatory authority over the administration of the electoral process; provisions

allowing the Commission to be a truly permanent body through permanent staff, allowing the Commission to fulfill its duties, including passing regulations to ensure the accuracy of the voter registry; and maximum transparency is adhered to in all aspects of the law - are included.

Parkins continues to work on the development of IFES' final project report which will provide a summary of programmatic activities undertaken since the beginning of Delivery Order No. 805.

IFES/Montenegro Team

*Tom Parkins, Election Assistance Specialist/Chief of Party**

*Alexandra Levaditis, Senior Program Assistant**

** off-site*

- Movement for Democratic Action - Safet Hadrovic, Sahman Rasim
- Serbian People's Party - Ranko Kadic, Andrija Mandic
- Party of Money Savings - Saljanin Djerdj
- Party of Foreign Money Saving - Zivkovic Gojko
- Party of Natural Law - Milo Gacevic

International and Domestic NGOs

- NDI - Lisa McLain
- OSCE - Zlatko Ivanovic
- Montenegrin Helsinki Committee - Slobodan Franovic, Aleksandra Zoric
- CEDEM - Srdjan Darmanovic
- Commission for Real Property Claims - Aleska Ivanovic

IFES: Tom Parkins, Ana Drakic and Vesna Radunovic

Panel: Veselin Pavicevic and 4 other members

Media: Representatives from "Vijesti," "Monitor," Radio Free Europe, and Sky TV

Logistical support: 5 persons

Total: 104 participants

Published model laws have been distributed to:

Members of Parliament	30 of 78
Members of REC	8 of 9
Members of MECs	35 of 63
Mayors	10 of 21
Major Political Parties	8 of 8
NGOs	5 of 5
Key Ministries and Government officials	5 of 5
Courts	2 of 2

Upcoming Activities

Remaining copies of published model laws will be distributed in the coming week.

Proposals that were submitted at the presentation will be translated by IFES staff and submitted to the multiparty working group.

IFES/Montenegro Team

Tom Parkins, Election Assistance Specialist/Chief of Party

*Chedomir Flego, Voter Registration Specialist**

*Dan Blessington, Legal Specialist**

*Alexandra Levaditis, Senior Program Assistant**

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Mark Phillips, ENI/ECA

From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Program Officer

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 21 February - 20 March 1999

Washington Administrative

IFES requested and was granted a no-cost extension through 27 March in order to close-out the IFES/Montenegro office per the instructions of USAID/Belgrade. Program Officer Alexandra Levaditis traveled to Podgorica 13 - 15 March in order to undertake close-out activities, including the storing of IFES commodities and equipment. This activity was completed and the IFES/Montenegro office closed. While program activities have been suspended, Program Assistant Ana Drakic continues to monitor activities on IFES' model laws on a part-time basis.

Program Activities

IFES is currently preparing the final activity report for DO805 which will include a summary and analysis of activities under Phases I and II of the delivery order. Upon completion, the report will be distributed to USAID and the State Department.

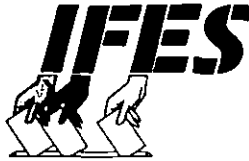
IFES/Montenegro Team

*Tom Parkins, Election Assistance Specialist/Chief of Party**

*Alexandra Levaditis, Program Officer***

**completed activities*

***off-site*



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From: Scott R. Lansell, Deputy Director
Alexandra M. Levaditis, Program Officer

Subject: FR Yugoslavia (Delivery Order 805) Weekly Report

Date: 21 March - 27 March 1999

Washington Administrative

IFES has requested a final Modification to the Delivery Order in order to provide for unanticipated additional time necessitated by a rapid close-out. Additional time is required due to the necessity that local staff manage much of the close-out process after the sudden evacuation of Chief of Party Tom Parkins due to threatened air strikes in February; and the need for IFES Program Officer Alexandra Levaditis to travel to Montenegro and manage the disposition of equipment and termination of the office lease.

The final completion date for DO805 was 27 March and all program activities have been completed, pending final reporting.

Program Activities

IFES is currently preparing the final activity report for DO805 which will include a summary and analysis of activities under Phases I and II of the delivery order. Upon completion, the report will be distributed to USAID and the State Department.

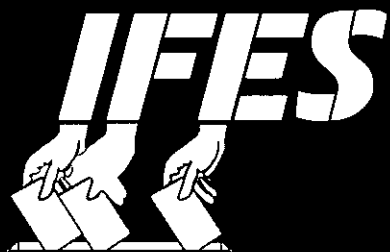
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