



2014 GENERAL ELECTIONS

FINAL REPORT

Sarajevo, December 2014



2014 GENERAL ELECTIONS

FINAL REPORT

Sarajevo, December 2014

CONTENTS

ABBREVIATIONS USED IN THE TEXT	5
1. SUMMARY	7
2. POLITICAL CONTEXT	11
3. MAIN INFORMATION ABOUT THE 2014 GENERAL ELECTIONS	13
4. METHODOLOGY	14
5. LEGAL FRAMEWORK AND ELECTION SYSTEM	15
5.1. Legal framework	15
5.2. Election system	16
6. ELECTION ADMINISTRATION	20
6.1. The Central Election Commission of Bosnia and Herzegovina (CEC BiH)	20
6.2. Local Election Commissions (MECs, City Election Commissions)	21
6.3. Polling station committees	23
7. PRE-ELECTION PERIOD	25
7.1. Registration of political subjects and candidates	25
7.2. Voter registration	25
7.3. Gender equality and participation of national minorities in the electoral process	26
7.4. Election campaign	27
7.4.1. Election campaign of political subjects	27
7.4.2. Election campaign financing	28
7.4.3. Media monitoring	29
8. ELECTION DAY	31
8.1. Opening of the polling stations	32
8.2. Voting process	34
8.3. Closing of the polling stations	35
8.4. Counting of the votes	35
8.5. Observing the work of the local election administration on the Election Day	36
9. POST-ELECTION PERIOD	37
9.1. Establishing the election results	37
9.2. Protection of electoral right	37
9.3. Implementation of the election results	38
10. ABOUT THE PROJECT "BECAUSE WE CARE..."	40
10.1. About the Coalition "Under the magnifying glass"	40
10.2. Coalition in numbers	40
10.3. Acknowledgments	41
ANNEX 1– Election Day statistics	42

ABBREVIATIONS USED IN THE TEXT

ACIPS	Association Alumni of the Center for Interdisciplinary Postgraduate Studies
BiH	Bosnia and Herzegovina
PS	Polling station
PSC	Polling station committee
CVR	Central Voters Register
CCI	Centers for Civic Initiatives
CGS/CCC	Center for Civic Cooperation
CEC	Central Election Commission
DF	Democratic Front
DNS	Democratic People's Alliance
DON/DOP	Democracy, organization, progress
ECtHR	European Court for Human Rights
FBiH	Federation of Bosnia and Herzegovina
FGT/FTC	Forum of Tuzla citizens
HDZ	Croatian Democratic Union
CA	Cantonal Assembly
LEC	Local election commission
MZ	Local community office
NARS	National Assembly of Republika Srpska
OHR	Office of the High Representative in BiH
OIA/YIA	Youth Information Agency
MEC	Municipal Election Commission
OSCE	Organization for Security and Cooperation in Europe
HoR PFBiH	House of Representatives of the BiH Federation Parliament
HoR BiHPA	House of Representatives of the BiH Parliamentary Assembly
PA BiH	Parliamentary Assembly of Bosnia and Herzegovina
CRA	Communications Regulatory Agency
RS	Republika Srpska
SDA	Party of Democratic Action
SDP	Social Democratic Party
SDS	Serb Democratic Party
SNSD	Party of Independent Social Democrats
SP	Socialist Party
SzP	Alliance for changes
USAID	United States Agency for international development
AR	Aggregate results (form)

1. SUMMARY

The Coalition for free and fair elections „Under the magnifying glass“, which was formed by seven civil society organizations, had started the long-term observation of the electoral process in Bosnia and Herzegovina (BiH) on July 1, 2014 through the Main office and seven regional offices, having 42 long-term observers in the field. On the Election Day the Coalition had deployed 2.800 observers to 1.348 polling stations, 50 mobile teams and in 134 local election commissions, covering more than 25% of the total number of the polling stations. The SMS reporting with the automated software processing of the collected data (more than 19.000 text messages were sent and received during the Election Day), and a comparison of the election results from a sample of polling stations to the results published by the Central Election Commission (CEC) were done for the first time.

The general assessment of the 2014 General Elections by the Coalition “Under the magnifying glass” is that the elections were conducted in a democratic and fair atmosphere in line with the Election Law and the election-related rules and regulations, with a small number of observed irregularities and critical situations, and some isolated incidents.

The election legislation in BiH is instituted on Annex III (Agreement on Elections) and Annex IV (the Constitution of Bosnia and Herzegovina) of the General Framework Agreement for Peace in Bosnia and Herzegovina, and the BiH Election Law, and it provides an adequate legal framework for conducting democratic elections. The election administration in BiH is composed of the election commissions (the BiH Central Election Commission and the local election commissions) and the polling station committees. The Central Election Commission had passed the decision on administering General Elections in BiH on May 15, 2014. The elections were held on October 12, 2014. A total of 518 mandate holders were to be elected. A total of 98 certified political parties and 7.748 candidates participated in the elections. A total of 3.278.908 voters had the right to vote at the 2014 General Elections, and voting took place at 5.401 polling stations.

The 2014 General Elections were held in a specific political context reflected in the progress stall on the BiH’s road to the membership in the European Union, the failure to implement the decision of the European Court for Human Rights in the case of “Sejdić and Finci vs. BiH”, inadmissibly slow process of establishment of the government i.e. implementation of the election results after the 2010 General Elections, the instability of parliamentary majorities in almost all parts of the country, the disastrous consequences of the May flooding, and dissatisfaction of the citizens expressed at numerous protests during the previous term of the office.

The main findings of the pre-election observation indicate serious violation of provisions of the Election Law, which set forth the manner of appointing polling station committee members and the composition of the polling station committees, where the representatives of political subjects consciously manipulated the electoral process. Also, tens of cases of paid political advertising in time before the official beginning of the election campaign were observed, which is prohibited by the law, and which was mainly reflected in the promotion through the social networks, distribution of the promotional material and organization of promotional events at which exclusively candidates of one political subject had participated. The election campaign had officially begun on September 12, 2014 and had lasted 30 days, until the start of election silence. The main findings of the Coalition in this period reveal the cases of public funds abuse by representatives or candidates of political subjects, who hold a government position, for the purpose of the political subjects’ promotion. In most of the cases the abuse of public funds was

reflected in the use of official vehicles and security for the election campaign. The cases of hate speech were not recorded during the election campaign, and the candidates had built their campaigns mostly on accusations against the candidates of their political opponents. The citizens could form an objective opinion about the candidates based on the media reports. Unfortunately, again during this election campaign the citizens did not have an insight into sources and amounts of the funds used to finance political subjects' campaigns.

The Election Day was mostly managed in accordance with the law and the rules, and smaller number of incidents was observed. Two thirds of the polling stations were opened at 7 a.m., and almost 95% of the polling stations were opened until 07:15 a.m. The biggest concern in the process of opening of the polling stations represents the information that 30% of the polling stations were not accessible for persons with disabilities. The voting process was mostly conducted in accordance with the law, rules and regulations, and the concerns are raised about the so-called family voting (at more than 40% of PSs) and the cases where one person provides voting assistance to several voters (at quarter of the PSs). The closing of most polling stations was done in line with the regulations, but on 14% of the polling stations the persons, who were in line at the polling station at the time of closing, were not allowed to cast their vote. The counting process at most polling stations was conducted in a positive fashion, but the concerns are raised about the fact that the aggregate results form (ZR1 form, so-called the yellow copy) was not visibly displayed at 8% of the polling stations, and the legibility of information on the copies of the aggregate results forms was limited. Additionally, observation of the local election commissions' operations on the Election Day had revealed the cases of inappropriate packing of the polling material in more than 40 municipalities, as well as the cases where the polling station committees had incorrectly completed the forms in a quarter of the observed municipalities.

The BiH CEC had respected all deadlines for publishing the results of the 2014 General Elections. The results of the 2014 General Elections were confirmed and published on November 10, 2014. In the period from the Election Day until the day the election results were published, the election commissions had received 705 complaints and appeals related to the entire electoral process, and the re-count of ballots from 198 polling stations was conducted at the Main Counting Center. Following the elections the Coalition "Under the magnifying glass" had submitted to the BiH CEC a list containing 96 irregularities reported by the citizens and the Coalition's observers, hoping that the CEC would consider the list and use it to improve work of the election administration in the future.

The Coalition had also observed to-date process of implementation of the election results. The institutions of legislative government were established until the deadline set forth by the law, except for four-day delay in case of Canton 10 (Livno canton) and one-day delay in case of Goražde canton, Central Bosnia canton, West Herzegovina canton, Posavina and Sarajevo canton. However, the process of electing the delegates to the House of Peoples of both the FBiH Parliament and the BiH Parliamentary Assembly is stalled and slowed down, which makes establishment of the legislative government in its full capacity pursuant to the deadlines set forth by the law impossible. Neither Election Law nor the BiH Constitution set forth the deadlines for establishment of the executive government at all levels in BiH or the notion of extraordinary elections in case the governments are not established until a certain deadline. This leaves room to the representatives of parliamentary political subjects to stall negotiations about formation of the government i.e. not to have a clearly set deadline until which the executive government has to be established.

In order to improve the electoral process in the future, the Pod lupom Coalition proposes the following recommendations:

For political parties and election subjects:

1. To initiate the process of developing and adopting a Law on political organizations at the national level;
2. To adopt the Code of Conduct during the election campaign, which would prevent misuse of public funds for the pre-election purposes;
3. To improve the system of controlling political parties' financial management both in the election and non-election year;
4. To prevent exchange and potential trade of the positions in the polling station committees between the political subjects;
5. To set forth by the law that, besides the polling station committee members, sanctions are to be pronounced to the political subjects, which were found to have ordered actions that violate provisions of the Election Law;
6. To introduce a provision to the Constitution and the Election Law that would prevent abuse of national affiliation in the electoral process;
7. To ensure minimal representation of three constituent peoples, national minorities and the nationally undecided in the legislative government at the cantonal level in the FBiH;

For administration of elections:

8. To shorten all the deadlines from the day elections are announced until the official and complete publishing of the final election results (instead of present 180 days to 120 days);
9. To improve transparency of the work of election commissions at all levels;
10. To pay special attention to the criteria of competence and experience in the election processes when nominating and appointing members of the local election commissions;
11. To provide continuous training to the local election commissions aimed at achieving higher performance efficiency in the election period;
12. To make fundamental changes and concrete improvements regarding the method used to appoint and train the polling station committee members;
13. To simplify the procedures for accrediting domestic non-partisan observers;
14. To provide opportunity for non-partisan observers, as well as the political parties' candidates on the semi-open list, to file complaints;

For Election day management:

15. To strictly adhere to provisions of the BiH Election Law and to the provisions of other implementing regulations that set forth obligation of securing polling material at every polling station;
16. To introduce separate transparent ballot boxes for every level of government for which the ballots are casted;

17. To lower the height of voting booths to the minimum height that guarantees secrecy of the vote;
18. To technically improve preparation of the copies of the aggregate results forms so they would be legible, displaying them publicly at the polling station following completion of all processes at a polling station;
19. To consider introduction of ordinal numbers for the political subjects on the ballot paper;
20. To consider marking the ballot papers with serial numbers aimed at improving security.

2. POLITICAL CONTEXT

The environment in which the General Elections were announced and held on October 12, 2014 had been characterized by consequences of unacceptably slow establishment of the government, i.e. by slow implementation of the election results after the 2010 General Elections; by exceptionally long stall (which is still present) on the European path, and by citizens' dissatisfaction with both the difficult economic and social situation, as well as with the irresponsibility of the government, which was expressed at many protests during the mandate. The disastrous floods had additional influence, and these were profusely used as a tool to win over votes during the election year.

The period between the two electoral cycles could be characterized as the one of the most difficult political situations in BiH since the end of the war. Besides the delay in formation of the legislative and executive government at the national level, the instability of parliamentary majority and the obstructions of the work of the FBiH Constitutional Court, yet another characteristic of this period was the attempt of the ruling structures to expand their control and influence on the process of deciding about some important issues. As it happens, the new Law on conflict of interests in the BiH institutions had transferred the CEC's competence to implement the law to the established parliamentary commission for conflict of interests, which consists of six members of the parliament and three representatives of the Agency for the prevention of corruption and coordination of the fight against corruption (director and two deputies). Such a method of implementing the Law on conflict of interest, which was abandoned even by the countries in the region, represents a significant setback with regard to the previous solution, thus bringing into question the implementation of the Law on conflict of interests as one of the most important anti-corruption laws.

The change to this important Law was made under an urgent procedure, without any consultations with the competent bodies, such as the CEC, and without participation of the interested public. The proposed legislative solution contrasts earlier recommendations of Council of Europe's Group of States against corruption (GRECO)¹, the stance of the Venice Commission from 2010², but also the practice present in the EU and the region³, which substantially add up to the existence of an independent body that would be responsible for deciding on conflict of interests. The reserve towards impartiality and efficiency in preventing conflict of interest with the new legislative solutions was also indicated in the last Bosnia and Herzegovina Progress Report⁴. In the same package the ruling majority had proposed low-quality changes to the Election Law, which did not deal with the important issues in line with the recommendations from the last elections, but were directed towards achieving higher domination of political parties in the electoral process. These changes were also proposed without any prior consultations, but fortunately they were not adopted.

¹Annex to the Compliance Report for BiH,

<http://www.msb.gov.ba/dokumenti/strateski/default.aspx?id=6244&langTag=sr-SP-Cyrl>

²Several arguments why implementation of the entity laws on conflict of interests must be entrusted to the CEC, http://www.izbori.ba/Documents/CIK/God-lzvjestaji/2010/IZVJESTAJ_CIK_2010-hrv.pdf, page 133.

³In Serbia the Agency for the fight against corruption deals with the conflict of interest, in Croatia the Commission for conflict of interests, in Montenegro the Commission for prevention of conflict of interests, in Slovenia the Commission for prevention of corruption, in Albania the High Inspectorate of Declaration and Audit of Assets, in Macedonia the State Commission for prevention of corruption, in Romania the Agency for integrity deals with the cases of conflict of interests, in Bulgaria the Commission for prevention and ascertainment of conflict of interest, and in Latvia the Agency for the fight against corruption. Source: TI BiH

⁴http://www.dei.gov.ba/dei/media_servis/vijesti/default.aspx?id=14164&langTag=bs-BA, page 15.

Since establishment of the government after the 2010 Elections and until today, the political leaders did not show sufficient level of political will and responsibility to meet all obligations on the BiH's road to the membership in the European Union. Here we especially underline the failure to implement the decision of the European Court for Human rights in case of "Sejdić and Finci vs. BiH"⁵, and the failure to meet the obligation of establishing coordination mechanisms. Even besides efforts made by the representatives of the European Union to remove the above-mentioned obstacles, it unfortunately did not lead to a final solution, primarily due the attempts of certain political actors to include other issues that penetrate the domain of constitutional change into this package. On the contrary, such a situation had caused denial of a part of the European assistance from the IPA funds that are intended for BiH.

Citizens' dissatisfaction with the difficult economic situation had peaked with February protests in several BiH citizens, mostly on the territory of the BiH Federation. The protests, inter alia, resulted in several burnt government buildings (including the building of the BiH Presidency), removal of five out of ten cantonal governments, but it had also resulted in improved working efficiency of the BiH Federation Government, which during the first quarter of 2014 was more in session than during the two previous years together, and it had adopted twice as much measures than in the same period of 2013⁶. This activity can be attributed to the fact that the Election Day was getting closer.

Distribution of the humanitarian and other aid after the floods had caused conflicts with some representatives of the international community in BiH, who had openly called the domestic institution to account, but it had also caused open conflicts between the domestic political actors regarding distribution of the aid in the entities. In accordance with the public opinion surveys and the Coalition's observation during the summer months, yet again the biggest problem of the upcoming election could have been the apathy of the voters, who, whilst occupied with their own existential problems, had lost all faith in the value of their participation in the elections.

⁵Decision from December of 2009

[http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{"dmdocnumber":\["860268"\],"itemid":\["001-96491"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx#{)

⁶Monitoring performance of the FBiH Government for the period 1.1. – 31.3.2014, <http://cci.ba/monitoring/1/8/2.html>

3. MAIN INFORMATION ABOUT THE 2014 GENERAL ELECTIONS⁷

The Central Election Commission passed the decision on announcing the General Elections in BiH on May 15, 2015. The elections were held on October 12, 2014 for the following bodies, i.e. levels of government:

- The Presidency of Bosnia and Herzegovina (3 members);
- House of Representatives of the Parliamentary Assembly of Bosnia and Herzegovina (42 members);
- House of Representatives of the Parliament of the BiH Federation (98 members);
- The President and two Vice Presidents of Republika Srpska;
- The National Assembly of Republika Srpska (83 members),
- Assemblies of 10 cantons in the Federation of Bosnia and Herzegovina, having in total 289 councilors⁸.

A total of 518 mandate holders were to be elected. A total of 98 certified political subjects had participated in the elections, whereof 50 political parties, 24 coalitions and 24 independent candidates. A total of 7.748 candidates were certified to stand at the elections, where of 3.276 or 42% were women and 4.472 or 58% were men.

A total of 3.278.908 voters could exercise their right to vote at the 2014 General Elections. Out of this number 3.216.177 voters could vote at the regular polling stations; 9.226 could vote in absentia; and 11.366 voters could vote in person; while 42.139 persons had registered to vote from abroad. The voters residing outside BiH could vote by-mail or at the diplomatic-consular representation offices of BiH in the world.

A total of 5.401 polling stations⁹ were designated and 270 mobile teams for voting were established.

The local election commissions had accredited around 50.000 political party observers. The BiH CEC accredited 5.760 observers to observe the 2014 General Elections, whereof 5.073 were observers from 29 domestic organizations (seven organizations of the Coalition "Under the magnifying glass"), 552 observers from 38 international organizations and 130 observers from 13 political subjects. The observers of these political subjects were accredited to observe work of the Main Counting Center and/or work of the BiH CEC.

⁷Information from the Central Election Commission of Bosnia and Herzegovina (CEC).

⁸Canton 1 (Una-Sana): **30 councilors**; Canton 2 (Posavina): **21**; Canton 3 (Tuzla): **35**; Canton 4 (Zenica-Doboj): **35**; Canton 5 (Goražde): **25**; Canton 6 (Central Bosnia): **30**; Canton 7 (Herzegovina-Neretva): **30**; Canton 8 (West Herzegovina): **23**; Canton 9 (Sarajevo Canton): **35**; Canton 10: **25** councilors.

⁹5.284 regular polling stations; 107 PS for voting in absentia; in person in 1991 municipality – 1; voting by tendered ballots – 4; diplomatic-consular representation offices – 5.

4. METHODOLOGY

The methodology of electoral process observation prior the Election Day was founded on the work of 7 Coalition's regional offices and the work of 42 long-term observers deployed in the field. Every long-term observer was responsible for one to six municipalities. The long-term observers were responsible to observe work of the election administration (local election commission), to monitor observance of the deadlines set forth by the law, to monitor voters' registration process, to conduct activities on encouraging registration of the short-term observers, to monitor election campaigns of the political subjects, and to report any irregularities observed in the field. Since its establishment, the Coalition had observed the BiH CEC's work by regularly attending the sessions, which the CEC characterized as a positive activity since domestic observers were never before present at the sessions. The methodology of collecting and analyzing the information and the data was based on the direct contacts and the meetings with the representatives of all electoral stakeholders (representatives of election administration, political subjects, media), meetings with representatives of the law enforcement agencies and with representatives of the non-governmental organizations, as well as on the analysis of local and regional media, on the work in the field and on the direct contact with the citizens. The long-term observers submitted to the Coalition's Head Office weekly reports on all conducted activities.

The Coalition is founding the observations on the Election Day on the reports of its observers and the staff, and on the citizens' reports of irregularities. On the Election Day the Coalition "Under the magnifying glass" had deployed 2.800 observers at 1.348 polling stations, thus covering more than 25% of 5.284 regular polling stations. The use of statistical-based methodology of election observation, which means deployment of observers to the accurately defined sample of the polling stations, makes the collected data statistically relevant for the entire BiH. This advanced methodology is used by similar organizations all around the world, and it represents a positive methodological shift away from the classic election observation, which is based on covering as many polling stations as possible. Also, this methodology allows the focus to be put on the important issues of the Election Day, as well as on the pace of collecting and processing the information.

Furthermore, the Coalition had deployed observers at 134 local election commissions and 50 mobile teams.

All short-term observers had undergone intensive training about legislation and regulations that regulate the Election Day procedures, as well as about the method of communication and reporting, and they had signed the Code of conduct, pledging to objective and impartial reporting. The short-term observers were responsible to monitor the process of opening of the polling stations, voting, closing of the polling stations and the vote counting, and to communicate the information about these activities using SMS reporting or calling the Coalition's call center.

The coalition for the first time also implemented a pilot project for collecting and processing the election results for all election races under the majority system. The collected election results confirmed the official election results published by the BiH CEC.

5. LEGAL FRAMEWORK AND ELECTION SYSTEM

5.1. Legal framework

The legal framework in Bosnia and Herzegovina is very complex, since it has abundance of unique constitutional solutions. The Constitution of Bosnia and Herzegovina is the Annex IV of the Framework Agreement for Peace in BiH (so-called the Dayton Peace Agreement), which entrusts limited competencies to the State institutions, while most of the competencies are entrusted to the entities – the BiH Federation (FBiH) and Republika Srpska (RS), but also to the cantons in the BiH Federation. The Brčko District of BiH has a special status as a unit of local self-government, under the sovereignty of BiH and it is held in a condominium by both entities. The Dayton Peace Agreement also established the Office of the High Representative (OHR), which has significant authority and which is *de facto* a part of the constitutional structure. The specificity of the constitutional solutions in BiH is reflected in the concept of “constituency” of the people (Bosniaks, Croats and Serbs), while the citizens who do not belong to any of the constituent peoples or who do not declare their ethnic affiliation are called “Others”. This represents discrimination against the ones who do declare their national/ethnic affiliation, and these are members of the national minorities¹⁰, but also against the ones who decided not to declare their ethnic/national affiliation.

Here, one has to mention the fact that the Decision of the BiH Constitutional Court from the year 2000 has not still been completely implemented. The decision guarantees equality of all three peoples on the entire territory of BiH, thus neutralizing the fact that representatives of these three peoples, depending in which entity they live, do not have the passive voting right.

Also here one should mention the fact that the Decision of the European Court for Human Rights in case of “Sejdić and Finci” has not been implemented, even though more than four years had gone by since the decision was passed. As a proceeding against BiH in case of Pilav and Zornić is instituted before the same Court one can expect the ECHR to admit their statement of claim and to obligate the State to implement the decision, which inevitable must lead to changes of the BiH Constitution and the BiH Election Law.

The BiH Parliamentary Assembly had ratified many international treaties, and among these the European Convention for the protection of human rights and fundamental freedoms, especially highlighting its Protocol 12, which prohibits all forms of discrimination, as well as the Covenant on civil and political rights, etc.

The BiH Election Law is the organic law for organizing and administering the elections. The law has underwent 19 changes and addenda up to date¹¹. The last changes to the Election Law had been done during 2014 and it is not in line with the Code of good practice in electoral matters of the Venice Commission, which recommends that an Election law should not be changed in an election year.

The BiH Election Law does not define deadlines for establishment of the executive government or the penalty provisions in case the deadlines for establishment of the government at all levels of authority are not observed, which was one of the main reasons of the huge delay in

¹⁰National minorities in BiH are defined under the Law on rights of national minorities in BiH

¹¹“Official Gazette of BiH”, no.23/01, 07/02, 09/02, 20/02, 04/04, 20/04, 25/05, 65/05, 77/05, 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 07/14

establishment of different executive functions¹² after the 2010 General Elections. At the same time the Election Law does not recognize the notion of extraordinary election, which can serve as a mechanism to de-block non-functioning of the government in situations set forth by the law.

There are several other laws that are also relevant for organization and conduct of the elections in BiH such as the Election Law of Republika Srpska¹³, the Election Law of Brčko District of BiH¹⁴, the Law on direct election of mayors in FBiH, and other laws relating to the electoral process, these being the Law on political party financing, the Law on citizenship, the Law on conflict of interests in the government institutions of BiH, the Law on permanent and temporary residence of BiH citizens, the Law of Brčko District on the selection and change of the entity citizenship, and all CEC's regulations.¹⁵ Unfortunately there is no Law on political organizations in BiH, which would regulate questions of importance to their responsible and transparent functioning.

Since entry into force of the new Law on conflict of interests in the government institutions of BiH¹⁶ at the end of 2013, the BiH CEC no longer has the competencies to implement the laws regulating this area. The decision of the RS National Assembly, which is responsible according to the Election Law (as well as other legislative bodies) to review boundaries of the constituencies and number of mandates from the multi-member constituencies every four years, caused the change in number of the constituencies from six to nine. The number of mandates and the boundaries of the constituencies were not reviewed at other electoral levels in BiH.

Recommendations:

- **Having in mind that there is no law on political organizations at the State level, it is necessary to prepare and to adopt such a law involving all interested actors in the public discussion.**

5.2. Election system

The election system of BiH is based on Annex III (Agreement on Elections) and Annex IV (Constitution of Bosnia and Herzegovina) of the General Framework Agreement for Peace in BiH, and on the BiH Election Law. The mandate of the elected officials at all levels of authority is four years, but election cycles for local levels of authority do not coincide with election cycles for the higher levels of authority.

Reflecting a very complex constitutional structure of BiH the election system represents a combination of almost all known election systems: majority system, single-member and multi-member constituencies for election of members of the BiH Presidency, president and vice presidents of RS, as well as for election of the city/municipal mayors and the proportional system with multi-member constituencies for election of the members of

¹²The BiH Parliamentary Assembly was established seven months after the elections, and the Council of Ministers 14 months after the elections. The elections of the President and Vice Presidents of FBiH could not be conducted due to delays in establishing the House of Peoples of the BiH Federation Parliament.

¹³"Official Gazette of Republika Srpska", no .34/02, 35/03, 24/04, 19/05 and 24/12

¹⁴"Official Gazette of Brčko District of BiH", number 17/08

¹⁵The Constitutions of the FBiH and the RS are also relevant. At the level of RS: the Law on political party financing, the Law on political parties in RS, the Law on political party financing of Brčko District of BiH, Law on political organizations of Brčko District of BiH. No laws concerning political parties and their financing were adopted in the FBiH.

¹⁶The Law on changes and addenda to the Law on conflict of interests in the government institutions of BiH, "Official Gazette of BiH", no .87/13

parliaments/assemblies and representative bodies at the local level. The Election Law sets forth an electoral threshold of 3% and political subjects that pass the threshold are qualified to participate in distribution of regular mandates and it is applied to all electoral races under the proportional representation system. On the semi-open candidates' lists the voters can, besides to the political subject, give their vote to some of the candidates on that list. The preferential method is used to determine whom of the candidates won the confidence of the political party's voters, based on which it is determined who had won the individual mandate.

The two members of the BiH Presidency (Bosniak and Croat) stand for the office and are elected from the territory of the BiH Federation as one constituency¹⁷, whilst the third member of the BiH Presidency (Serb) stands for the office and is elected from the territory of RS as one constituency.

The Parliamentary Assembly of Bosnia and Herzegovina is bicameral – House of Representatives and House of Peoples. Out of the 42 members of the House of Representatives of the BiH Parliamentary Assembly 28 members are elected in the BiH Federation (from five multi-member constituencies), and 14 members are elected in Republika Srpska (from three multi-member constituencies). 21 members are elected directly from the BiH Federation under the proportional representation system, whilst remaining 7 mandates are so-called compensatory mandates, which serve to compensate for scattered votes resulting from existence of constituencies. Only political parties and coalitions, but not the independent candidates¹⁸, participate in distribution of the compensatory mandates. The same electoral principle is used to distribute 14 mandates from Republika Srpska, where 9 members are elected directly, while remaining members are determined from the compensatory lists.

The legal obligation of all representative bodies is to review the number of registered voters and the boundaries of constituencies every four years in order to ensure equal value of the vote, but in practice it did not happen except in the case of RS¹⁹. However, it is evident that these do not ensure equal value of every individual vote²⁰.

Constituency	Number of voters	Number of mandates	Vote value	Deviation
FBiH 1	310.329	3	103.443	106,52%
FBiH 2	261.400	3	87.133	89,73%
FBiH 3	431.374	4	107.844	111,05%
FBiH 4	545.702	6	90.950	93,66%
FBiH 5	490.511	5	98.102	101,02%
Total FBiH	2.039.316	21	97.110	100,00%
RS 1	564.328	3	188.109	136,17%
RS 2	384.034	3	128.011	92,67%
RS 3	294.903	3	98.301	71,16%
Total RS	1.243.265	9	138.141	100,00%

Table 1: Overview of the weight of votes by constituencies – Parliamentary Assembly of BiH – direct mandates

¹⁷One voter may vote only for one candidate proposed for the BiH Presidency.

¹⁸Closed lists are used for distribution of compensatory mandates.

¹⁹Except the RS National Assembly, which had changed boundaries of constituencies in 2012.

²⁰For example, number of voters in constituency 1 for HoR BiH PA from RS is two time higher than the number of voters in constituency 3, and both give the same number of mandates, 3 mandates each.

Such a high disparity is contrary to the provisions of the Code of Good Practice in Electoral Matters of the Venice Commission²¹, which recommends that disparity in number of voters by constituencies can in some rare cases exceed 10%, and exceptionally 15%, but only in case of huge geographic and/or administrative areas with small number of voters. And while the disparity in the two constituencies of the BiH Federation exceeds 10%, the disparity in two constituencies of the Republika Srpska is even 30%.

The delegates in the House of Peoples of the BiH PA are elected indirectly in the entity parliaments.

The House of Representatives of the Parliament of Federation of Bosnia and Herzegovina has 98 members, and a minimum number of four (4) members of each constituent people must be represented in the HoR of FBiH parliament. The largest part of the mandates (around 70%) is determined within 12 multi-member constituencies, while the remaining mandates are determined from the compensatory lists. Neither the BiH Federation Parliament, similar to the BiH Parliamentary Assembly, did reconcile the size of constituencies before these elections, which led to enormous disparities in the weight of votes:

Constituency	Number of voters	Number of mandates	Vote value	Deviation
1(FBiH)	246.081	9	27.342	97,88%
2(FBiH)	151.695	5	30.339	108,60%
3(FBiH)	204.416	7	29.202	104,53%
4(FBiH)	134.400	4	33.600	120,28%
5(FBiH)	228.665	8	28.583	102,32%
6(FBiH)	97.869	4	24.467	87,58%
7(FBiH)	219.093	6	36.516	130,71%
8(FBiH)	219.168	9	24.352	87,17%
9(FBiH)	191.536	8	23.942	85,70%
10(FBiH)	69.864	3	23.288	83,36%
11(FBiH)	212.281	7	30.326	108,56%
12(FBiH)	64.248	3	21.416	76,66%
Total	2.039.316	73	27.936	100,00%

Table 2: Overview of the weight of votes by constituencies – Parliament of the BiH Federation – direct mandates

If a political subject, which had won a compensatory seat, does not have enough eligible candidates of the relevant constituent people on its list to meet the minimum of four members, the mandate is transferred to the next candidates' list having received the highest number of votes and having such candidates left on its compensatory list, until the minimum is met²². Similar solutions are in place for the election of 83 members of the National Assembly of Republika Srpska.

The National Assembly and the Council of Peoples are the legislative authority in Republika Srpska. A total of 83 members of the National Assembly are elected from nine multi-member

²¹[http://www.venice.coe.int/webforms/documents/CDL-AD\(2002\)023rev-e.aspx](http://www.venice.coe.int/webforms/documents/CDL-AD(2002)023rev-e.aspx)

²²Obvious abuse of the ethnic allegiance was evident at the last General Elections, aimed at increasing the chances of winning a mandate.

constituencies, and the Council of Peoples is composed of eight Serbs, eight Bosniaks, eight Croats and four representatives of the group of Others, who are elected by their respective caucus in the National Assembly of RS, and whose main function is to initiate procedure for the protection of the vital national interest.

Constituency	Number of voters	Number of mandates	Vote value	Deviation
1(RS)	150.213	7	21.459	108,74%
2(RS)	143.414	7	20.488	103,82%
3(RS)	270.701	12	22.558	114,31%
4(RS)	83.658	4	20.915	105,98%
5(RS)	121.911	6	20.319	102,96%
6(RS)	178.465	9	19.829	100,48%
7(RS)	115.168	7	16.453	83,37%
8(RS)	69.502	4	17.376	88,05%
9(RS)	110.233	7	15.748	79,80%
Total	1.243.265	63	19.734	100,00%

Table 3: Overview of the weight of votes by constituencies – RS National Assembly – direct mandates

Also there is a House of Peoples of the BiH Federation Parliament consisting of 58 delegates, 17 representatives of each constituent people and seven representatives of the group of Others, who are nominated amongst the members of the Cantonal Assemblies in line with the BiH Election Law.

The members of ten Cantonal Assemblies are also elected in the BiH Federation. The number of members in these Assemblies varies between 20 and 35 depending on the number of voters registered in the Central Voters Register.²³

²³The Cantonal Assemblies having less than 75.000 voters registered in the CVR have 20 to 25 members, Cantonal Assemblies having 75.000 to 200.000 voters have 25 to 30 members, and Assemblies having more than 200.000 registered voters have 30 to 35 members.

6. ELECTION ADMINISTRATION

The election administration of Bosnia and Herzegovina consists of election commissions and polling station committees. The election commissions are: the Central Election Commission of BiH (CEC), municipal/city election commission and the Election Commission of Brčko District of BiH²⁴ (hereinafter: the local election commissions). Beside the above-mentioned commissions the BiH Election Law provides possibility of establishing entity and cantonal election commissions. The Entity Election Commissions are established in line with the entity law, while their competence is to be defined by the BiH CEC. Such a commission was established in Republika Srpska in 2008 in accordance with the RS Election Law, but its activities are still not visible to the public. Having in mind that no separate election law had been passed in the FBiH, there is no entity commission.

In the period from 1996 to 2000 the competence to conduct the elections was vested with international organizations, primarily the OSCE. In this period, the international organizations organized and conducted the elections through the Provisional Election Commission in accordance with the so-called election rules and regulations. The BiH Election Law, which was passed in 2001, set forth establishment of a permanent BiH Election Commission. The domestic members replaced three international members of the Election Commission (two representatives of the OSCE, and one representative of the OHR) by the changes and addenda to this Law in 2006, and the commission changed its name to the Central Election Commission of BiH (BiH CEC).

The mandate of the members of election commissions is seven years, while the members of the polling station committees are appointed for every elections.

6.1. The Central Election Commission of Bosnia and Herzegovina (BiH CEC)

The BiH Central Election Commission (CEC) is responsible for organizing and conducting the elections. The CEC is in the category of the permanent election administration, and it has seven members: two Bosniaks, two Serbs, two Croats and one "Other" member'. Since 2002 the BiH CEC completely organized and conducted seven elections: four regular elections (2002, 2006, 2010 and 2014) were conducted for the state, entity and cantonal bodies of authority, and three regular elections (2004, 2008 and 2012) for the local bodies of authority, including the Assembly of Brčko District of BiH. The BiH CEC also conducted the early elections for the President of RS in 2007.

The Coalition's observation is that the BiH CEC had successfully and professionally organized the 2014 General Elections, having some minor problems in its work caused by insufficiently efficient performance of the local election commissions and shortcomings of the electoral legislation. During the preparation of the elections, certain problems in the BiH CEC's work were noted relating to the selection of the printing house which will print the ballot papers, existence of two dandy rolls²⁵, as well as some problems with the distribution of ballot papers to the by-mail voters. These technical problems, which were particularly emphasized by the political parties and the media, could have affected the public confidence in legality of conduct of the elections.

²⁴142 election commission at the local level, including the Brčko District of BiH

²⁵Referring to the dandy roll used for the previous elections, and which was stored in the vault of Czech company "Neograph" in Prague.

The BiH CEC had organized 10 trainings for the members of the local election commissions, and the trainings were mostly based on educational video materials/video spot, which the BiH CEC had prepared for the trainings. Many MECs had found the video material to be a significant improvement in the training process.

The Coalition's experience, as well as a general impression that we gained during the meetings with numerous stakeholders, is that the BiH CEC has satisfactory level of communication with the public. The BiH CEC informs the public about all aspects of electoral process regularly and on time through the official web page and the PR office. Nevertheless, the access to information could be improved in terms of putting all decisions the BiH CEC's passes at its sessions to public scrutiny, for example by publishing the decisions on the BiH CEC's web page.

Among other competencies, the BiH CEC is also competent to accredit observers of the associations and international observers to observe all electoral activities, while the local commissions or the BiH CEC accredit the political parties' observers depending on the activities they wish to observe. Even though the CEC had put its utmost efforts to make this process, at least with regard to the Coalition's observers, as efficient as possible, it had become evident that the accreditation system is complicated, and that domestic observers, unlike the international observers, are in an unfavorable position when it comes to the observers' mobility on the Election Day and the access to the polling stations in different constituencies. In the process of accrediting association's observers it is necessary to provide the entire documentation when submitting every individual application for accreditation of new observers.

Recommendation:

- **It is necessary to introduce accreditation procedure that would be the same for both domestic non-partisan and international observers in terms of procedure's simplicity and the use of one accreditation in several constituencies. Also it is necessary to determine deadlines for issuance of badges/accreditations by the BiH CEC.**

6.2. Local Election Commissions (MECs, City Election Commissions)

The election commissions at the local level are, inter alia, responsible for designating polling stations, establishing polling station committees, providing training to the polling station committees, organizing the Election Day and compiling the results of elections from all polling stations on its territory. Depending on the number of voters on its territory the local election commission can have three (3), five (5) or seven (7) members.

The Coalition's observations in the field revealed that the local election commissions (LECs) had conducted their activities in line with the Election Law and the working procedures of the local election commissions, mostly respecting the deadlines of electoral activities. In some commissions, observers noted the lack of professionalism, failure to hold the sessions and/or the sessions which were held in an informal atmosphere lacking transparency. The meetings of the LECs during August and in the first part of September in majority of cases were not held in accordance with a plan, neither in terms of the venue nor the time. These were *ad hoc* meetings, organized if it was found necessary, and some municipalities had continued such a practice until the end of September. In October the Coalition's observers had noted more frequent meetings of the LECs, on average every second day, but very often without any prior notice and without a prepared agenda. The local election commissions had pointed out some of their internal problems, where members of the commissions often do not have legal and

technological knowledge, and they do not understand the election process in general, while responsibility is transferred to the president, who does not have mechanisms of control over other members of the commission and thus he/she is faced with refusal of the members to perform tasks assigned to them.²⁶

Two months before the Election Day it was also observed that 5 out of 142 commissions were not fully staffed.²⁷ In terms of the legal obligation of financing work of the municipal election commissions, the Coalition's observers had reported insufficient provision of the financial support in a certain number of the municipalities.²⁸ At the same time, a great number of MECs find the key problem in their work to be the mode of financing, which is vaguely prescribed by the law, i.e. the complete dependence on local communities. The deadline for determining number and type of polling stations was August 8, and it was observed that 12 commissions²⁹ had failed to meet the deadline. Most of the MECs said that the main problem of determining number and location of polling stations (PS) is division of bigger PSs (having more than 1.000 voters) to two PSs, where limited funds reduce working conditions at some polling stations. The Municipal Election Commissions Čelić, Drvar, Lopare, Teočak and Ugljevik also experienced the delay in designation of the final locations for the polling stations.

The local election commissions are also obligated to organize the training for appointed polling station committees. The BiH CEC's video materials were used for the training of polling station committees in the field. The Coalition's observers attended more than 50 trainings of the polling station committees. The trainings of polling station committees were done in line with the deadlines. The trainings were mostly well-organized with high attendance records, but different in duration of the training, quality of the trainers, etc. Based on the attended training the members of the polling station committees took an exam, and the average passing rate in observed trainings was 95%, and the ones who failed the test were given the opportunity to take the exam again.

Nevertheless, the beginning of the process to determine the results, and the subsequent problems that had occurred in the Main Counting Center (MCC) in terms of having more designated polling stations where there were some problems in determining the results, one can conclude that the training process has to be improved in order to prevent technical errors in the work of the polling station committees.³⁰

Recommendation:

- **In the process of nomination and appointment of the local election commissions' members, special attention has to be paid to the professional qualifications and election-related experience.**
- **It is necessary to provide continuous training to the local election commission aimed at increasing their working efficiency in the election period.**

²⁶Based on the results of a questionnaire that the Coalition "Under the magnifying glass" had sent to all local election commissions in BiH in the period from October 30 to November 11, 2014, as well as the interviews with the representatives of the LECs.

²⁷Bratunac, Čapljina, Čelić, Krupa na Uni and Kupres (RS)

²⁸Bihać, Sanski Most and Bosansko Grahovo.

²⁹Bihać, Bugojno, Bužim, Cazin, Dobož, Donji Vakuf, Gornji Vakuf, Ilijaš, Kupres (RS), Pale, Sanski Most and Tuzla.

³⁰Additionally, many MECs that had been interviewed after the Election Day think that all members of the PSCs must undergo a more detailed theoretical and practical training, which would be followed by more serious tests, while they also recommended that presidents of the PSCs undergo additional trainings and tests a few days before the Election Day.

- **To enhance transparency of the election commissions' activities at all levels.**

6.3. Polling station committees

The polling station committees directly manage activities at the polling station, ensure regularity and secrecy of the vote, and record the results. The PSCs have 3 or 5 members and their deputies depending on the number of voters at the polling station. A total of 5.564 polling station committees were appointed for the 2014 General Elections.

The observers of the Coalition, who also observed the lottery procedure for allocation of positions in the polling stations to the political subjects, had also observed several situations where representatives of the political subject had been openly discussing trade and sale of the positions in the polling station committees³¹. Such a practice leads to a situation of having a higher number of representatives of one political subject sitting on a polling station committee, which is a practice that violates provisions of the BiH Election Law according to which only one representative of a political subject can be a member of a polling station committee. This can raise some doubts about regularity of the electoral process. For the purpose of transparency and possible decrease in the volume of trading seats in the polling stations, the Coalition had previously invited the election administration to publish names of all polling station committee members together with the names of the political subjects that are nominating³² them, respecting the confidentiality of personal information. There was no reaction concerning this issue.

The observers' reports about the problems of having correctly completed forms at the polling stations on the Election Day, discrepancies in the accuracy test and irregularities that had occurred in packing and delivering the polling material just confirm everything that has been stated previously. The conclusion imposing itself is that it is necessary to unify training of the polling station committees in all municipalities by applying minimum standards in terms of contents (theory and practice), duration and difficulty of the tests, which a person must pass in order to be appointed as the member of the polling station.

Recommendations:

- **The coalition finds the polling station committees to be one of the weakest links of the electoral process, and that comprehensive changes and concrete improvements have to be made concerning the method of appointment of the PSC members and their training. With reference to the appointment, the method of selection of the polling station committee members has to be changed in the way that the president should be an apolitical person, and that the names of the members and nominating political parties are public and submitted before the so-called lottery. It is also**

³¹This information is additionally confirmed in the interviews with the MECs that the Coalition conducted after the Election Day, where 25% of them think there are clear indications about trade and exchange of positions in the polling station committees, but that the dominant influence of political parties on appointment of the PSC members also represents a problem. As a possible solution the MECs had proposed that the position of a PSC president becomes a professional position, that the presidents of PSC are appointed to a longer period of time, two election cycles at least, to clearly define profiles of persons who can perform these duties, and to eliminate the influence of political parties to appointment of the PSC members. As a possible solution to the trade and exchange of positions in PSCs under existing rules the MECs said that members of the PSCs should be nominated by political parties, which have realistic power in the local community.

³²A peculiar step made the MEC Šamac, which in its Decision on appointment of the polling station committees did not list the names of political subjects next to the names of members, but it just listed their codes.

necessary to provide continuous and high quality training to the members of the polling station committees during the period between the elections.

- To prevent exchange of positions in polling station committees between the political subjects and the potential trade-off in order to provide for observance of the provisions of the Election Law according to which only one representative of a political subject can be a member of polling station committee.
- To set forth by the law that, besides the polling station committee members, sanctions are to be pronounced to the political subjects, which were found to have ordered actions that violate provisions of the Election Law.

7. PRE-ELECTION PERIOD

7.1. Registration of political subjects and candidates

In accordance with the BiH Election Law the BiH CEC certifies political subjects³³ for the elections. A political subject may participate in the elections if a member of the political subject holds a mandate in the same body for which the political subject applies to stand for office or it has to submit signatures of support to the BiH CEC in line with the BiH Election Law.³⁴ Three thousand (3,000) signatures of voters recorded in the Central Voters Register had to be submitted for the elections for the members of the Presidency of BiH.

For the 2014 General Elections the BiH CEC had certified 98 political subjects, i.e. 7.748 candidates in 50 political parties, 24 coalitions and 24 independent candidates.

7.2. Voter registration

The registration of voters in BiH has been passive since 2006, while the active registration is still in place for the voters who vote out of Bosnia and Herzegovina. According to the BiH Election Law there are several categories of voters in BiH. The voters, who vote in BiH, are divided into two categories: the voters, who vote at the regular polling stations and the voters, who cast their ballot at an absentee polling station (internally displaced persons). Also the BiH CEC keeps the records of internally displaced persons, who have the right to choose whether they will vote in their present place of residence or in the pre-war place of residence. Until the prescribed deadlines (July 29, 2014) a total of 20.709 internally displaced persons had decided to vote in their pre-war place of residence. The BiH CEC is responsible for maintenance of the Central Voters Register (CVR) based on the records of the competent State body – the Agency for identification documents, registers and data exchange – IDDEEA, records of the civil registry on the BiH citizens, and other bodies are also involved: the BiH Ministry for human rights and refugees, the ministries of interior at all levels, the BiH Ministry of civil affairs – Sector for citizenship and the BiH Central Election Commission.

The local election commissions provide the data necessary for update of the CVR. The Coalition observed that almost all LECs had completed this task on time and in line with the BiH CEC's regulations. There were no major problems observed in the work of the municipal Centers for voters register, but as the local election commissions had pointed out³⁵ the problem of these Centers is that the employees engaged to work in the Center are employees of the municipal administration to whom this activity is assigned as an additional activity, thus there is no commitment and seriousness in the work.

Despite a very proactive media campaign of the local authorities almost 50% of the voters in Brčko District of BiH, who did not choose their entity citizenship, could not have exercised their right to vote.³⁶ This situation had caused many inconveniences, and crowding at the polling stations on the Election Day. The local authorities of the District should find a simpler and more

³³Political subjects are: political parties, independent candidates, coalitions and lists of independent candidates.

³⁴3.000 signatures for the House of Representatives of the BiH PA, 2.000 signatures for the entity parliaments, and 500 signatures for the Cantonal Assemblies. The independent candidates have to submit only half of the prescribed number of the signatures of support.

³⁵Based on the questionnaire distributed to all local election commissions in BiH.

³⁶The voters in the Brčko District of BiH had to opt for entity citizenship by August 28, 2014 in order to be exercise their right to vote. Until the expiry of the deadline, 45.317 citizens of the District had opted for a citizenship, while 39.974 citizens, i.e. a bit more than 46% had failed to do so.

efficient mechanism³⁷ for having all citizens of the District choosing their entity citizenship by the next elections.

A total of 3.278.908 voters had the right to vote at the 2014 General Elections. Instances where the by-mail registration applications were submitted on behalf of 37 deceased persons were also observed, as well as 608 cases of alleged impersonation and falsified applications, indicating potential attempts of fraud. Also the BiH CEC had received reports about the cases where the voters abroad received polling material packages containing ballot papers for several voters. The BiH CEC had reported such cases to the BiH Prosecutor's Office for further investigation.

7.3. Gender equality and participation of national minorities in the electoral process

Gender equality

Aimed at achieving gender equality, the BiH Election Law was changed after the 2010 General Elections so that it now defines that the gender equality exists when one of the genders is represented with minimum of 40%³⁸. This change to the BiH Election Law implies that political subjects must have at least 40% of candidates of the underrepresented gender on their lists. All political subjects certified by the BiH CEC had observed this provision on their candidates' lists. This provision also applies to the election administration, but it is only applied to the composition of the local election commissions and the polling stations committees, and not to the composition of the BiH CEC where there is only one woman amongst the seven BiH CEC's members. It is very important to underline that the BiH CEC was not consulted during preparation of these changes. The Coalition had observed that this provision was generally respected at the local level.³⁹ On the other hand, this provision cannot be respected in election commissions that have three members, having in mind the number of members.⁴⁰ The BiH CEC also duly noted this problem in its Report on implementation of the laws under BiH CEC's competence in 2013. The recommendations given in the report state that it is necessary to find an adequate solution to such a situation. No solutions were proposed in the period from publication of the BiH CEC's report until the conduct of the 2014 General Elections.

Participation of national minorities

Even though the BiH Constitution, as we have previously stated, recognizes significant political rights based on the ethnic affiliation, at the same time it prohibits enjoyment of equal active and passive suffrage to all citizens regardless of the ethnic or national affiliation. Therefore the failure to implement the decision of the European Court for human rights in the case "Sejdić-Finci" and the related recommendations of the European Union given in the BiH Progress Report still limits the passive suffrage of the BiH citizens, who are not members of any constituent peoples.

Seventeen minority groups are recognized in BiH as the national minorities⁴¹, out of which the Roma national minority is the largest.⁴² The Election Law regulates participation of the members

³⁷Regulated by the Law on selection and change of the entity citizenship of the Brčko District of BiH (32/09).

³⁸Harmonization with the Law on Gender Equality in BiH. This was one of the OSCE/ODIHR's recommendations in the Final reports of the election observation mission in 2010. Earlier the quota was 30%.

³⁹In 10 out of 142 local election commission the women were underrepresented and the equality quota was not observed: Vitez, Foča, Čajniče, East Stari Grad, Konjic, Ugljevik, Lopare, Teočak, Zvornik and Bratunac.

⁴⁰In 80 local election commissions that have three members, there is one person of underrepresented gender, while in 7 LECs there are no members of the underrepresented gender (either male or female).

⁴¹The Law on protection of rights of members of national minorities (adopted in 2003, changed in 2005).

of national minorities, but only in the elections for the representative bodies at the local level. The Election Law guarantees mandates to the members of all national minorities who make up more than 3% in the total number of population of the particular constituency according to the last census. According to the BiH CEC's information the members of the group of "Others"⁴³ won 13 mandates at the 2014 General Elections.

7.4. Election campaign

7.4.1. Election campaign of political subjects

The election campaign is defined by the BiH Election Law and it encompasses all activities and actions in the period of time defined by the Law during which political subjects, in line with the Law, present their program and the candidates to the voters and the general public. The key processes regulated by the provisions of the Election Law relate to the complete freedom in the conduct of all activities of the political subjects during the election campaign, rules of conduct (including distribution and placement of the promotional material, and destroying the latter, the use of public buildings, campaign during the election silence), election campaign financing, lottery procedure for media appearances, equal and fair representation in the media, and prohibition to conduct the campaign from the day elections are announced until the official start of the election campaign. The election campaign starts 30 days prior to the Election Day.⁴⁴

A general observation of the election campaign is that it was conducted in a peaceful manner. The political subjects used already seen tools and there was no innovation in the approach to the voters. Again the focus was on the opponent and on his/her flaws, and not on personal program and measurable pre-election promises. The relatively low penalties that were used in some cases of violation of the Law's provisions on the election campaign had failed to discourage some political parties of engaging in above-mentioned and other law-breaking activities. After several election cycles the political parties have become very skilled in getting the maximal benefit from the gaps and ambiguities of the Law in terms of the election campaign, as it is almost similarly done in some other processes covered by this Report.

The election campaign in 2014 had even begun before the Decision on announcing the General Elections was passed. The political subjects participating in the elections, especially the ones that held high positions in the government, had formatted their regular public and political activities in a way to send certain messages to the future voters and to get their attention, including the protests in February, the floods in May and other events that had occurred during the year.

During the observation of the period prior to the official start of the campaign, the Coalition observed many cases that could be considered as paid advertising. These cases relate to distribution of promotional material, organization of different events by the political subjects, such as street booths, panel discussions, debates, etc. The Coalition also observed significant engagement of the political subjects in paid advertising via the social networks. However, the ambiguity of the provisions of the BiH Election Law that regulate this area⁴⁵ allow the political

⁴²Even though the Census was completed in 2013 the information published up to now do not present any data on the number of members of the Roma population, but the estimates, depending on the source, vary between 30.000 and 100.000 Roma people in BiH.

⁴³1 mandate in the RS NA; 2 mandates in the HoR of FBiH Parliament, 10 mandates in the Cantonal Assemblies.

⁴⁴The Election Law of Bosnia and Herzegovina, Chapter 16, http://www.izbori.ba/Documents/documents/English/Laws/Election_Law_of_BiH-eng.pdf

⁴⁵The Election Law of BiH, Article 16.14, paragraph 3

subjects to conduct an open election campaign through activities, which are not recognizable paid advertising. It means that the election campaign was being conducted long time before its official start, but without billboards, massive placard placement (even though distribution of promotional material was observed), video material and paid broadcast time in the electronic media. The Coalition did not observe that any sanction was pronounced to the political subjects, which have used the “Facebook ads”, i.e. paid internet advertising of this widespread social network.

The Coalition’s observers attended more than hundred public events organized by the political subjects during the election campaign. The election campaign was characterized by different types of campaign rallies across the country. The rhetoric used at the public events was dominantly focused on criticizing the opponents instead on promoting the individual programs and ideas. The debates between the candidates presented through organized events were missing, except for the smaller number of debates that some international and domestic non-governmental organizations had organized.

The Coalition's observers had observed the use of official vehicles for the election campaign by a large number of elected officials, who at the time of election campaign had held high positions in the government, including members of the BiH Presidency, entity presidents and prime ministers, and members of the cantonal government and municipal structures. The Coalition had also observed some cases where the vehicles belonging to the public companies in which the political parties have dominant political influence were used. The Coalition’s observers did not notice lots of cases of the hate speech at the public events, except in some rare cases.

One of the most common irregularities in the election campaign, which became a usual practice of many political parties, was the placement of posters in unauthorized areas – usually trees, lighting poles, bus stations, power substations and even on the school buildings. At the same time, observers registered isolated cases where the billboards of certain political parties were destroyed, or even burnt.⁴⁶

Recommendation:

- **To adopt the Code of Conduct during the election campaign in order to prevent misuse of public resources for the pre-election purposes.**

7.4.2. Election campaign financing

The election campaign financing is regulated by the BiH Election Law, the Law on political party financing, and partly by the Law on conflict of interests and the Law on administrative procedures of BiH.

The Coalition “Under the magnifying glass” did not systematically and methodologically monitor financing of political campaigns for the 2014 General Elections. However, the findings discovered by other civil society organizations, which methodologically monitor this segment of the electoral process, show that ten political parties in BiH had spent approximately 4.5 million KM for the purpose of commercial advertising on 10 TV stations and in nine daily newspapers. At the same time approximately 3 million KM was spent on the billboards. The calculation does not cover the paid broadcast time for different shows and media appearances, radio advertising or pre-election rallies. In terms of the campaign advertising volume it is estimated that the Party of Democratic Action (SDA) is the forerunner with more than ¼ of the total share, next is the

⁴⁶The case when the HDZ 1990 billboard was burned.

Social Democratic Party of BiH (SDP) with 935 announcements or 21%, then the Alliance for Changes (without individual advertising of the parties that are members of the Alliance) with 652 announcements or 14%, SNSD and the Coalition SNSD-DNS-SP with 448 announcements or around 10%, the Alliance for better future (SBB) with 342 announcements or 8%, and the share of the remaining five political subjects is around 20%. If viewed from the financial aspect, the reports indicate that the following parties had spent the most funds on this aspect of advertising: SDA (around 860.000 KM), SNSD, which together with its advertisements and the advertisements of the SNSD-DNS Coalition, had spent almost 870.000 KM, and the Alliance for Changes (approximately 775.000 KM), while the SBB had spent approximately 493.000 KM, SDP (around 406.000 KM), Democratic Peoples' Union (DNS) (around 350.000 KM) and the Democratic Front (DF) (around 220.000 KM).⁴⁷

Recommendation:

- **To improve the system of control of the political parties' financial management both in the election and non-election year, and not only by the BIH Central Election Commission, but also by other relevant institutions (taxation administration, financial police, state audit).**

7.4.3. Media monitoring

The legislative framework for media coverage of the elections is defined by the BiH Election Law and by several BiH CEC's regulations. The electronic media must cover the election activities and in doing so they must observe the principles of balance and impartiality. The electoral contestants, who participate in the elections from the high positions in the government, should not be favored over their opponents, which means that the media in their reports on the official activities of an official, must not mention his/her position in the party or candidacy. During the official election campaign the public electronic media must provide at least three minutes of free broadcast time to every political subject under the equal terms. At the same time political subjects can buy up to 30 minutes of broadcast time on every public electronic media, and up to 60 minutes on every private electronic media.

The Coalition "Under the magnifying glass" did not systematically and methodologically monitor the media in BiH during the election campaign for the 2014 General Election. However, based on the media monitoring done by other relevant organizations⁴⁸, it can be concluded that the voters were presented with an array of opinions, especially through the TV debates, thematic TV discussions, reports on elections, free media space, particularly in the print and on-line media. If viewed individually it can be said that the debates and the thematic TV discussions had developed a forum for exchange of the opinion, giving the voters opportunity to form their opinion about the candidates.

However reporting about during election campaign during newscast was a bit difficult due to restrictive and improper interpretation of the legal provisions. The reason for this may rest on the confusion made between informing the public about the candidates and informing the public about personal election campaign of a candidate or political subjects. The TV stations

⁴⁷ Given information provided by the Transparency international BiH (www.ti-bih.org), whose entire report on political party financing and election campaign monitoring will be published in January of 2015.

⁴⁸ Mediaplan Institut Sarajevo systematically monitoring the media coverage of the 2014 General Elections, giving a professional, comprehensive and objective report on political diversity, accuracy and balance of the news, covering 9 TV channels, 6 newspapers and 4 portals. The ACIPS had monitor relevance and concreteness of the political statements during the election campaign.

mostly took the stance that if an interview is done with a political candidate during the newscast, then the same time must be given to all other political candidates in order to meet the equal representation criteria. As the result of such deliberation there is a situation that TV stations were reluctant to allot any time during the newscast to report about the campaign due to the fear of sanctions that might be pronounced by the regulatory agency (CRA). Therefore, during the newscasts most monitored media had focused their activities on reporting about activities of the government outside the election campaign context.

There was almost no classic hate speech in the media in Bosnia and Herzegovina during the election campaign – this is the result of the media monitoring conducted during the campaign for the 2014 General Elections.⁴⁹ At the same time the report of ACIPS shows that most of the political subjects that were monitored had very offensive campaigns against their opponents. According to the same report almost 68% of the statements in the election campaign do not represent relevant and concrete topics that are of interest to the BiH citizens.

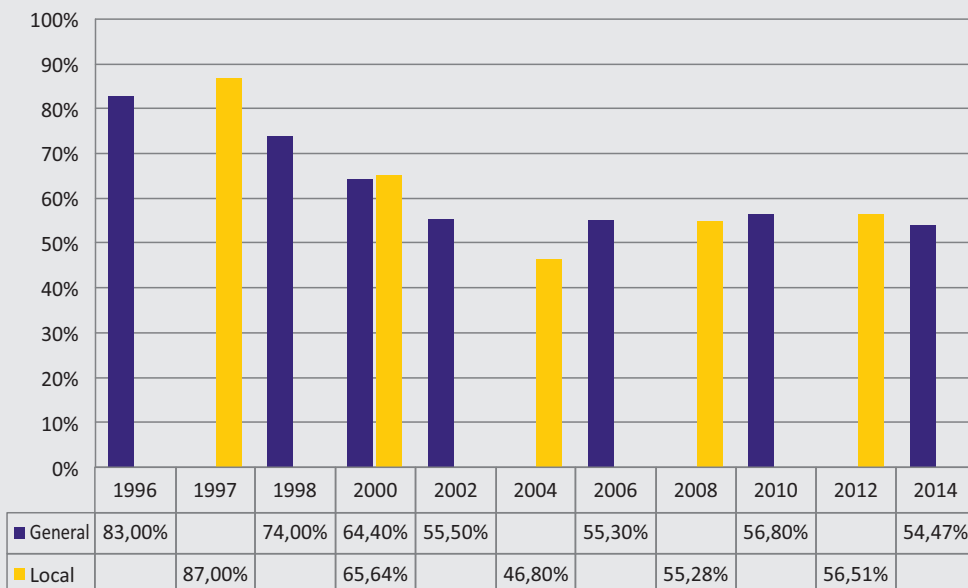
The main regulatory body for the broadcasters is the Communications Regulatory Agency (CRA), which is responsible for issuance of the broadcasting licenses, as well as for monitoring the broadcasters' operations. During the elections the CRA monitored observance of the previously specified provisions and it also dealt with the media related complaints. There are several sanctions put in place for violation of the provisions, such as written warnings, fines, suspension and withdrawal of licenses. The CRA did not conduct systematic media monitoring concerning the media reporting, but it only acted in case of a complaint. The CRA had received six complaints on alleged violation of the electoral rules, whereof half of the complaints related to media favoritism towards certain political options. The CRA did not adjudicate the complaints during the election campaign, thus it had failed to apply effective measures.

⁴⁹The hate speech in the media had been monitored under the project Freedom of expression and information and freedom of the media in South-East Europe.

8. ELECTION DAY

A total of 3.282.581 voters had the right to vote at the 2014 General Elections, whereof 1.787.461 voters or 54,47% had exercised this right⁵⁰

Voter turnout in BiH



The Election Day in BiH had passed in a democratic and fair atmosphere in line with the Election Law and the election-related rules and regulations, with a small number of observed irregularities and critical situations⁵¹, and some isolated incidents.⁵² The observers and the mobile teams of the Coalition “Under the magnifying glass” had filed reports with the local commissions about 80 situations in the field that were found to be critical and where the observers had requested an urgent reaction of the local election commission. At the same time the regional offices of the Coalition had received more than 370 citizens’ reports, whereof the most related to agitation activities near the polling stations for the purpose of changing voters’ opinion, voters list containing the names of deceased persons, vote buying, distribution of the copies of ballot papers on which political subjects were already marked and distribution of other promotional material of the parties near and around a polling station.

⁵⁰The official information on the voter turnout from the BiH CEC’s web page (www.izbori.ba).

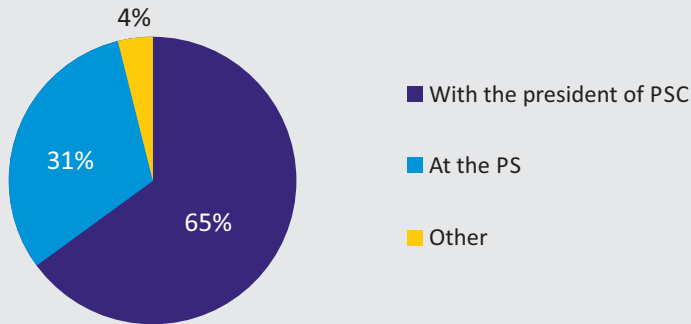
⁵¹One person helped several voters to cast their ballot, attempts to vote on behalf of another person, the members of the polling station committee helped the voters to vote, enabling voters to vote with invalid personal identification documents, putting ballots for all four electoral levels into the ballot box at the same time, failure to seal off plastic bags before that are being delivered to the MECs.

⁵²The access to the polling station was shortly not allowed to the observers at 16 polling stations (most of such cases were recorded in the Municipality Novi Grad – RS where, as directed by the municipal election commission of this municipality, the polling station committee members rejected to accept the observers’ accreditations issued by the BiH CEC). The intervention of the police was recorded at two polling stations where the Coalition’s observers were present (in municipalities Livno and Stolac). An observer of the Coalition, who had observed the elections at the polling station in Doboj municipality (Local Community Mitrovići) had reported an attempt of bribery by the members of the polling station committee, who had suggested to him to “turn a blind eye to the vote counting process”.

8.1. Opening of the polling stations

The opening of the polling stations was mostly done in accordance with the Law and other election-related regulations with some minor problems that did not significantly influenced the voting process. At about two thirds of the polling stations the polling material on the night before the Election Day was kept with the president of the polling station committee, which raises some questions about the security of the polling material.

Where the polling material was kept?

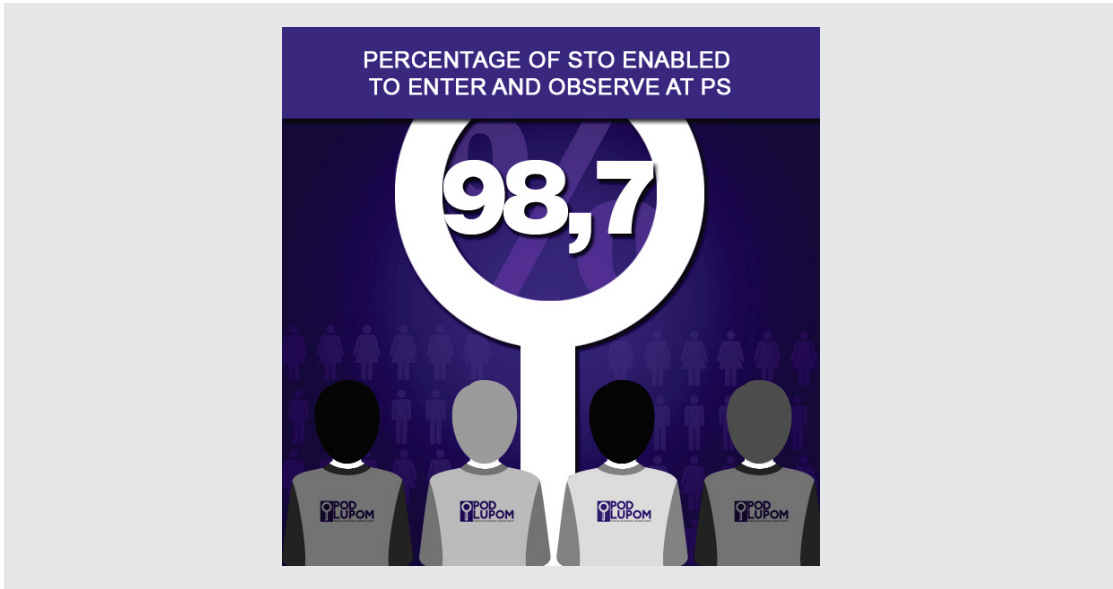


More than two thirds of the polling stations were opened exactly at 7 a.m., and the information that almost 95% of the polling stations had been opened by 7:15 a.m. suggests that the delays were minimal and that these were just the result of poor management of the time needed to complete all pre-opening activities.

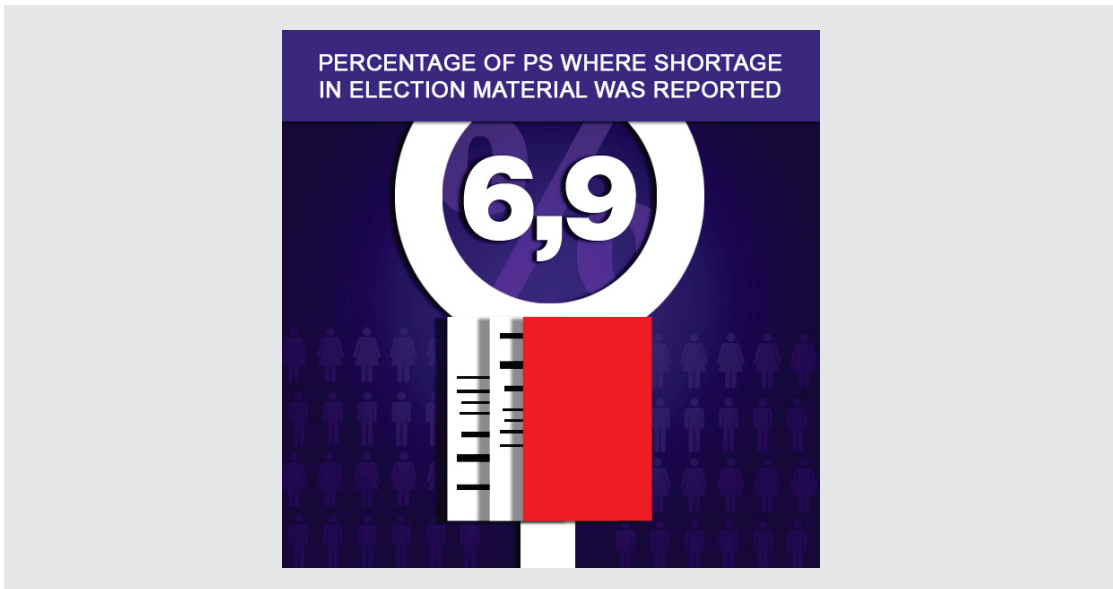
PERCENTAGE OF PS OPENED ON TIME (AT 07:00 H)



The observers of the Coalition “Under the magnifying glass” had free and unimpeded access to almost all polling stations. Minor technical problems were observed at only 1% of the polling stations (observers did not have accreditations, lack of two-way communication between the BiH CEC and MEC, and some longer delays in opening of some polling stations).



Almost 90% of the members of polling station committees were present at the polling station one hour prior to the opening, and certain polling material, which should be at the polling station before the opening, was missing at almost 7% of the polling stations.



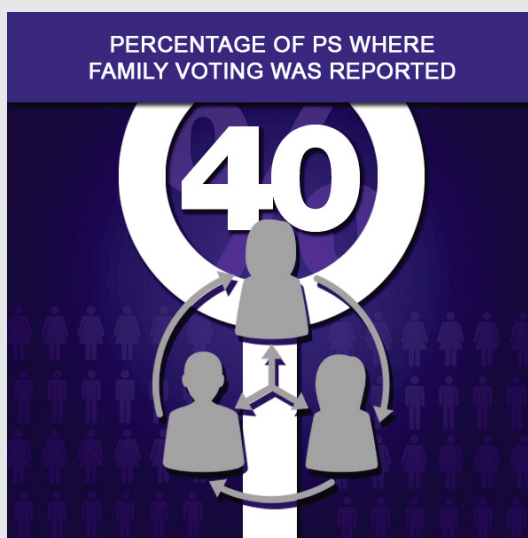
The information that almost 30% of the polling stations were not accessible to the persons with disabilities is alarming.

Recommendation:

- To strictly observe provisions of the BiH Election Law and provisions of the implementing documents that set forth how the polling material has to be secured at every polling station.

8.2. Voting process

The voting process was mostly conducted in a democratic atmosphere. There was a small number of irregularities that could be attributed to inadequate education of some polling station committees, as well as some isolated incidents relating to the political subjects' activities. At the relatively small number of polling stations (slightly above 1%) the Coalition's observers had observed voters, who arrived at the polling station carrying already marked ballots, and who had left the polling station carrying the blank ballots.⁵³ At the same time at around 6% of the polling stations the observers had noticed several attempts where a person has tried to vote on behalf of another person.⁵⁴ The attempts to exert influence on voters' decision for whom to vote were reported at 4,3% of the polling stations, including the surrounding area within the fifty meters. Somewhat lower is the percentage of the polling stations (3,8%) at which the voters were allowed to cast the ballot without valid identification documents and such a practice was observed in one to five cases. The family voting still remains a phenomenon in the electoral process of BiH occurring at more than 40% of the polling stations where it happened at frequency of one to five reported cases.



At the same time, the identical frequency (1 to 5 cases) of cases where one person is assisting several voters, who have requested assistance, has been recorded at quarter of the polling station. Also, one polling station was located in a religious facility.⁵⁵

Recommendations:

- **To introduce separate translucent ballot boxes for every level of authority that is elected. This would contribute to the easier control on how the ballot papers are used at the polling station in terms of preventing potential attempts to violate electoral rules. This would also make the vote counting much faster and more efficient, and this is substantiated with the information that the polling station committees on average spent 25 minutes on sorting the ballot papers after opening of the ballot box.**

⁵³For example PS 003A046 (Bihać), PS 106A010 and PS 106A011 (Livno)

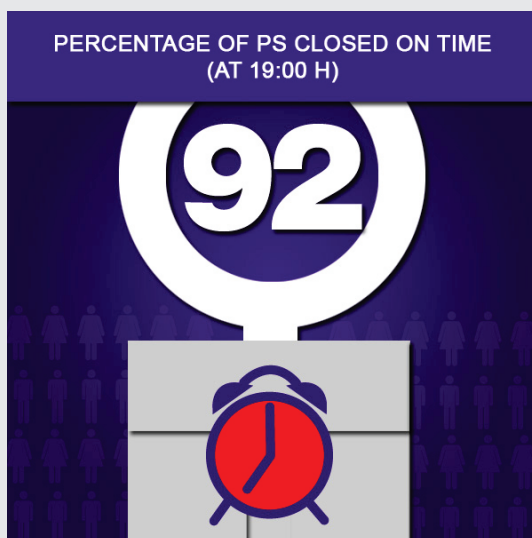
⁵⁴For example PS 176A007 (Stolac)

⁵⁵PS 079A006 (Živinice)

- To lower the height of voting booths to a minimum height that secures the secrecy of the vote, but that prevents taking photos of the ballot papers and/or switching of the ballot papers in the voting booth.
- To consider the possibility of introducing ordinal numbers next to the names of political subject on the ballot papers in order to facilitate voting for the voters who use voting assistance.
- To consider adding a serial number to the ballot papers in order to increase security.

8.3. Closing of the polling stations

The closing of the polling stations was done in line with the regulations in most of the polling stations. A delay of 45 minutes in closing of the polling stations was recorded at 7% of the polling stations. At the same time at 14% of the polling stations persons, who were in line at the polling station at 7 p.m., were not allowed to cast their vote, even though the rules undoubtedly instruct differently.



The presence of all polling station committee members during the closing time was significantly higher, than it was the case during opening of the polling stations, almost 99%.

8.4. Counting of the votes

The vote counting process has generally passed in a positive atmosphere at many of the polling stations. Generally speaking, the Coalition's observers sent the reports about existence of irregularities in the counting process, which might affect the election results at that polling station, from less than 1% of the polling stations. The procedure to declare ballot papers invalid was respected at 98% of the polling stations. However, pens were observed on the tables for vote counting at around 5% of the polling stations, raising reasonable doubt that there were intentions to invalidate the ballots and/or to add preferential votes to the candidates during the vote count⁵⁶. The aggregate results form (ZR1, yellow copy) was not visibly displayed at even 7%

⁵⁶The Coalition's observers at 7 polling stations observed that preferential voters were added to the ballot papers during the counting of the votes for the BiH Parliamentary Assembly.

of the polling stations. At the same time, large number of observers concluded that visibility of information on the yellow copy of the ZR1 form was very poor, and that taking a picture of or copying the yellow copy could have not been used as a legible document on determined election results.

Recommendation:

- **To technically improve preparation of the aggregate results forms, so that they would be more legible, and the forms have to be publicly displayed at a polling station after all processes are complete. It is necessary to ensure legible copies of the aggregate results forms for the sake of both the observers, but also the public that is interested in the voting results by polling stations.**

8.5. Observing the work of the local election administration on the Election Day

On the Election Day the Coalition's observers were also deployed at the local election commissions at the time the polling material was delivered by the polling station committees. In a large number of municipalities, even 42%, the most frequently observed problems related to packing of the polling material by the polling station committees, and in more than 40% of the municipalities the cases of incorrect packing were characterized as more than obvious. Incorrectly filled out forms were the problem in 25% of the cases. The most drastic examples are some of the Prijedor region municipalities, where a large number of bags containing the polling material were not sealed off.

The majority of local election commissions had underlined that the biggest challenge for all polling station committees (PSCs) was the vote counting process, establishing the results and packing of the polling material. Even though several local election commissions had recognized a slight improvement with regard to the previous elections (matching colors of the bags with the colors of the polling materials, additional translucent bags, the bags closed with a perforated seal, etc.) the general observation of the commissions is that this process is still complicated and incomprehensible to a large number of the PSC members. A large number of LECs thinks that the possible solutions should be found in simplification of the process, and in better training programs for the polling station committee members .

9. POST-ELECTION PERIOD

9.1. Establishing the election results

The BiH CEC is responsible for establishing the election results. The BiH CEC establishes the results of direct and indirect elections after expiry of the deadline for submission of complaints and appeals, as set forth in the Law and after the decisions have become final and binding. The BiH Election Law defines the deadlines for establishment of the election results, while the BiH CEC's regulations determine the order of establishing the results, dissemination of the results to the public and how the results are to be published. The BiH CEC has to confirm the final election results within 30 days after the elections are held. The results of the 2014 General Elections were confirmed and published on November 10, 2014.⁵⁷

A total of 518 officials were elected at the 2014 General Elections, whereof three members of the BiH Presidency; president and two Vice Presidents of the RS, 42 members of the HoR BiH PA, 83 members of the RS NA, 98 members of the HoR of the FBiH Parliament and 289 members of the cantonal assemblies.

The BiH CEC had respected the deadlines prescribed for confirmation of the results at the 2014 General Elections. The BiH CEC had established and published the preliminary results in a decision⁵⁸ on October 27, 2014, and subsequently the requests for re-count of the votes could have been submitted within the deadline of three days. The BiH CEC order a re-count at the 198 polling stations due to discrepancies in the accuracy test during the control entry of the data. By the time the confirmed results were published the BiH CEC had ordered a recount, ex officio, at 121 polling stations, and after the receipt of the complaints the BiH CEC had ordered the recount based on the received complaints that were substantiated and submitted on time.⁵⁹

Having in mind the situation that occurred during establishment of the results of these General Elections, and with regard to the slow process, one should consider the possibility of shortening these deadlines in order to increase public confidence in the electoral process.

Counting of the by-mail votes is yet another factor that contributed to the longer wait for the confirmation of the final results. Therefore the Coalition deems that in the forthcoming period when the efficient solutions are to be considered, the by-mail votes that arrive by the closing of the polling stations on the Election Day, should be taken into consideration.

Recommendation:

- **To shorten all deadlines from the day elections are announced until the official and final confirmation of the election results (instead of current 180 days to 120 days).**

9.2. Protection of electoral right

Legal framework

The bodies that provide protection of the electoral right are election commissions, namely the local election commissions and the BiH CEC, and the Appellate division of the BiH Court. The

⁵⁷<http://izbori.ba/Default.aspx?CategoryID=479&Lang=3>

⁵⁸http://www.izbori.ba/Documents/Opcilzbori2014/Odluka/27102014/Odluka_o_utvrdivanju_ob_rez_OIBiH_2014-bos.pdf

⁵⁹In that period the BiH CEC had received 123 re-count requests.

provisions governing the system of complaints and requests are set forth in the BiH Election Law, BiH Law on administrative procedure and in the BiH CEC's Instruction.⁶⁰

The election commissions may initiate, *ex officio*, a procedure to protect the electoral rights. They may also initiate the procedure based on the findings or based on a complaint filed by authorized persons. In accordance with a provision of the BiH Election Law these authorized persons are voters and political subjects. A voter, in line with the BiH CEC's interpretation of the provision, may file a complaint only when his/her personal electoral right is violated, which in the Coalition's opinion represents quite a restrictive interpretation, since it does not allow citizens, associations or other interested parties in the election process to officially file a complaint when their electoral right is indirectly violated. Also the complaints can be filed by the political subject, but not individually by the candidates of the political subject, without the support of his/her political subject. The Coalition deems that the circle of persons, who are authorized to file a complaint in the electoral process, should be expanded.

Objections and complaints

According to the BiH CEC's information, the election commissions had received 705 appeals and complaints relating to the entire electoral process. Out of this number the majority of the complaints related to violations reported to the local election commissions and/or to the cases under the jurisdiction of these commissions (487): election silence (204), violations on the Election Day (187), election campaign (49), and appointment of polling station committees (47). The largest number of complaints submitted to the BiH CEC related to the requests for recount (123), election campaign (17), registration of voters to the CVR (13), violations on the Election Day (11), and 54 complaints relating to other violations. A total of 35 appeals to the BiH CEC's decisions were filed with the Appellate Division of the BiH from the day the election results were confirmed. The Appellate Division of the BiH Court rejected all appeals as unfounded.

In the post-election period the Coalition also submitted to the BiH CEC a list of approximately 100 irregularities reported by the citizens and the Coalition's observers.⁶¹ No official reactions on the reported irregularities were recorded.

Recommendation:

- **To provide non-partisan observers, as well as candidates of political subjects on the semi-open lists, with the opportunity to submit the complaints.**

9.3. Implementation of the election results

The BiH Election Law sets forth deadlines for establishment of the legislative government and the BiH Presidency⁶². These deadlines differ depending on the level of authority, and the maximum deadline is within 30 days after the final election results are published by the BiH CEC. The analysis of the legal deadlines for establishment of the legislative government and the election of the delegates from the cantonal assemblies to the House of Peoples of the BiH Federation Parliament, as well as for the election of the delegates to the House of Peoples of

⁶⁰Instruction on procedures of adjudicating complaints and appeals submitted to the BiH CEC and the election commissions, "Official Gazette of BiH", number 37/14.

⁶¹About reported irregularities in detail:<http://podlupom.org/bih/vijest.php?ID=38>

⁶²The deadline for establishment of the cantonal assemblies is no later than 10 days following announcement of the final results, for RS NA 15 days, for HoR FBiH Parliament 20 days, and for the HoR BiH PA 30 days. The election of delegates to the House of Peoples of the FBiH Parliament and to the House of Peoples of the BiH PA is to be done no later than 30 days following confirmation of the results.

the BiH PA, shows that the process of establishing the government and electing the delegates must be finished after 30 days following announcement of the final results, which raises some doubts about the possibility of observing the deadlines.

The newly-elected BiH Presidency has held its constituting session within the deadline set forth by the law. Regarding establishment of the legislative government, the deadlines provided by the law for establishment of the HoR BiH PA, HoR FBiH Parliament as well as for establishment of the RS NA were respected.⁶³ During the establishment of the cantonal assemblies, not all cantons met the deadlines provided by the law⁶⁴. Two cantons, Sarajevo and Goražde, had failed to elect delegates to the House of Peoples of the FBiH Parliament on time thus delaying establishment of the House of Peoples of the FBiH Parliament. One of the reasons of the delay in establishment of the House of Peoples of the FBiH Parliament is the nomination of candidates for the delegates in the House of Peoples of the FBiH Parliament, who had changed their ethnic affiliation since the previous elections. Such a practice is not prohibited or defined either by the constitutions or the laws, but it could be considered as exploitation of that right for the purpose of accomplishing other interests. The BiH CEC refused such candidatures, and the BiH Court had confirmed the BiH CEC's decision. All of this has caused the situation where the President and Vice Presidents of the FBiH are still not elected. The RS NA has elected the delegates to the House of Peoples of the BiH PA, RS Government and to the RS Council of Peoples. Even though there are no legal obstacles for appointment of the Chairman of the BiH Council of Minister, the BiH Presidency still has not proposed a candidate due to lack of agreement between the political subjects and the fact that this process is conditioned by parallel establishment of the FBiH Government. Everything said above leads to a conclusion that deadlines for establishment of the executive government at all levels should be determined.

Recommendations:

- **To ensure minimum representation of three constituent peoples, national minorities and the nationally undecided in the legislative government at the cantonal level in BiH, thus respecting the provision of the Constitution on number of Bosniaks, Serbs, Croats and "Others" in the House of Peoples of the BiH Federation Parliament .**
- **To supplement the Constitution and the BiH Election Law with a provision that would prevent exploitation of the national affiliation in the electoral process according to which the national affiliation of the candidates of political subjects, coalitions and independent candidates participating in the electoral process could not be changed during two consecutive electoral cycles, as well as during the term of office .**

⁶³The BiH Presidency held its constituting session on November 17; HoR BiH PA on December 9, RS NA on November 24, and HoR FBiH Parliament on December 2.

⁶⁴The assemblies in the following cantons were established on time: Tuzla (17.11), Zenica-Doboj (20.11.), Una-Sansa (20.11.), and Herzegovina-Neretva (20.11.). The assemblies of the following cantons were established a day after the deadline (21.11.): Goražde, Central Bosnia, West-Herzegovina, Posavina and Sarajevo. The Assembly of Canton 10 was established on November 26, 2014.

10. ABOUT THE PROJECT “BECAUSE WE CARE...”

10.1. About the Coalition “Under the magnifying glass”

The Coalition for free and fair elections “Under the magnifying glass” brings together seven non-governmental organizations (CCI, OIA, Infohouse, DON, Perpetuum Mobile, CGS Livno, FGT Tuzla), which gave their contribution to free, fair and democratic elections in 2014 by being committed and working actively on a nine-month project. The project set forth numerous activities that were realized in the pre-election, election and post-election period. In order to make sure that the entire process is conducted in the spirit of democracy and fairness, the Coalition put into operation a toll-free number to which the citizens could report election-related irregularities and register as observers. In the pre-election period, on the Election Day and after the elections the Coalition had conducted numerous activities aimed at making contribution to the conduct of free and fair elections, prevention of electoral fraud, raising awareness about electoral manipulation, encouraging voters’ free expression of will, objective and timely reporting about the electoral process, and to providing recommendations for changes to the election legislation and improvement of the electoral process. The project is supported by the The Royal Norwegian Embassy in Sarajevo, the Embassy of the Kingdom of the Netherlands, the UK Government, the U.S. Agency for International Development (USAID) and the Delegation of the European Union in BiH. During the pre-election period the Coalition focused on monitoring performance of the election administration (Central Election Commission and the local election commission), voter registration process, election campaigns of the political subjects, as well as on reporting of the irregularities and undertaking the necessary actions thereon. On the Election Day the Coalition observed opening of the polling stations, voting process, counting process, and operations of the election administration in the entire county. In the post-election period the Coalition monitored receipt of the complaints and appeals to the electoral process, and it forwarded a certain number of these to the BiH CEC. Also in the final report the Coalition gave a set of recommendations to be used in the advocacy process for improvement of the election legislation and processes in BiH. Unlike the international election observers, who mostly come to the country several weeks before the elections, the domestic non-partisan observers had the possibility to observe all stages of the electoral process at a much larger area. Unlike the party observers, who monitor the elections on behalf of a political subject that had nominated them, and only during the Election Day, the non-partisan observers monitored the electoral process in an objective and unbiased manner taking into consideration activities of all political subjects.

10.2. Coalition in numbers

More than 2.500 observers at the polling stations, 7 employees at the Main Office, 7 regional coordinators, 7 members of the Strategic Committee, 42 long-term observers, 134 observers in the local election commissions, and 50 mobile teams represented the Coalition in the field and in the public. Out of 5.200 registered civil observers, a total of 2.542 observers (in two shifts) were deployed at 1.348 polling stations. During the Election Day the Coalition had received more than 2.000 calls and 19.000 SMS messages, while 56 operators answered the calls in the Call Center. The observers reported 79 critical situations, and the citizens filed 372 reports on irregularities. A total of 96 reports were forwarded to the BiH CEC for further investigation. More than 18 trainings for the short-term observers were organized in almost all municipalities, and 600 meetings with the local election commissions, representatives of political subjects, non-government organizations and the media were held. In a very short time a total of 450 media reports were recorded, and five video and audio spots were produced and broadcasted.

A total of 41 different media in Bosnia and Herzegovina provided free-of-charge broadcast time for video spots and audio jingles. A total of 400.000 copies of promotional and educational material were distributed throughout Bosnia and Herzegovina, thus enabling visibility and transparency of the Coalition's operations. The Coalition held 43 street actions in 43 municipalities in BiH, giving to all citizens of Bosnia and Herzegovina an opportunity to apply for the position of an observer.

10.3. Acknowledgments

During implementation of the project the Coalition "Under the magnifying glass" received unselfish support from observers, citizens, media, election administration, donors, but also from all others, who had contributed to realization of the project activities in any way. Donor financial and advisory support ensured high quality and adequate working conditions, and a firm foundation for concretization of the project goals. The media completely justified the role of the most powerful tool by providing the broadcast time to the Coalition, so its activities were presented in the public. We would like to thank all our observers, who had done their work uncompromisingly, devotedly and professionally, thus making a contribution to the fair and concrete election process. They represented actuating power and unflinching motivation that resulted in the reduced number of manipulations in the electoral process. The Coalition's observers in cohesion with the citizens of Bosnia and Herzegovina restored the faith into respecting free will of all voters. The citizens have proved to be a collective instrument of democratism, because they confirmed citizens' involvement in the political currents by supporting civic election observation, as well as by reporting electoral irregularities. Last, but not least, we would like to acknowledge all election management bodies, primarily the BiH CEC and the municipal election commissions. They made achievement of the pre-election and election objectives of the Coalition possible through the expressed trust and indisputable support. Therefore a BIG THANKS to all of you!



Team of the Coalition "Under the magnifying glass"

ANNEX 1 – Election Day statistics

Statistics of the responses to the SMS questions during the Election Day – observers in both shifts. The sample of polling stations: 1,348.

ACCESS TO THE POLLING STATIONS	
AA	Are you granted free and unhindered access to the polling station?
Possible responses	YES NO
Response rate (%)	99,1 0,9
OPENING OF THE POLLING STATIONS	
BA	Have all the members of the polling station committee been present at the polling station at 6 a.m.?
Possible responses	YES NO
Response rate (%)	89,7 10,3
BC	Has any of the following polling material been missing: ballot boxes, ballot papers, excerpt from the Central Voters Register, voting booths, and/or minutes/forms?
Possible responses	YES NO
Response rate (%)	7,9 92,1
BE	Have the ballot papers been manually counted before opening of the polling station?
Possible responses	YES NO
Response rate (%)	95,6 4,4
BH	Was the ballot box showed to be empty and then sealed?
Possible responses	YES NO
Response rate (%)	99,5 0,5
BL	Number of voters registered in the excerpt from the Central Voters Register ...
Possible responses	(the response was a whole number based on which average number of voters per a polling station was calculated)
Response (average number of voters per PS)	586
BM	When was the polling station opened?
Possible responses	7 a.m. 7:01-7:15 a.m. 7:16-8:00 a.m. After 8:00 a.m.
Response rate (%)	68,8 25,9 5,1 0,2

VOTING PROCESS	
CA	Are there any clues that voters bring filled ballot papers to the polling station, and take with them empty ballot papers? (so-called Bulgarian train)
Possible responses	YES NO
Response rate (%)	1,3 98,7
CB	Have you noticed that one person received more ballots for the same electoral level?
Possible responses	YES NO
Response rate (%)	0,8 99,2
CC	Have you noticed multiple voting?
Possible responses	YES NO
Response rate (%)	1,2 98,8
CD	Have you noticed that a same person is voting on behalf of another person?
Possible responses	YES NO
Response rate (%)	6,3 93,7
CE	Were there any attempts at the polling station or at the surrounding area to persuade the voters to vote for a certain political subject or were there any attempts made to intimidate or to pressure the voters?
Possible responses	YES NO
Response rate (%)	4,3 95,7
CH	In how many cases were the voters allowed to vote without verification of the identification documents prescribed by the law?
Possible responses	Zero 1-5 More than 25
Response rate (%)	96,1 3,8 0,1 0,0
CJ	How many voters were turned down from the polling station because they were not registered in the excerpt from the CVR for that particular polling station?
Possible responses	Zero 1-5 More than 25
Response rate (%)	46,0 48,8 3,4 1,8
CN	How many cases of so-called family voting were there?
Possible responses	Zero 1-5 More than 25
Response rate (%)	55,0 42,4 2,3 0,3

CP	In how many cases a person provided voting assistance to a larger number of voters in the voting booth?		
Possible responses	Zero	1-5	6-25
Response rate (%)	74,3	24,9	0,1
CT	Were all observers allowed to freely observe the voting process?		
Possible responses	YES		NO
Response rate (%)	99,2		0,8
CU	Did other observers file written complaints/objections?		
Possible responses	YES		NO
Response rate (%)	7,1		92,9
CV	Have you observed any irregularity at the polling station?		
Possible responses	YES		NO
Response rate (%)	8,9		91,1
CLOSING OF THE POLLING STATIONS			
FA	When was the polling station closed?		
Possible responses	7:00-7:15 p.m.	7:16-8:00 p.m.	After 8 p.m.
Response rate (%)	92,5	7,3	0,2
FC	Were all members of the polling station present during closure of the polling station?		
Possible responses	YES		NO
Response rate (%)	98,3		1,7
FG	Were all observers allowed to clearly and freely observe the counting process?		
Possible responses	YES		NO
Response rate (%)	99,6		0,4
PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR THE BIH PRESIDENCY (BOSNIAK AND CROAT MEMBERS			
GA	Were the ballot papers pronounced invalid in line with the BIH CEC' regulations?		
Possible responses	YES		NO
Response rate (%)	98,6		1,4

GB	Were there any pens on the table designated for counting after the ballot box was opened ?	
Possible responses	YES	NO
Response rate (%)	5,9	94,1
GC	Did observers file complaints/objections regarding the process of determining the results for the BiH Presidency ?	
Possible responses	YES	NO
Response rate (%)	2,9	97,1
GD	Have you notice serious irregularities during the counting process that might affect the results of the elections for the BiH Presidency at your polling station?	
Possible responses	YES	NO
Response rate (%)	1,1	98,9
PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR THE BIH PRESIDENCY (SERB MEMBER)		
HA	Were the ballot papers pronounced invalid in line with the BiH CEC' regulations?	
Possible responses	YES	NO
Response rate (%)	99,5	0,5
HB	Were there any pens on the table designated for counting after the ballot box was opened?	
Possible responses	YES	NO
Response rate (%)	3,6	96,4
HC	Did observers file complaints/objections regarding the process of determining the results for the BiH Presidency?	
Possible responses	YES	NO
Response rate (%)	2,0	98,0
HD	Have you notice serious irregularities during the counting process that might affect the results of the elections for the BiH Presidency at your polling station?	
Possible responses	YES	NO
Response rate (%)	1,1	98,9
PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR BIH PARLIAMENTARY ASSEMBLY		
JC	Have you observed adding of the votes to the ballot papers?	
Possible responses	YES	NO
Response rate (%)	0,6	99,4

JD	Have you notice serious irregularities during the counting process that might affect the results of the elections for the BiH Parliamentary Assembly at your polling station?	
Possible responses	YES	NO
Response rate (%)	0,4	99,6
PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR THE HOUSE OF REPRESENTATIVES OF THE BIH FEDERATION		
KC	Have you observed adding of the votes to the ballot papers?	
Possible responses	YES	NO
Response rate (%)	0,3	99,7
KD	Have you notice serious irregularities during the counting process that might affect the results of the elections for the HoR of FBiH Parliament at your polling station?	
Possible responses	YES	NO
Response rate (%)	0,5	99,5
PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR THE PRESIDENT AND VICE PRESIDENTS OF REPUBLICA SRPSKA		
LX	Did observers file complaints/objections regarding the process of determining the results for the RS President and Vice Presidents?	
Possible responses	YES	NO
Response rate (%)	1,1	98,9
Possible responses	YES	NO
Response rate (%)	1,1	98,9
PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR THE CANTONAL ASSEMBLIES IN THE BIH FEDERATION		
MC	Have you observed adding of the votes to the ballot papers?	
Possible responses	YES	NO
Response rate (%)	0,1	99,9
MD	Have you notice serious irregularities during the counting process that might affect the results of the elections for the Cantonal Assemblies in FBiH at your polling station?	
Possible responses	YES	NO
Response rate (%)	0,1	99,9

PROCESS OF DETERMINING THE RESULTS OF THE VOTE/ COUNTING OF THE VOTES FOR THE NATIONAL ASSEMBLY OF RS	
ML	Have you observed adding of the votes to the ballot papers?
Possible responses	YES
Response rate (%)	0,2
	NO
	99,8
MM	Have you notice serious irregularities during the counting process that might affect the results of the elections for the RS National Assembly at your polling station?
Possible responses	YES
Response rate (%)	1,1
	NO
	98,9
THE END OF THE PROCESS OF DETERMINING THE RESULTS OF THE VOTE/COUNTING OF THE VOTES FOR ALL LEVELS OF AUTHORITY	
ME	Have you noticed any irregularities in the process of packing of polling material?
Possible responses	YES
Response rate (%)	1,5
	NO
	98,5
MF	Is the polling station located in the facility that enables adequate voting and vote counting ?
Possible responses	DA
Response rate (%)	95,5
	NE
	4,5
MG	Did all PSC members sign the Stock Form and the Aggregate results form?
Possible responses	YES
Response rate (%)	98,2
	NO
	1,8
MH	Was the yellow copy of the Aggregate results form visibly displayed at the polling station ?
Possible responses	YES
Response rate (%)	91,6
	NO
	8,4

Coalition's activities were supported by:



USAID
OD AMERIČKOG NARODA

USAID mission in BiH



NORWEGIAN EMBASSY

Royal Norwegian Embassy in Sarajevo



Britanska ambasada
Sarajevo

Embassy of the United Kingdom in BiH



Kingdom of the Netherlands

Embassy of the Kingdom of the Netherlands in BiH



EU Delegation to BiH

Technical support to Coalition was provided by National Democratic Institute (NDI) in BiH.

The content of this report does not reflect the official opinion of any of the above-stated donors. Responsibility for the information and views expressed in the Final Report lies entirely with the author(s).

CONTACT INFORMATION

Head Office Sarajevo

Koste Hermana 11/2, 71 000 Sarajevo
tel: 033 268 155
fax: 033 221 998
info@podlupom.org
www.podlupom.org
facebook.com/PodLupom
twitter.com/@podlupom
linkedin.com/podlupomRegionalne kancelarije

Regional Offices:

Banja Luka

Perpetuum mobile
Petra Kočića 3, 78 000 Banja Luka
tel: 051 303 310
fax: 051 303 290
banjaluka@podlupom.org

Bijeljina

CCI
Karađorđeva 8, 76 300 Bijeljina
tel: 055 222 113
fax: 055 222 112
bijeljina@podlupom.org

Livno

CGS
G. Jurkića 8a, 80 101 Livno
tel/fax: 034 202 770
livno@podlupom.org

Mostar

CCI
Kalajdžićeva 4, 88 000 Mostar
tel: 036 580 554 / 3
fax: 036 556 511
mostar@podlupom.org

Prijedor

UG DON
Miloša Obrenovića 18a, 79 000 Prijedor
tel: 052 231 155
fax: 052 232 155
prijedor@podlupom.org

Sarajevo

OIA BiH
Ferhadija 28, 71 000 Sarajevo
tel/fax: 033 237 764
sarajevo@podlupom.org

Tuzla

Forum građana Tuzle
Hadži Bakirbega Tuzlića 1, 75 000 Tuzla
tel/fax: 035 258 075 / 076 / 079
tuzla@podlupom.org

Join us:



podlupom.org



@pod_lupom



Koalicija Pod lupom



Koalicija Pod lupom

