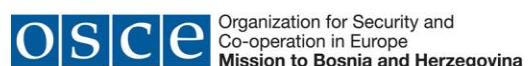
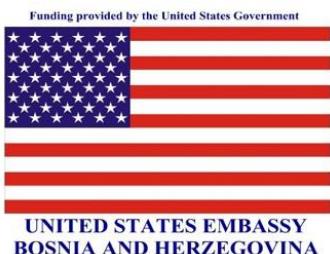




Project financed by the European Union

# LOCAL ELECTIONS IN BOSNIA AND HERZEGOVINA FINAL REPORT on civic, non-partisan observation of local election

Project co-financed by:



March 2021

# TABLE OF CONTENTS

1. SUMMARY	5
2. POLITICAL CONTEXT	11
3. MAIN INFORMATION ABOUT THE 2020 LOCAL ELECTIONS	13
4. LEGAL FRAMEWORK AND ELECTORAL SYSTEM	16
4.1. Legal framework	16
4.2. Electoral system	19
5. ELECTION ADMINISTRATION	20
5.1. Central Election Commission of Bosnia and Herzegovina (BiH CEC)	21
5.2. Local election commission	22
5.3. Polling station committees	24
5.4. Adherence to election deadlines	25
6. PRE-ELECTION PERIOD	25
6.1. Registration of political entities and candidates	25
6.2. Voter registration	27
6.3. Gender equality and participation of minorities in the election process	28
6.4. Election Law	29
6.5. Election campaign financing	30
6.6. Political party financing	31
7. IRREGULARITIES IN PRE-ELECTION PERIOD AND ELECTORAL CAMPAIGN	32
7.1. Electoral campaign	32
7.2. Accuracy of the Central Voters' Register (CVR)	33
7.3. Trade of positions in the polling station committees	34
7.4. Abuse of personal data for the purpose of registering voters for out-of-country voting	35
7.5. Prohibited voter suppression and vote buying	38
7.6. Abuse of public resources and positions for the campaigning purposes	39
7.7. Other irregularities	40
8. ELECTION DAY	41
8.1. Opening of polling station	41
8.2. Voting process	42
8.3. Closing of the polling stations	44
8.4. Vote count	44
8.5. Observing the operations of the local election administration on the Election Day	46
8.6. Turnout	46
9. IRREGULARITIES ON THE ELECTION DAY	47
9.1. Reports by Election Day observers	47
9.2. Citizens' reports	48
10. POST-ELECTION PERIOD	48
10.1. Establishment of election results	48
10.2. Protection of electoral right – objections and complaints	49
10.3. Implementation of election results	54
11. METODOLOGY OF LONG-TERM OBSERVATION	55

12. ABOUT US	56
12.1. About “STEP” project and Coalition “Pod lupom”	56
12.2. Coalition in numbers	58
12.3. Acknowledgments	59

## ACRONYMS

<b>BiH</b>	<b>Bosnia and Herzegovina</b>
BD BiH	Brčko District of Bosnia and Herzegovina
PS	Polling station
PSC	Polling station committee
CVR	Central Voters' Register
CCI	Centres for Civic Initiatives
CGS	Centre for Civic Cooperation
CEC	Central Election Commission
DON	Democracy, organisation, progress
ECtHR	European Court of Human Rights
FBiH	Federation of Bosnia and Herzegovina
FGT	Forum of Tuzla citizens
GIK	City election commission
IDWG	Interdepartmental working group for the amendments to the election
LEC	Local election commission
ODIHR	Office for Democratic Institutions and Human Rights
OHR	Office of the High Representative in BiH
MEC	Municipal election commission
OSCE	Organisation for Security and Cooperation in Europe
RS	Republika Srpska
AR	Aggregate results (form)
JIIS	Integrated Election Information System

## 1. SUMMARY

The 2020 Local Elections in Bosnia and Herzegovina (BiH), including the elections in the City of Mostar, were marked by a rising tendency of electoral irregularities in the period preceding the Election Day; by a typical Election Day compared to the previous electoral cycles, and by the unusual circumstances under which the elections were held, particularly in the context of the COVID-19 pandemic and the rescheduling of the elections due to the delays in funding. Taking into account the documented electoral irregularities, as well as systemic discrimination of certain groups of citizens and shortcomings in the legislation that have not been addressed, the 2020 Local Elections were not entirely held in a democratic atmosphere in which voters could make decisions freely and without pressure. The 2020 Local Elections were also marked by the holding of local elections in the City of Mostar, for the first time after 12 years, which is an evident and very significant step forward.

The election administration and citizens had faced numerous challenges in organisation of the local elections and the exercise of active suffrage, which entails holding of the elections during COVID-19 pandemic, delays in budget adoption that would ensure funds for the elections, rescheduling of the elections for more than a month for the first time, political controversy over (re)election of members of the BiH Central Election Commission (CEC) and inappropriate political pressure on members of the election administration and somewhat compromised election process due to the irregularities, primarily in the case of frauds related to by-mail voting, annulment of elections in Doboj and Srebrenica and incorrect establishment of voting results in the City of Mostar.

When we talk about electoral irregularities, the election process in the time preceding the Election Day was largely characterised, *inter alia*, by the abuse of by-mail voting (more than 5.000 citizens were subject of the identity theft as to cast the vote on behalf of another person, which is the biggest electoral irregularity and a crime), abuse of public resources for campaign purposes (including the engagement of civil servants in the campaign of political entities), and trading positions in the polling station committees, which is used to circumvent the regulations, making the electoral rules meaningless and undermining the integrity of the election process in general. Furthermore, a total of 24 local election commissions (municipal and city) documented violations of election deadlines without any consequences.

The period of the election campaign for the 2020 Local Elections, including the elections in Mostar, was characterised by the circumstances related to COVID-19 pandemic. For epidemiological reasons, a large number of political entities have redirected their activities to the social networks and had used other audio-visual tools for political promotion. Traditionally, a large number of political entities conducted the election campaign before its official start, especially in the segment of paid advertising.

A typical characteristic of the local elections in BiH, also including of this electoral cycle, is the sharpened rhetoric at the local level, which was documented in a larger number of municipalities/cities where the campaign had been marked by so-called battle of posters, internet bots on social networks

and newly released portals that mainly serve to discredit political opponents, to evoke, if necessary, war traumas and to raise inter-ethnic tensions. Pre-election rallies were also held completely against all the recommendations put in place to prevent virus spread, missing any reaction or sanction by the competent authorities.

Compared to the electoral cycles in the past six years, the BiH CEC has received a record-high number of by-mail request applications, i.e. close to 130.000 applications. The BiH CEC also received more than 5.000 complaints of BiH citizens about the decisions on by-mail voting registration. A significant number of these complaints related to the identity theft i.e., abuse of personal data to register for by-mail voting without any knowledge of the citizens. Particular concern is raised by the information on a large number of applications in one person's name, as well as a large number of applications for a large number of persons from the same address, which may indicate attempts to misuse by-mail voting, representing not only an electoral irregularity but also a crime. The BiH CEC forwarded the information on possible abuses/misuses to the competent authorities (SIPA and prosecutor's offices) for further action.

Although illicit, voter intimidation and vote buying have already become a common practice at the elections in BiH. Numerous allegations of vote buying have been documented in several municipalities/cities where the vote price ranged between 50 and 150 KM. Comments made by the long-term observers that such tête-à-têtes and deals are generally accepted and that citizens do not shy away from selling the vote are very worrying. Social networks also have a role here as they are being used to offer money in exchange for a vote.

The Election Day(s) (November 15 and December 20, 2021) had passed in line with the BiH Election Law and implementing acts at most polling stations, accompanied with the irregularities that are already traditionally repeated every electoral cycle. More significant problems were documented at about 4% of the polling stations, where a combination of different electoral irregularities was observed that might indicate targeted manipulations with the election process. The most significant irregularities documented on the Election Day, November 15, 2020, relate to rendering impossible the exercise of the right guaranteed by the Constitution to a higher number of citizens diagnosed COVID-19 positive or in the isolation due to COVID-19; organised impediment of election observation, particularly in Doboj; pressure exerted on the voters to vote for a particular political subject or vote buying; lack of polling material and incorrect accuracy tests during the vote count at the polling stations, and various irregularities in the voting process. In terms of frequency, the highest number of irregularities in the voting process on the Election Day relate to family voting (at least one case of family voting was documented at two thirds of the polling stations), voters being turned away as their name is not found of the excerpt from the CVR (at least one case was documented at almost half of polling stations), failure to display names of the PSC's members with their party affiliation at the polling station (at least one case was documented at almost one third of the polling stations); same person providing assistance to a larger number of voters (at least one case was document at every fourth polling station),

and copies of the voting results (so-called yellow copies) were not displayed or clearly visible at the polling station (at every fifth observed polling station in the country).

The election administration at the local level had mostly adequately completed the preparations for the conduct of elections with some minor deviations in the process thereof. The local commissions also faced challenges caused by the pandemic, particularly concerning arrangement of the polling stations and obtaining the material and technical means necessary for the conduct of election process in the context of the pandemic.

According to the official data, 50% of the electorate or 1.557.653 voters had exercised the right to vote at the Local elections held on November 15 in BiH. This is the lowest turnout ever documented at the local elections, except for those held in 2004 when the turnout was 46.8%. Only 55.5% of voters had cast their ballots at the local elections in the City of Mostar on December 20, 2020.

The results of the 2020 Local Elections were confirmed with the statutory deadline, and were published on December 15, 2020. The same applies to the results of election in Mostar, which were confirmed and published on January 15, 2021. The Decision on confirmation and publication of the results of the 2020 Local Elections included all basic constituencies except Doboj and Srebrenica. A series of irregularities in the election process were determined in the aforementioned constituencies, which ultimately resulted in the BiH CEC's decision to partially annul elections in these constituencies, scheduling repeat elections for February 21, 2021.

All of the above indicates the need for urgent improvement of the election process in qualitative terms, which is something that the Coalition "Pod lupom" is actively working on. Determination of political entities to support the improvements through a legislative procedure is needed to have any of the improvements materialised, where our sincere hope is to make a contribution to this process.

It is also very important to mention that we, as a society, have mostly shown maturity in the emerging epidemiological conditions, but also in political and democratic sense. There was neither triumphalism of the political entities that were successful at the elections in certain local community nor any celebrations that would go against set measures, and a significant democratic shift is seen in the admission of failure by political entities that lost electoral race at the local level i.e. non-contestation of the election results.

Coalition "Pod lupom" observed the Election Day on November 15, including the elections in Mostar, deploying around 2.700 civic, non-partisan observers, whereof 2.225 observed the Election Day at regular polling stations across BiH. A total to 217 observers observed the elections in the City of Mostar on December 20, 2020 at almost all polling stations. The observers also followed the Election Day in 137 local election commissions.

## Recommendations for improvement of election process in BiH

### LEGAL FRAMEWORK AND ELECTORAL SYSTEM IN BiH

#### Constitution (s)

1. To implement the European Court of Human Rights judgments ("Sejdić-Finci", "Zornić", "Pilav", "Šlaku", "Pudarić") giving both active and passive suffrage to all citizens of BiH who have attained 18 years of age regardless of their ethnic affiliation and permanent place of residence.
2. To implement the decisions of the Constitutional Court of BiH concerning amendments to the Constitution and the BiH Election Law related to establishment of the House of Peoples of the FBiH Parliament.
3. To prevent change of ethnic affiliation in the period of three consecutive electoral cycles by the BiH Constitution and the BiH Election Law.
4. To ensure minimum representation of the three constituent peoples in the representative bodies at the level of cantons in FBiH, and at the local level by amending the statutes of municipalities/cities.

#### Law(s)

5. To introduce deadlines for establishment of the executive government and the obligation of announcing snap elections if the executive government is not established within the set deadline.
6. To have the BiH Election Law envisage the situation when election process is interrupted and the establishment of the election results is not possible, setting a deadline in which new elections must be held.
7. To have the BiH Election Law include the institute of a substitute parliamentary mandate as to avoid that one person is simultaneously performing a function in both executive and legislative government
8. To shorten all election related deadlines from the day the elections are announced until the official and complete publication of the final election results (to 120 days maximum instead of the current 180 days).
9. To adopt official consolidated version of the BiH Election Law.
10. To launch an initiative for adoption of the Law on Political Organisations at the national level.

#### Electoral system

11. To reduce the intra-party threshold for the general elections in BiH to 10%, making it equivalent to the intra-party threshold for the local elections.
12. To eliminate compensatory candidates' list and to award compensatory mandates to the candidates on the regular candidates' lists of political entities at the entity level having the highest number of preferential votes won.

## ELECTION ADMINISTRATION

13. To harmonize the BiH Election Law with the Gender Equality Law in the part relating gender equality in the process of appointment of the BiH CEC's members.
14. To pay special attention to the criteria of competence and experience when appointing and confirming members of the local election commissions.
15. To ensure continuous training of the local election commissions aimed at attaining greater efficiency in their performance during the election period.
16. To improve the system of control of political parties' financial operations both in the election and non-election year by strengthening human and technical capacities of the BiH CEC's Audit Office, as well as by involving other institutions that control financial operations of the legal entities.

### Polling station committees

17. To prevent the trade of positions in the polling station committees that is done by the political entities in a way as to introduce additional criteria under which the political entities qualify to take part in the operations of the polling station committees.
18. To amend the procedure of selecting the president and deputy president of the polling station committee in a way to have them selected by the municipal/city election commission through a public vacancy, whereat they will be appointed and trained for that position during the non-election years.
19. To increase pecuniary fines for the members of polling station committees who were found in violation of the BiH Election Law and the BiH CEC's implementing acts (minimal fine of 2.000 KM).
20. To set forth by the law that, besides the polling station committees' members, sanctions are to be pronounced to the political entities that nominated the person to the polling station committee if found that provisions of the Election Law were violated on the instruction of the political subject.
21. To sanction unjustified withdrawals from a position in the polling station committee just before the Election Day by prohibiting future engagement in at least two electoral cycles, setting forth the obligation to keep records of such sanctions at the level of local election administration.

## PRE-ELECTION PERIOD

22. To prevent misuse of public resources for pre-election and campaigning purposes by regulating this matter through the law.
23. To more precisely define responsibility of political entities that conduct election campaign before the start of the deadline established by the Law and to more precisely specify premature campaigning on social networks in the Law.

24. To introduce additional safeguarding mechanisms to prevent misuse of by-mail voting.

## ELECTION DAY

### New technologies

25. To introduce new technologies into the election process as to prevent violations of the BiH Election Law when determining the will of voters at the polling stations on the Election Day, thereat following the standards and criteria of security, feasibility and longevity of the chosen solution.
26. To introduce electronic identification of voters at the polling station.

### Setup of polling station

27. To introduce separate translucent ballot boxes for every level of authority that is being elected.
28. To lower the height of voting booths to the maximum height of 30 cm to prevent certain irregularities while guaranteeing secrecy of the vote.
29. To strictly implement the BiH CEC's implementing acts concerning publication of the names of polling station committees' members, which has to include the name (not the code) of the political subject on behalf of which the members were appointed.

### Election observers

30. To simplify the procedure for accreditation of civic, non-partisan observers accredited by the CEC BiH by introducing the option for electronic submission of the application.

## ESTABLISHMENT OF THE RESULTS

31. After determining the number of unused ballots, and before they are packed into the original boxes, the unused ballots should be made unusable by cutting off the lower right and left corners of the ballots with scissors.
32. To technically improve preparation of the copies of the aggregate result forms so the latter would be legible, and to ensure their publication at the polling station after all processes at the polling station are completed, as prescribed.
33. To ensure strict adherence to provisions of the BiH Election Law and the provisions of the implementing acts that set forth the procedure of safeguarding the polling material at every polling station and to strengthen the control over delivery of the sensitive polling material to/from the polling stations.
34. To introduce mandatory annulment of elections for the polling stations at which excess of ballot papers was determined.

## PROTECTION OF ELECTORAL RIGHT

35. To enable filing of the complaints at every stage of the election process.
36. The BiH CEC should provide timely information on received complains and decision made thereon on its website.

## 2. POLITICAL CONTEXT

The 2020 Local Elections in Bosnia and Herzegovina (BiH) were organised and conducted against numerous challenges that relate both to the political context, but also the COVID-19 pandemic.

The beginning of the election year was marked by the appointment of members of the Central Election Commission of Bosnia and Herzegovina (BiH CEC) after the mandate of certain members had ended. This procedure caused political pressure on the BiH CEC in the form of “non-recognition” of new members, questioning of their legality, legitimacy, and political affiliation by certain political entities that are part of the government at the state level. It could be argued that such a denial of the lawful appointment of members of the BiH CEC has led to obstructions in the budget adoption process, i.e. the timely provision of funds necessary for the organisation and conduct of elections. Such circumstances led to the BiH CEC initially calling the elections on May 7, 2020 as set forth by the BiH Election Law. Due to non-provision of the funds the BiH CEC had on May 23 passed the Decision on postponement of the 2020 Local Elections, rescheduling them for November 15, 2020. This decision was also under great political pressure, which resulted in an appeal for the constitutional review of this Decision being submitted to the BiH Constitutional Court. The Constitutional Court of BiH did not assess merits of the Decision, but had declined its jurisdiction because it is a legality review of an act for which protection can be sought before a regular court, i.e. Court of BiH. The BiH CEC's decision was also appealed by the Caucus of the Alliance of Independent Social Democrats (SNSD) in the RS National Assembly, where the Court, after examination of the appeal, had rejected it as unfounded<sup>1</sup>. The decision thus remained in force and the elections were held on November 15, 2020.

This electoral cycle was characterised, rather positively, by the fact that the citizens of the City of Mostar were finally allowed to vote at the local elections after 12 years. At the same time, holding of elections in Mostar, which is a result of the European Court of Human Rights' judgment from 2019 in the case “Baralija vs. BiH”<sup>2</sup>, represents implementation of the only judgment of this court concerning the BiH citizens' right to vote. Many other judgments remain unimplemented, although more than ten years has passed since the first such judgment (in case of “Sejdić-Finci”<sup>3</sup>). The final agreement (signed in June of 2020) between the representatives of the Croatian Democratic Union BiH (HDZ BiH) and the Party of Democratic Action (SDA) on holding of the elections, mediated by the international actors in

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<sup>1</sup> Judgment of the Court of BiH on the appeal filed by the SNSD Caucus in the RS NA: <https://bit.ly/3eoWaOA>

<sup>2</sup> Judgment in the case “Baralija vs. BiH”: <https://bit.ly/3duo4a8>

<sup>3</sup> Judgment in the case “Sejdić – Finci vs. BiH”: <https://bit.ly/3fAOrnW>

BiH, as well as the consequential amendments to the BiH Election Law adopted in early July of 2020, repeated earlier practice of amending the law in an election year, or even just before the elections, which is contrary to *the Code of Good Practice in Electoral Matters of the Venice Commission*<sup>4</sup> that reads that election law(s) and electoral rules should not be open to amendment less than one year before an election. Elections in Mostar were held on December 20, 2020.

A portion of one out of 14 priorities set by the European Commission before BiH as the prerequisite for getting the status of a candidate country for membership in the Union had been fulfilled by holding local elections in Mostar. Other election-related priorities have not been met since the opinion of the European Commission was given in May 2019, and these relate to the implementation of the OSCE/ODIHR and Venice Commission recommendations and to the recommendations concerning the transparent political party financing.

The COVID-19 pandemic, which had enormously affected all spheres of society in BiH during 2020, had also affected the election process, particularly in terms of organisation of the elections, adaptation to the emerging circumstances and challenges, and campaigning of political entities that to a great extent had moved to the virtual plain for the last elections. Although the election administration had adjusted the implementing acts as to enable persons diagnosed COVID-19 positive or in the isolation due to COVID-19 to exercise their right to vote on the Election Day, concerns are raised by the fact that a certain number of BiH citizens were deprived of this right due to poor organisation or lack of coordination between the competent institutions.

Having in mind that the 2022 General Elections are less than two years away, and that, so far, no significant steps were made to improve the BiH Election Law, which would provide better protection of the voters' rights, the facts substantiating the necessity of such changes must be pointed out. The existing BiH Election Law does not define ultimate deadlines for establishment of the executive government, which is why there are political entities and individuals in the FBiH Government today that were appointed at the 2014 elections, as if the 2018 elections at the FBiH level have never had happened. There are thus no mechanisms to eliminate possible system blockages and to have normal functioning of political life. Furthermore, a gap in the law is also evident and it entails the possibility for a person to perform a function in both the executive and legislative government.

The departure of BiH citizens to other countries due to a feeling of dissatisfaction and hopelessness was suspended due to the COVID-19 pandemic. One gets an impression that the desire to leave has also increased compared to the previous periods, especially in light of numerous scandals concerning the public procurement during 2020 that became public. If we add to this the perception of corruption, nepotism, party employment and other negative phenomena in the social and political life, it is understandable that citizens do not feel optimistic and are seeking the ways to leave. It is crucial that decision-makers in BiH acknowledge these realities and dedicate their work to initiating changes that will create the preconditions for BiH to become a state where citizens will feel existentially secure,

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<sup>4</sup> The Code of Good Practice in Electoral Matters of the Venice Commission: <https://bit.ly/3fF6liP>

creating an environment of mutual understanding and trust, which is primarily reflected in the trust towards the institutions that should provide them with all human and civil rights.

The period ahead will put BiH to a test and it will face great expectations concerning the improvement of democratic standards and electoral culture. In order to meet the expectations, primarily the expectation of the BiH citizens, it is necessary for the politics to be responsible and committed to the interests of the citizens who elect and finance it, and to ensure the rule of law founded on equality before the law. It is necessary for political entities to truly acquire patterns of thinking and working in the public interest, which in the context of the election process will inevitably lead to such improvements that will be a guarantee of free and fair elections in our country. Accountable politics and politics in the interest of the public and the citizens of BiH will accelerate the path of this country to the European Union. It is to be hoped that the responsibility of decision-makers will be at the highest possible level and that through joint efforts we can improve the election process in Bosnia and Herzegovina, the reform of which will unequivocally lead to improvements in other areas of society and life.

### **3. MAIN INFORMATION ABOUT THE 2020 LOCAL ELECTIONS**

The 2020 Local Elections were held on Sunday, November 15, while the local elections for the City of Mostar, after 12 years, finally took place on December 20, 2020. The following levels of authority were elected directly at the elections on November 15:

- Councillors in 64 municipal and 14 city councils in the Federation of BiH
- Aldermen in 56 municipal and 7 city assemblies in Republika Srpska
- 120 municipal mayors
- 22 city mayors
- Councillors in the Assembly of Brčko District of BiH

The city mayor of Brčko District of BiH is elected indirectly in the Assembly of the District, as well as the mayor of the City of Sarajevo and the City of Mostar. In the previous electoral cycles the mayor of the City of Istočno Sarajevo was elected indirectly, but now the mayor is elected directly as prescribed by the newly-adopted Law on the City of Istočno Sarajevo<sup>5</sup>, which consists of six<sup>6</sup> municipalities.

The BiH Central Election Commission certified 543 different political entities (political parties, coalitions and/or independent candidates)<sup>7</sup> to participate in the elections. A total of 30.809 candidates were certified. The Central Election Commission certified 425 candidates for the municipal/city mayor whereof 29 (6, 82%) women and 396 (93, 18%) men. A total of 196 representatives of national minorities were certified, whereof 40 (20, 41%) women and 156 (79, 59%) men and 30.188 candidates

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<sup>5</sup> Official Gazette of Republika Srpska, no. 18/20 of March 13, 2020

<sup>6</sup> Sokolac, Istočna Ilidža, Istočni Stari Grad, Istočno Novo Sarajevo, Pale and Trnovo

<sup>7</sup> Political parties - 129; independent candidates - 262; coalitions - 72; lists of independent candidates - 9; independent candidates for national minorities - 71

for the municipal/city councils/assemblies/Assembly of Brčko District whereof 12.753 (42, 27%) women and 17.415 (57, 73%) men. There had been a curious situation where only one candidate was certified for the municipal mayor in nine<sup>8</sup> basic constituencies.

The positions for the members of national minorities, of which there are 17 in BiH, are guaranteed by the Law for the local elections, which is not the case for the general elections. Thus, the BiH Election Law guarantees the positions for the members of all national minorities who made up more than 3% of the population in a particular constituency according to the last national Census. A total of 23 mandates is guaranteed to the national minorities in 21 municipalities/cities<sup>9</sup> in BiH at the 2020 Local Elections.

A total of 3.283.380 citizens, registered in the Central Voters' Register as of October 1, 2020, had the right to vote at the local elections. A total of 103.081<sup>10</sup> voters were registered to vote outside Bosnia and Herzegovina.

A total of 5.759 polling stations were established, including 388 mobile teams. Having in mind the conditions caused by the COVID-19 pandemic, the establishment of special, so-called COVID-19 mobile teams, had been regulated for the 2020 Local Election as to enable this category of voters i.e. persons diagnosed COVID-19 positive or in the isolation to exercise their right to vote. A total of 224 COVID-19 mobile teams were established for the 2020 Local Elections.

### **November 15, 2020**

#### **Election Day**

December 20, 2020 for the City of Mostar

**3.283.380**

Voters

101.771 by-mail voters

**543**

Registered political entities

**30.809**

Candidates standing for the elections

**3.200+**

Seats in the government at the local level

<sup>8</sup> Domaljevac-Šamac, Orašje, Teočak, Mrkonjić Grad, Jezero, Olovo, Grude, Ravno and Usora

<sup>9</sup> Krupa, Odžak, Lukavac, Banovići, Kalesija, Kakanj, Trnovo (FBiH), Pale (FBiH), Novi Grad, Prnjavor, Vukosavlje, Sokolac, Gradačac, Srebrenik, Tuzla, Zenica, Prijedor, Gradiška, Banja Luka, Trebinje and Brčko District of BiH.

<sup>10</sup> A total of 102.377 voters were registered to vote by-mail, while 704 voters were registered to vote at the diplomatic and consular missions of BiH

The 2020 Local Elections in the City of Mostar were held on Sunday, December 20, 2020, first time after 12 years. The councillors in the City Council of the City of Mostar are elected directly, whilst the Mayor of the City of Mostar is elected indirectly from among the elected city councillors.

The Mostar City Council consists of 35 councillors. Each of the constituent peoples is represented in the City Council with at least four councillors, while so-called "Others" are represented with at least one councillor. None of the constituent peoples or representatives of "Others" can have more than 15 of their representatives in the City Council. The councillors in the City Council are elected in seven electoral units, as follows:

1. City electoral unit – 13 councillors
2. Electoral unit of the city area 1 (North) – 2 councillors
3. Electoral unit of the city area 2 (Old town) – 5 councillors
4. Electoral unit of the city area 3 (Southeast) – 2 councillors
5. Electoral unit of the city area 4 (South) – 2 councillors
6. Electoral unit of the city area 5 (Southwest) – 7 councillors
7. Electoral unit of the city area 6 (West) – 4 councillors

The Central Election Commission certified 32<sup>11</sup> political entities (political parties, coalitions and/or independent candidates) to participate in the Mostar Local Elections. A total of 368 candidates were certified.

The right to vote in the Mostar Local Elections had 100. 864<sup>12</sup> of citizens registered in the Central Voters' Register as of November 11, 2020. A total of 3. 985 voters were registered to vote by mail.

A total of 154 polling stations were established, whereof 150 regular polling station. A total of 16 regular mobile teams were established for the voters who had applied for this way of voting and met all the prescribed conditions. A total of nine COVID-19 mobile teams were established.

<sup>11</sup> 23 political parties, 4 coalitions, 4 independent candidates and one list of independent candidates

<sup>12</sup> A total of 96.797 voters were registered for voting at the regular polling stations, 48 for voting in absentia, 34 to vote at the polling stations designated for "in person", and 3.985 voters for voting by-mail

**December 20,2020**  
**Election Day Mostar**

**100.864**

Registered voters

3.985 by-mail voters

**32**

Certified political entities

**368**

Candidates on the lists

**35**

Councillors to be directly elected

## 4. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

### 4.1. Legal framework

The elections in Bosnia and Herzegovina (BiH) are being held in a complex legal framework and under conditions that are consequence of a specific Constitution and asymmetrical internal organisation. The Constitution of Bosnia and Herzegovina is Annex IV of the General Framework Agreement for Peace in BiH (so-called Dayton Agreement) that gives limited powers to the state institutions, while most powers are given to the entities - Federation of BiH (FBiH) and Republika Srpska (RS), but also to the cantons in FBiH. Brčko District has a special status as a local self-government unit, under the sovereignty of BiH and is a condominium of both entities. Local self-government, which in BiH consists of 143 municipalities and cities, is not defined by the state Constitution, but is treated by the constitutions and the Statute of Brčko District. The Office of the High Representative (OHR), which has significant powers, is also part of the constitutional structure. The specificity of constitutional solutions in BiH is reflected in the concept of "constituency" of peoples (Bosniaks, Croats and Serbs), while those citizens who neither belong to any of the constituent peoples nor declare themselves ethno-nationally are marked as "Others". This also represents discrimination against those who declare themselves ethno-nationally, not as members of constituent peoples, but as members of national minorities<sup>13</sup>, as well as those who have chosen not to declare themselves ethno-nationally. National minorities, with regard to their special status concerning the passive voting right, have guaranteed seats at the level of local

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<sup>13</sup>National minorities in BiH are defined by the Law on Rights of National Minorities in BiH

representative bodies, but only if they make up at least 3% of the population according to the last national Census.

Important and binding judgments of the European Court of Human Rights<sup>14</sup>, the application of which will inevitably lead to changes in the BiH Constitution and the BiH Election Law in terms of eliminating existing discrimination against BiH citizens in exercising the active suffrage, have not yet been implemented and the Parliamentary Assembly of BiH (PA BiH) is the institution to be held most accountable for that. Amongst many decisions of the Constitutional Court that are not implemented in BiH, it should be underlined that the Decision of the Constitutional Court of BiH from 2000 has not yet been fully implemented, and it guarantees equality of all three peoples throughout BiH, thus neutralising the fact that members of these three peoples, depending on which entity they live in, do not have the passive suffrage.

The BiH Election Law is the basic law for the organisation and conduct of elections<sup>15</sup>. To date, this law has had 21 changes and amendments<sup>16</sup>. The last changes to the Election Law were passed in July 2020, after the local elections had already been called, and the change related to having the local elections in the City of Mostar held after 12 years of non-holding. These changes<sup>17</sup>, i.e. the agreement reached between the Party of Democratic Action (SDA) and the Croatian Democratic Union of Bosnia and Herzegovina (HDZ BiH), which assumed leadership in this process, with the mediation of the international community, were preceded by yet another judgment of the European Court of Human Rights in the case of "Baralija vs. BiH"<sup>18</sup>, which found that BiH had violated the European Convention on Human Rights by failing to implement a binding decision of the BiH Constitutional Court from 2010 to approximate the discriminatory provisions of the Election Law on Mostar to the Constitution. The solution offered by the amendments to the Election Law is a solution by which elections are conducted significantly differently than in the rest of BiH, where Mostar is the only city, i.e. a local self-government unit composed of several electoral units, specifically seven of them. The representative body of the City of Mostar is also unique in its organisation compared to other local representative bodies, because quotas for members of the constituent peoples are only defined in Mostar. The adoption of amendments to the law in July, after the elections had already been called, led to the BiH CEC having to call elections in Mostar later than in the rest of BiH. Also, as in some previous cases, the practice of changing the Election Law in an election year has been repeated, which is contrary to the Venice Commission's Code of Good Practice in Election Matters.

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<sup>14</sup> ECtHR judgments in cases "Sejdić-Finci", "Zornić", "Pilav", "Šlaku" and "Pudarić" vs. BiH

<sup>15</sup> Law relevant to the organisation and conduct of elections in BiH are: Election Law of Republika Srpska, Election Law of Brčko District of BiH, Law on Direct Election of Mayors in FBiH, and other laws associated with the election process: Law on Political Party Financing, Law on Citizenship, Law on Conflict of Interest in the Government Institutions of BiH, BiH Law on Permanent and Temporary Residence, Law of Brčko District of BiH on Selection and Change of Entity Citizenship, as well as all BiH CEC's regulations.

<sup>16</sup> Official Gazette of BIH, nos.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, 31/16, 41/20.

<sup>17</sup> Law amending the BiH Election Law in terms of the City of Mostar: <https://bit.ly/3rxwVxr>

<sup>18</sup> Judgment: <https://bit.ly/3eo8zsO>

An increase of the intra-party threshold of votes won on the candidates' lists for the local elections (municipal council / municipal assembly) from 5% to 10% and from 5% to 20% for the general elections (2016) is one of more significant amendment to the BiH Election Law that was adopted in 2016. Raising the threshold in this context practically meant closing of the lists, which was proven in the practice as well, especially in the general elections. It is reflected in voters having less influence when electing their representatives, and political entities having more influence. The Venice Commission is also of the opinion that a high intra-party threshold/preference threshold, which is a rarity, can mean de facto closed lists, although there is preferential voting. A moderate intra-party threshold or a preference threshold of 5% to 7% provides good opportunities for voters to influence candidates' lists<sup>19</sup>. In terms of gender equality, equal gender representation has also been introduced for the compensatory lists for the election to the state parliament in the general elections, which was not the case before. It entails 40% of the underrepresented gender with the order of nominating the candidate in such a way that at least one candidate of the underrepresented gender is among the first two candidates, two among the first five candidates, etc. Legal solutions do not imply guaranteed mandates to ensure gender equality.

Although major changes to the Election Law, including even adoption of new law, were announced after the 2014 General Elections, no significant steps have been taken to improve the election process with the exception of having the local elections finally held in the City of Mostar. The BiH CEC had in 2017 prepared a working material with certain improvements, which also included several recommendations of the Coalition "Pod lupom". Among the most significant changes proposed by the BiH CEC at the time was the current recommendation for the introduction of an independent function of the presidents of polling station committees who would be elected through a public vacancy in a non-election year, where the local election commissions would be responsible for their appointment and performance; the introduction of pecuniary fines for political entities that had proposed members for the polling station committees who were found to have violated the provisions of the BiH Election Law; preventing the misuse of public funds by introducing to the Law a prohibition on the use of public funds for personal promotion or promotion of the political party; introduction of early voting for eligible voters who are not able to vote at their polling station on the Election Day for justified reasons; preventing the abuse of the ethnonational affiliation by introducing a provision which, in the event of a sudden change in the ethnonational affiliation, takes into account the ethnonational affiliation of the candidate stated at the 2013 Census. Unfortunately, these proposals, which are still relevant today, have neither been sent to the parliamentary procedure, nor have they been seriously discussed. The reasons for this are not known, and it can be assumed that major political issues have once again pushed aside substantial improvements in the election process.

The Coalition "Pod lupom" had in 2017 drafted a *Proposal for changes and amendments to the BiH Election Law*, which was sent to the parliamentary procedure with the support of some MPs, and which related to the introduction of mandatory annulment of elections at the polling station where surplus

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<sup>19</sup> Report of the Venice Commission on proportional electoral systems: the allocation of seats inside the lists (open/closed lists)  
<https://bit.ly/2S2iyPF>

of ballots is found in the box compared to the number of voters who had cast the ballot; appointment of an independent president and deputy president of the polling station committee according to the procedure determined by the BiH CEC; to make public the names of members of polling station committees, including the name of political entity that nominated them; introduction of the determinant 'or electronically' in Article 6.2 of the BiH Election Law where the manner of voting is mentioned; to specify situations and actions when elections are interrupted due to force majeure or violence; to expand the circle of persons entitled to object to observers and candidates of political entities. Although the proposal was supported in the first reading in the House of Representatives of the PA BiH, it did not find sufficient support in the procedure thereafter, and was not adopted. Later on, one of the changes, concerning the publication of the names of polling station committee members and the political entity that proposed them, was implemented by the BiH CEC through implementing acts for the organisation of elections.

Although there were attempts made even before the last General Elections in 20108 by certain political entities to resolve the issue of filling the House of Peoples of FBiH through amendments to the BiH Election Law or proposing laws at the FBiH level on constituencies and number of mandates, i.e. to touch upon the method of electing Presidency members, which is a controversial point for the parties gathered around the Croat National Assembly, it can be concluded that this time too there was no political will and no sufficient political consensus to resolve this issue. The proposals made were generally not prepared in a way that would involve more actors or more political entities in an attempt to secure a broader consensus and to bring together often diametrically opposed views on these issues. Also, no political will was expressed to improve the electoral legislation in the direction of holding more free and fair elections and having the process conducted in the institutions in a transparent, inclusive and comprehensive manner. Considering the fact that until publication of this Report on the 2020 Local Elections the FBiH Government has not been established on the basis of results of 2018 elections, but that it is still functioning based on the results of the 2014 elections, it is important to point out that the existing BiH Election Law still does neither define the deadlines for the establishment of the executive government nor does it precisely prescribes the penalty provisions in case of non-compliance with the deadlines for the establishment of legislative government at all levels. Also, the Election Law does not recognise the institute of early elections or other mechanism with a similar effect that could enable the holding of early elections, which in legally prescribed situations can serve as an unblocking mechanism to the non-functioning of the government.

#### **4.2. Electoral system**

The BiH electoral system is based on Annex III (Election Agreement) and Annex IV (Constitution of Bosnia and Herzegovina) of the General Framework Agreement for Peace in BiH and the BiH Election Law. The mandate of those elected at all levels is four years. Electoral cycles are divided into general and local elections and are organised alternately every two years.

Reflecting the complex constitutional order of BiH, the electoral system is a combination of almost all known electoral principles: majority principle and single and/or multi-member constituencies for

election of members of the BiH Presidency, President and Vice President of RS, as well as city/municipal mayor and proportional principle with multi-member constituencies for the election of parliaments/assemblies and representative bodies at the local level. The delegate system is applied for the election of the House of Peoples in the Federation of BiH and at the level of the PA BiH, as well as for the election of delegates to the Council of Peoples of RS. The Election Law prescribes an election threshold of 3%, meaning that political entities that have passed the threshold qualify to participate in the distribution of regular seats and it is applied to all races based on the proportional system. Voters have the opportunity to, in addition to the political entity, give their vote to some of the candidates on the closed unblocked list (so-called semi-open lists), and the preferential method is used to identify the candidates who won the most votes of the political party's voters. It is also used to determine individual distribution of seats. The intra-party threshold on semi-open lists for the election of representatives to local representative bodies is 10% of the total number of votes won by a political entity.

In line with the BiH Election Law the members of national minorities are entitled to representation in the Municipal Council or Municipal Assembly and the City Council or City Assembly in proportion to the percentage of their share in the total population according to the last Census in BiH. If, according to the Census, the percentage was higher than 3%, members of national minorities are guaranteed the minimum of one seat in the local representative body. The law stipulates that, in addition to political entities, registered association or other registered organised form of activity of the national minorities; and a group consisting of at least 40 citizens who have the right to vote may nominate a candidate for the election of a representative of the national minorities. The members of national minorities had 23 guaranteed seats in 21<sup>20</sup> basic constituencies, i.e. municipalities/cities at the 2020 Local Elections.

## 5. ELECTION ADMINISTRATION

The election administration in BiH consists of the election commissions and the polling station committees. Election commissions are: BiH Central Election Commission (CEC)<sup>21</sup>, municipal/city election commission and Election Commission of Brčko District of BiH<sup>22</sup> (hereinafter: local election commission). The BiH CEC and 143 local election commissions in BiH are permanent bodies and are paid for their work during the election and non-election period. In addition to the above-mentioned commissions, the BiH Election Law provides for the possibility of establishing election commissions of entities and cantons. Entity election commissions are established according to the entity law, while

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<sup>20</sup> Bosanska Krupa (1), Odžak (1), Lukavac (2), Banovići (1), Kalesija (1), Kakanj (1), Trnovo FBiH (1), Pale FBiH (1), Novi Grad (1), Prnjavor (1), Vukosavlje (1), Sokolac (1), Gradačac (1), Srebrenik (1), Tuzla (1), Zenica (1), Prijedor (1), Gradiška (1), Banja Luka (1), Trebinje (1), Brčko District of BiH (2).

<sup>21</sup> The international organisations, primarily the OSCE, were responsible for the conduct of elections in the period from 1996 to 2000 and had organised and conducted the elections in this period through a Provisional Election Commission based on so-called electoral rules and regulations. The BiH Election Law, passed in 2001, conditioned the establishment of a permanent BiH Election Commission. Amendments to this law in 2006 ended the participation of three international members of the Election Commission (2 OSCE representatives and an OHR representative), and since that time all members of the commission are BiH citizens, and the commission was renamed the BiH Central Election Commission (CEC BiH).

<sup>22</sup>A total of 143 election commissions at local levels, including Brčko District of BiH

their jurisdiction is determined by the BiH CEC<sup>23</sup>. Polling station committees are appointed by the local election commissions separately for each election.

Members of all election commissions are appointed for a term of seven years, while members of polling station committees are appointed for each election. Members of the election commissions are elected by political parties in representative bodies at various levels of authority, and all members of polling station committees are persons directly nominated by political entities. If we here add a large number of party observers on the Election Day, we can conclude that the election process in BiH is completely politicised and that it primarily serves to protect the interests of political entities, and not the electoral rights of citizens. In fact, the only apolitical and non-partisan representatives in the BiH elections are civic, non-partisan observers and citizen-voters.

### **5.1. Central Election Commission of Bosnia and Herzegovina (BiH CEC)**

The BiH Central Election Commission (CEC BiH) is in charge of organising and conducting all elections in BiH. The BiH CEC announced the elections within the statutory deadline, on May 7, 2020, and had scheduled the elections for October 4, 2020. Considering that the budget of BiH institutions, which provides funds for organisation and conduct of the elections, was not adopted until that period, the BiH CEC passed *the Decision on postponement of the 2020 Local Elections*, scheduling a new election date - November 15, 2020. The Constitutional Court of BiH was asked to conduct a constitutional review of this decision, and the request was rejected by the Constitutional Court of BiH as inadmissible, because it is not competent to decide in this case (it is the jurisdiction of the regular court). The Court of BiH rejected the same request as unfounded, leaving November 15 as the date of the 2020 Local Elections.

Following the changes and amendments to the BiH Election Law<sup>24</sup> and after 12 years of non-holding of elections the BiH CEC announced the elections in the City of Mostar on July 23, 2020. The elections in Mostar were held on December 20, 2020.

The BiH CEC held more than 90 session in the period between the announcement of the elections and the confirmation of the election results for the City of Mostar. Sessions of the BiH CEC are broadcast live through the official YouTube channel of the commission, thus enabling the public to have a full and regular insight into the activities and work of the commission.

Bearing in mind that the elections in 2020 were held under new circumstances caused by the COVID-19 pandemic, the BiH CEC had in June 2020 issued *the Instruction on operations of the election management bodies on the Election Day in context of the COVID-19 pandemic*. The instruction defines in more detail the procedures to be applied on the Election Day in order to protect the lives and health of representatives of the election administration and the voters. Furthermore, the BiH CEC had in

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<sup>23</sup>Republika Srpska established such a commission was established in 2008 in line with the RS Election Law, but its activities are not visible to the public. There is no entity commission in FBiH, since no separate election law has been passed.

<sup>24</sup> Law amending the BiH Election Law, Official Gazette of BiH, no. 41/20

September adopted amendments to *the Rulebook on conduct of elections in BiH*, specifying the manner in which the persons who are diagnosed COVID-19 positive, persons in isolation or in a hospital will exercise their right to vote, thus creating the conditions to secure suffrage to these persons. However, the BiH CEC had again amended the Rulebook on November 10, 2020, enabling this category of voters to exercise the right to vote through a special mobile team if, in addition to the request submitted to the competent local election commission, they submit a relevant document of a competent institution or a body i.e. a medical record proving they are COVID-19 positive or an isolation order. Unfortunately, due to the evident lack of consolidation in the system concerning timely issuance of an isolation order or medical record proving presence of the virus, the fear that a certain number of voters in this category will be deprived of the right to vote on the Election Day proved to be well founded. Although it is not a number that would have a significant impact on the result per constituency, concerns are raised by the fact that a certain number of voters were deprived of the right guaranteed by the Constitution.

The Coalition observed that the BiH CEC has been more proactive in opening the election process to the public in this electoral cycle, as well as in its efforts to hold the elections despite numerous pressures from political entities that were dissatisfied with the appointment procedure for the BiH CEC members whose mandate has expired. In mid-March 2020, the House of Representatives of the BiH PA used the possibilities provided by the BiH Election Law regarding the appointment procedure, and had, at its session on March 11, made a decision to terminate the mandate of Bosniak and Serb members of the BiH CEC whose term had expired. The House of Representatives of the BiH PA had by its decision, reappointed the same Bosniak members, whilst new Serb members were appointed, thus causing a storm on the political scene. Also, one Croat member was appointed, as the previous member's term had expired, and he had also met all retirement conditions. This appointment has also been challenged by individual political entities participating in government at the state level.

The mentioned proactivity of the BiH CEC, especially in the effort to restore the shaken BiH citizens' trust in the elections by increasing transparency, providing for timely consideration of observed irregularities, and imposing sanctions for reported irregularities, encourages and represents a change for the better compared to the previous years. The BiH CEC also made a step forward in cooperation with civil society organisations monitoring the elections in BiH, including independent observers of the Coalition "Pod lupom", and appointed a BiH CEC's member as a contact person for cooperation with the civil society organisations. There were also several meetings held between members of the BiH CEC and representatives of the Coalition "Pod lupom". The coalition expresses hope that such a trend will continue in the future.

## 5.2. Local election commission

The election commissions at the local level (municipal, city, and election commission of Brčko District of BiH) are, *inter alia*, responsible for designation of polling stations, establishment and training of polling station committees, organisation of the Election Day and consolidation of election results from the polling stations on their territory. The composition of the local election commissions, respecting the provisions of the BiH Election Law and the Gender Equality Law should reflect gender

representation of at least 40% members of under-represented gender. The gender representation defined in this composition was not observed in 12 election commissions at the local level<sup>25</sup>. Also, the composition of two<sup>26</sup> local election commissions was incomplete, although the Election Day was only four days away.

Most local election commissions have adequately prepared and conducted the 2020 Local Election. *The Instruction on the mode of operation and reporting of the election commission of the basic constituency in BiH* prescribes in more detail the functioning of local election commissions. The instruction also sets forth adoption of the Rules of Procedure of the local election commission, which all local election commissions in BiH had done. The Instruction also provides for the possibility for local election commissions to appoint a secretary and/or technical secretary, which was done 82 election commissions or 57, 34 % of the total number of local election commissions, representing an increase compared to the 2018 elections.

Most election commissions held regular weekly meetings/sessions. Local election commissions held more than 1.100 sessions during the observation period covered by this report. Five<sup>27</sup> local election commissions faced difficulties in terms of having inadequate working conditions for the preparation of elections. Fourteen<sup>28</sup> local election commissions informed long-term observers of the Coalition "Pod lupom" that their members did not attend the training sessions organised by the BiH CEC for local election commissions.

Observers of the Coalition "Pod lupom" had documented that 58 complaints were filed with local election commissions concerning the election process in 33 municipalities and cities<sup>29</sup>. Complaints mainly related to the lottery draw for members of polling station committees and the registration of voters for voting by mail. The Centre for Voters' List is only unavailable in Ključ Municipality.

Although during the preparation of election there were local election commissions that had expressed concerns about the possibility of complying with the epidemiological measures on the Election Day, the Coalition observers reported that elections were held in accordance with the prescribed measures at most polling stations.

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<sup>25</sup> Glamčić, Iličić, Istočno Novo Sarajevo, Kostajnica, Kotor Varoš, Kozarska Dubica, Krupa na Uni, Novo Sarajevo, Široki Brijeg, Stolac, Visoko, Zvornik

<sup>26</sup> Istočno Novo Sarajevo, Tuzla

<sup>27</sup> Bihać, Istočno Novo Sarajevo, Sanski Most, Višegrad, Vukosavlje

<sup>28</sup> Bosansko Grahovo, Foča (FBiH), Foča (RS), Kalinovik, Kozarska Dubica, Kupres (FBiH), Kupres (RS), Maglaj, Novi Travnik, Petrovo, Prijedor, Tešanj, Trnovo (FBiH), Trnovo (RS)

<sup>29</sup> Bosansko Grahovo, Glamčić, Teslić, Bijeljina, Živinice, Donji Vakuf, Ilijaš, Orašje, Osmaci, Trnovo (RS), Vukosavlje, Bratunac, Bugojno, Konjic, Kreševo, Tešanj Banovići, Bihać, Cazin, Gračanica, Iličić, Kotor Varoš, Novo Goražde, Pale (FBiH) Dobojski, Fojnica, Kupres (FBiH), Livno, Novi Travnik, Stanari, Stolac, Tomislavgrad, Velika Kladuša, Višegrad, Vlasenica Zvornik, Mostar, Centar Sarajevo, Istočni Mostar, Stari Grad Sarajevo

When it comes to meeting the deadlines set by the electoral calendar, there were 25 cases where the deadlines were breached by as many as 24 local election commissions.<sup>30</sup>

It was documented that 11 local election commissions<sup>31</sup> did not publish acts on the appointment of polling station committees, although it is their obligation. It was found that the local election commissions in seven municipalities/cities<sup>32</sup> did not complete the training for the members of the polling station committed within the statutory deadline, i.e. until November 8, 2020. Four local election commissions<sup>33</sup> did not determine the locations of polling stations and submitted decisions thereon to the BiH CEC within the statutory deadline, while three<sup>34</sup> local election commissions did not appoint members of polling station committees on time.

The City Election Commission of Mostar has 7 members and operates in its full capacity. The Commission meets the gender requirement, as provided for by the BiH Election Law.

According to LTOs' reports, the City Election Commission of Mostar implemented the activities related to preparation and organisation of elections in accordance with the calendar of electoral activities. The Commission adopted the Rules of Procedure and has a Secretary.

### **5.3. Polling station committees**

Polling station committees are part of the election administration, and they are *ad hoc* bodies that are appointed before each election. Their task is to directly manage the work of the polling station, ensure the regularity and secrecy of the vote and record the results. They consist of three or five members and their alternates, depending on the number of voters at the polling station. A total of 5.759<sup>35</sup> polling station committees have been appointed for the 2020 Local Elections. Members of the polling station committees are nominated by political entities, and where political entities fail to do so, then the local election commission appoint the members of polling station committees. Unfortunately, one of the major irregularities that is being documented in every electoral cycle, including this one, is the so-called "trade" of the positions in the polling station committees, which is why the Coalition "Pod Iupom" insists on changing the procedure for appointment of the president and deputy president of the polling station committee so as to have both president and deputy president selected, appointed and trained by the local election commission, preferably in a non-election year in order to improve the performance of the polling station committees on the Election Day.

At the Local Elections in the City of Mostar the polling station committees managed the work at 167 polling stations: 150 regular, 16 PSCs for voting in absentia, one PSC for voting by tendered ballots,

<sup>30</sup> Bihać, Bileća, Bužim, Cazin, Ključ, Kozarska Dubica, Novo Sarajevo, Prijedor, Ribnik, Ugljevik, Velika Kladuša, Travnik, Vitez, Jablanica, Ilidža, Odžak, Kladanj, Bosansko Grahovo, Laktaši, Stolac, Bosansko Grahovo, Čapljina, Tomislavgrad, Zenica

<sup>31</sup> Bihać, Bileća, Bužim, Cazin, Ključ, Kozarska Dubica, Novo Sarajevo, Prijedor, Ribnik, Ugljevik, Velika Kladuša

<sup>32</sup> Bihać, Travnik, Vitez, Jablanica, Ilidža, Odžak, Kladanj

<sup>33</sup> Bosansko Grahovo, Čapljina, Tomislavgrad, Zenica

<sup>34</sup> Bosansko Grahovo, Laktaši, Stolac

<sup>35</sup> This number includes the polling station committees established to work in the regular mobile teams. A total of 388 mobile teams were established for the 2020 Local Elections.

as well as the work of 20 regular mobile teams. A total of nine COVID-19 mobile teams were established.

#### **5.4. Adherence to election deadlines**

The BiH Central Election Commission determines the calendar of electoral activities in accordance with the deadlines provided by the BiH Election Law. The BiH CEC had mainly followed the set deadlines for the organisation and conduct of electoral activities. In the preparation and organisation of the elections the local election commissions have the obligation to follow the set deadlines for the implementation of electoral activities as provided by the calendar. Long-term observers of the Coalition reported 25 cases of deadlines being breached by 24 local election commissions<sup>36</sup> at the 2020 Local Elections. It was documented that 11 local election commissions<sup>37</sup> did not publish acts on the appointment of polling station committees, although it is their obligation. It was found that the local election commissions in seven municipalities/cities<sup>38</sup> did not complete the training for the members of the polling station committed within the statutory deadline, i.e. until November 8, 2020. Four local election commissions<sup>39</sup> did not determine the locations of polling stations and submitted decisions thereon to the BiH CEC within the statutory deadline, while three<sup>40</sup> local election commissions did not appoint members of polling station committees on time.

The City Election Commission of Mostar conducted the activities for preparation and organisation of the elections in line with the calendar of electoral activities. The Commission published a list of the appointed members of the polling station committees on the bulletin board. The way in which the decision was composed, i.e. giving codes of the political entities instead of their names prevents the public and voters from having insight in party membership/affiliation of members of the polling station committees. It should be amended in the future so to have decision containing the names and not the codes of political entities in order to increase the transparency of the election process.

### **6. PRE-ELECTION PERIOD**

#### **6.1. Registration of political entities and candidates**

The BiH CEC certifies political entities<sup>41</sup> to participate in all elections in BiH in accordance with the provisions of the BiH Election Law. This process was conducted for the 2020 Local Elections in accordance with the Law and respecting the set deadlines. However, the prescribed and foreseen period of certification of all political entities to participate in the elections is too long and lasts almost

<sup>36</sup> Bihać, Bileća, Bužim, Cazin, Ključ, Kozarska Dubica, Novo Sarajevo, Prijedor, Ribnik, Ugljevik, Velika Kladuša, Travnik, Vitez, Jablanica, Ilijadža, Odžak, Kladanj, Bosansko Grahovo, Laktaši, Stolac, Bosansko Grahovo, Čapljina, Tomislavgrad, Zenica

<sup>37</sup> Bihać, Bileća, Bužim, Cazin, Ključ, Kozarska Dubica, Novo Sarajevo, Prijedor, Ribnik, Ugljevik, Velika Kladuša

<sup>38</sup> Bihać, Travnik, Vitez, Jablanica, Ilijadža, Odžak, Kladanj

<sup>39</sup> Bosansko Grahovo, Čapljina, Tomislavgrad, Zenica

<sup>40</sup> Bosansko Grahovo, Laktaši, Stolac

<sup>41</sup>Political entities are: political parties, independent candidates, coalitions and lists of independent candidates

four months<sup>42</sup> from the beginning of the certification procedure until the publication of the final lists of candidates in the official gazette.

The BiH CEC certified a total of 543 political entities for the 2020 Local Elections, i.e. 129 political parties, 262 independent candidates, 72 coalitions, nine lists of independent candidates, and 71 independent candidates for representatives of national minorities. Compared to the 2016 Local Elections the number of political entities in the elections is higher for 92<sup>43</sup>. A total of 30.809 candidates were certified, whereof 425 candidates for city/municipal mayors, 30.188 candidates for representative bodies at the level of local self-government and the Brčko District of BiH, and 196 candidates for representatives of national minorities.

The BiH CEC certified 32<sup>44</sup> political entities for the elections in Mostar. A total of 368 candidates were certified.

The certification of political entities for participation in the elections lasts 14 days because there is no central record of political parties. Political entities participating in the elections must submit to the BiH CEC an evidence, not older than 60 days, that they are registered, whereafter the BiH CEC verifies signatures and certifies political entities within 14 days. Verification of signatures by the BiH CEC is a long and exhausting process, because there is no adequate software for automatic verification and everything is done manually. In order to shorten this procedure, it is necessary to pass a law on political organisations at the level of BiH, which does not exist yet. This law would, among other things, provide for the establishment of a central register of political parties, which would contribute to their easier certification for participation in the elections. Also, the entire procedure regarding the nomination of candidates and their certification does not necessarily have to be done in the election period, but can be done before the elections are called in the election year.

The deadline for submission of lists is 90 days before the Election Day. The time period of almost three and a half months from the day elections are announced to the day candidates' lists are published is too long. Political entities may compile internal candidate lists before the elections are called due to the fact that the election date is fixed. The BiH Election Law also offers the possibility of correcting the lists, i.e. supplementing the documentation and/or changing candidates, which causes an unnecessary burden on the BiH CEC, except in the case of the death of the candidate. There is neither an adequate software for this activity, nor for the certification of political entities.

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<sup>42</sup> The prescribe procedure starts on the day elections are announced, May 26; while the final candidates' lists were certified and published in the Official Gazette of BiH on September 21, 2020. The final deadline for publication of final candidates' lists in the official gazettes and the media was October 1, 2020.

<sup>43</sup> A total of 451 political entities participated in the 2016 Local Elections: 102 political parties, 103 coalitions, 171 independent candidates, 17 lists of independent candidates, and 52 independent candidates on behalf of 52 groups of citizens for the election of representatives of national minorities.

<sup>44</sup> 23 political parties, four coalitions, four independent candidates and one list of independent candidates.

## 6.2. Voter registration

Voter registration in BiH has been passive since 2006, while active registration applies to voters who vote from abroad. A total of 3.283.380 voters<sup>45</sup> were registered in the Central Voters' Register (CVR) as of October 1, 2020 for the 2020 Local Elections. According to the Election Law, there are several categories of voters in BiH. Voters who vote in BiH are divided into two categories: voters who vote at the regular polling stations and voters who vote in absentia (displaced persons within BiH). Also, the CEC keeps records of internally displaced persons who have the right to choose whether to vote in their current or pre-war place of residence. The BiH CEC maintains the Central Voters' Register (CVR) based on the records of the competent state body - the Agency for Identification Documents, Records and Data Exchange - IDDEEA, the records of the Civil Registry of BiH Citizens, and other bodies are also included: Ministry of Human Rights and Refugees, Ministries of Interior at all levels, Ministry of Civil Affairs of BiH - Sector for Citizenship and Election Commission. The deadline for registration of voters to vote outside BiH was September 1, 2020, whereafter the BiH CEC registered 101.771 voters<sup>46</sup> to vote outside BiH. The BiH CEC rejected by-mail request applications for 27.960 voters on different grounds. The largest number of applications was rejected for the following reasons: several application forms submitted for one person (7.623), more than 6 persons registered at one address outside BiH (4.760), inappropriate proof of identity (3.617), lack of proof on place of residence in BiH (2.700), lack of a valid proof of identity (2.567), several shortcomings (2.021), etc. The BiH CEC received around 5.000 appeals of the BiH citizens to its decisions on the out-of-country registration. Significant number of these relates to identity theft i.e. abuse of personal data for the purpose of out-of-country registration without citizens' knowledge.

Compared to the electoral cycles over the past six years, this is a record number of by-mail request applications, approximately 130.000 applications. The number of rejected applications is also record-breaking. Of particular concern is the information about a large number of applications submitted for one person, as well as large number of applications submitted for several persons from the same address, which can indicate attempts to abuse by-mail voting. The BiH CEC has forwarded information about possible abuses to the competent bodies (SIPA and Prosecutor's Offices) for further investigation. Aimed at preventing abuse of by-mail voting the BiH CEC gave access to the CVR for these voters, but the BiH CEC was ordered to remove the excerpt from its official website by the decision of the BiH Personal Data Protection Agency.

The BiH CEC does four cross-sections of the Central Voters' Register (CVR), while the final voters register is concluded 45 days before the Election Day. The first cross-section is made the day before the elections are called and is used to prepare temporary excerpts from the CVR. The second cross-section is used for the purpose of determining the number of polling stations and making specifications for

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<sup>45</sup> 3.141.257 regular voters, 7.925 voters having status of a displaced person, and are voting in absentia, 14.059 voters having status of a displaced person, and are voting in person, 704 voters who vote at the diplomatic and consular missions, 102.377 voters who registered to vote by mail.

<sup>46</sup> A total of 3.985 voters registered for out-of-country voting for the Local Elections in Mostar.

ballot printing. The third cross-section is used to create an excerpt from the final voter register that is distributed to the polling stations. The fourth, and the last, cross-section is made on the Election Day, with the aim of determining the voting right of voters who vote by tendered ballots. As many as 74 days are provided for the registration of displaced persons and persons living outside BiH. These deadlines were adequate in the post-war period when there was a major problem with the registration of voters living outside BiH and a large number of displaced/refugees, however, such long deadlines are not necessary now.

### **6.3. Gender equality and participation of minorities in the election process**

#### **Gender equality**

Although the law protects the underrepresented gender in the election process, the underrepresentation of women in political life in BiH is quite evident. In the context of the Election Law and ensuring equality on candidates' lists, the BiH Election Law provides for gender equality in such a way that it exists when one of the genders is represented by at least 40%<sup>47</sup>. This amendment implies that the lists of political entities must have at least 40% of the underrepresented gender, and that political entities will not be certified to participate in elections without meeting this condition. Amendments to the Law in 2016 extended gender equality to the compensatory lists that exist for election to the state parliament in general elections, which was not the case before. It entails 40% of the underrepresented gender with the order of nominating the candidate in such a way that at least one candidate of the underrepresented gender is among the first two candidates, two among the first five candidates, etc. The Law on Gender Equality is also applied to the election administration, but these provisions are only applied to the composition of local election commissions and polling station committees, but not to the composition of the CEC in which women are still underrepresented. Currently, the BiH CEC consists of 5 male and 2 female members. Also, Coalition observers noted that gender equality provisions were not observed in 12 election commissions at the local level<sup>48</sup>. If we look at the total number of members of which 561 are in all local election commissions, 273 or 48.6% are women. A total of 50.781 members of polling station committees were working for the 2020 Local Elections, and there were 16.195 women (39.12%).

Out of the total number of candidates certified for the mayor there were only 29 female candidates or 6.8%, while only five have won the mandate. In the next four years, the elected mayors will lead the municipalities of Drvar, Istočni Drvar, Jezero, Odžak and Novo Goražde. According to the BiH CEC , out of a total of 2.417 certified lists for elections to local representative bodies and the Assembly of the Brčko District of BiH, men 1.967 lists, while women occupied the first positions on only 450 lists (18.6%). A total of 3.142 mandate holders in the local representative bodies were elected to the local

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<sup>47</sup>Harmonisation with the Law on Gender Equality in BiH. This was one of the recommendations by OSCE/ODIHR in the Final Election Observation Report from 2010. The earlier quota was 30%.

<sup>48</sup> Glamčić, Ilidža, Istočno Novo Sarajevo, Kostajnica, Kotor Varoš, Kozarska Dubica, Krupa Na Uni, Novo Sarajevo, Široki Brijeg, Stolac, Visoko, Zvornik

councils/assemblies, of which 607 are women or 19.64%<sup>49</sup>. When it comes to the election of representatives of national minorities, only four out of 23 guaranteed seats in 21 basic constituencies or 17.4% were won by women.

### Participation of national minorities

Although the BiH Constitution, as noted earlier, recognises significant political rights based on ethnic affiliation, it does not allow all citizens, regardless of ethnic affiliation or being ethnically undeclared, to enjoy equal active and passive suffrage. In this regard, the non-implementation of judgments of the European Court of Human Rights confirming discrimination in terms of the voting right, and therewith connected recommendation of the European Union given in the BiH Progress Report, continues to limit passive suffrage for BiH citizens who are not members of the constituent people, when we speak of general elections.

Seventeen minority groups are recognised as national minorities<sup>50</sup> in BiH, the most numerous of which is the Roma national minority<sup>51</sup>. The election law deals with the participation of members of national minorities, but in elections for representative bodies at the local level. Thus, the Election Law guarantees mandates to members of national minorities who, according to the 1991 Census, made up more than 3% of the population in a given constituency. At the level of general elections, there are no guaranteed seats for members of national minorities. A total of 23 seats in 21 municipalities/cities<sup>52</sup>, i.e. the Brčko District of BiH were guaranteed to the national minorities. All guaranteed seats for the representatives of national minorities were filled after the results of the local elections were confirmed.

### **6.4. Election Law**

The election campaign is defined by the BiH Election Law and includes actions and activities conducted within a time period limited by the Law during which political entities inform the voters and the public about their programs and candidates. The key processes defined by the Election Law relate to complete freedom to perform all activities of political entities during the election campaign, rules of conduct (including distribution and placement of promotional material, use of public facilities, campaign during the election silence), election campaign financing, drawing of the lots to establish order of appearance in the media, equal and fair representation in the media, and the prohibition to conduct the election campaign from the day elections are called until the date of the official start of the election campaign. The Election Law also sets forth the sanctions for violations of these provisions, however, they can be assessed as insufficiently used, even mild. The election campaign lasts 30 days before the day of the elections<sup>53</sup>, and for the Local Elections 2020, the election campaign lasted from October 16 to November 14, i.e. until the beginning of the election silence before the Election Day. The election campaign in the City of Mostar lasted from November 20 to December 19, when the election

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<sup>49</sup> Women won 8 out of 35 mandates in Mostar, which is 22.8%. Results of the elections in Doboj and Srebrenica are not included in the data.

<sup>50</sup>Law on Protection of Rights of National Minorities (adopted in 2003, amended in 2005)

<sup>51</sup>Although the Census was published in 2013, the data published so far do not contain information on number of members of Roma population, and estimates, depending on the source, range between 30.000 and 100.000 Roma persons in BiH.

<sup>52</sup> Krupa, Odžak, Lukavac, Banovići, Kalesija, Kakanj, Trnovo (FBiH), Pale (FBiH), Novi Grad, Prnjavor, Vukosavlje, Sokolac, Gradačac, Srebrenik, Tuzla, Zenica, Prijedor, Gradiška, Banja Luka, Trebinje and Brčko District of BiH.

<sup>53</sup>Election Law of Bosnia and Herzegovina, Chapter 16. <https://bit.ly/3dPkQjd>

silence started. More on irregularities related to the activities of political entities during the pre-election period and the election campaign is presented in Chapter 7 of this Report.

## **6.5. Election campaign financing**

Election campaign financing is regulated by the BiH Election Law, laws on political party financing, and partially also by the Law on Conflict of Interest and the Administrative Procedure Law of BiH. In line with the BiH Election Law political parties and independent candidates are obligated to submit financial reports to the BiH CEC no later than thirty (30) days after the election results are published in the Official Gazette of BiH covering the period from the day application to participate in the elections was submitted until the certification of the election results. This report covers the election campaign period. The BiH CEC passes byelaws that regulate reporting in the area of political party and election campaign financing.

The coalition "Pod lupom" did not systematically and methodologically monitor financing of political campaigns. According to the Transparency International BiH (TI BiH), fifteen leading political parties in BiH had reported propaganda costs of 4.5 million KM in their post-election reports for the last local elections. The costs of media and outdoor advertising (via billboards) documented by the Transparency International in BiH (TI BIH) during the last campaign exceed this amount by at least 1.8 million KM according to TI BiH assessment.<sup>54</sup>

According to the provisions of the BiH Election Law, the maximum amount allowed to be spent for election campaign financing represents a result of the multiplication of the number of voters in all constituencies in which the political entity has a candidates' list or a candidate by a certain amount that is prescribed by the Law<sup>55</sup>.

According to official data of the BiH CEC a total of 63.593.904, 22 KM<sup>56</sup> was spent on election campaigns in the period from 2006 to 2020. The chart below provides more details on election campaign costs for every electoral cycle.

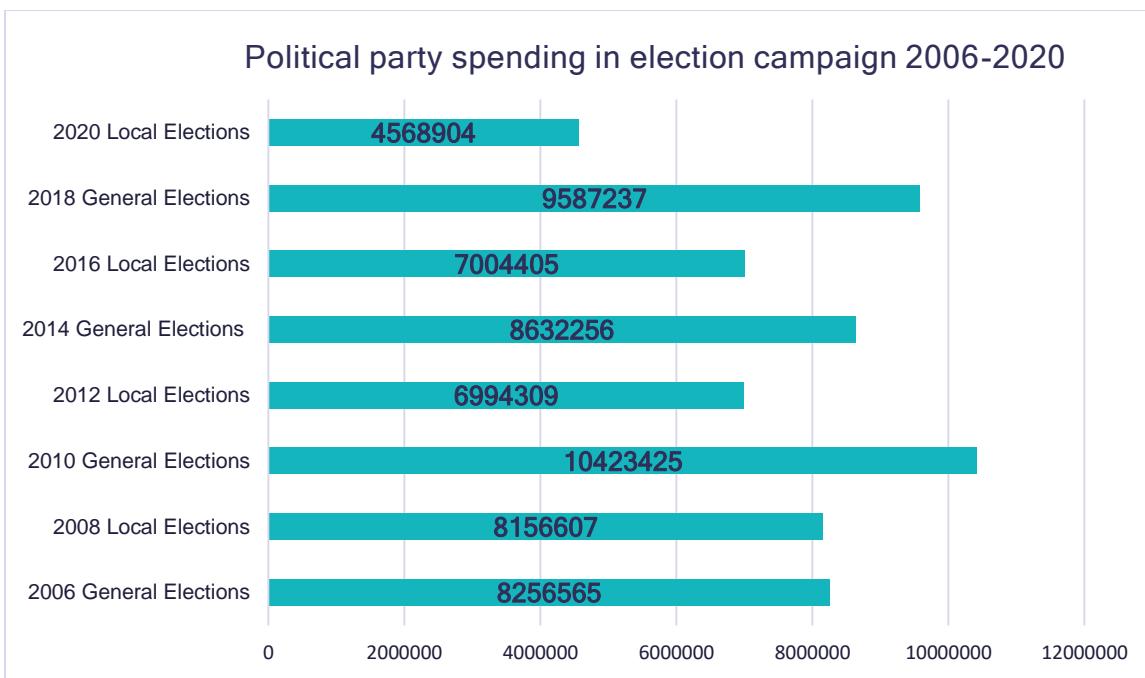
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<sup>54</sup> Transparency International available at: <https://bit.ly/3pXJW1y>

<sup>55</sup> BiH Election Law, Article 15.10, paragraph (2): 0.20 KM for the elections of members of Cantonal Assemblies, 0.30 KM for other electoral races.

<sup>56</sup> Data for 2018 are incomplete, because, as stated in the BiH CEC's Information, a total of 57 out of 69 political parties and 15 out of 34 independent candidates have submitted post-election financial report.

\*data for Mostar not included



## 6.6. Political party financing

Political party financing is defined by the Law on Political Party Financing<sup>57</sup>. The allowed sources of funding are membership fees, voluntary contributions from legal entities and natural persons, incomes generated and owned by political parties and the budgets at all levels of authority in BiH. A natural person may give voluntary contribution to a political party in a maximum amount of 10.000 KM during one calendar year; legal entity may give contribution in the amount of 50.000 KM, while a member of the political party may not give more than 15.000 KM during one calendar year. The sources of funding that are prohibited by the law include contributions from public administration bodies, public companies and institutions, anonymous, humanitarian and foreign sources, trade unions, publicly funded associations, and legal entities in which public capital has been invested to the amount of a minimum of 25%.

The Fourth Interim Report on Bosnia and Herzegovina on the compliance of BiH with the recommendations of the Group of States against Corruption of the Council of Europe<sup>58</sup> as part of the third evaluation states that in the field of financing of political parties BiH had implemented satisfactorily only one out of nine recommendations; five had been partially implemented and three had not been implemented.

<sup>57</sup> Official Gazette of BiH, nos. 95/12, 41/16

<sup>58</sup> Report adopted at 76<sup>th</sup> plenary meeting in Strasbourg, June 2071. Report: <https://bit.ly/2OWeVsD>

The CEC BIH is responsible for the implementation of the regulation on the political party financing; however its mandate is very limited in the segment concerning audit and control of the financing especially in the field of expenditure auditing. Furthermore, the capacities of the BiH CEC's Audit Office are insufficient and cannot provide adequate and timely analysis of the reports of political parties. The Office is not able to react in a timely manner to the observed irregularities. So far, no attempts were made by ruling structures to work on adopting a unified law on political parties to resolve many open issues and realise the recommendations for improvements in the field of political party financing and activity.

## **7. IRREGULARITIES IN PRE-ELECTION PERIOD AND ELECTORAL CAMPAIGN**

### **7.1. Electoral campaign**

The election campaign for the 2020 Local Elections, including the elections in Mostar, was primarily characterised by the new emerging circumstances related to the COVID-19 pandemic. It is evident that many political entities had redirected their activities to social media networks and the use of other audio-visual tools for political promotion (standard political marketing on traditional media, printed promotional material, video clips on social networks, etc.), a door-to door campaign, street actions, etc.

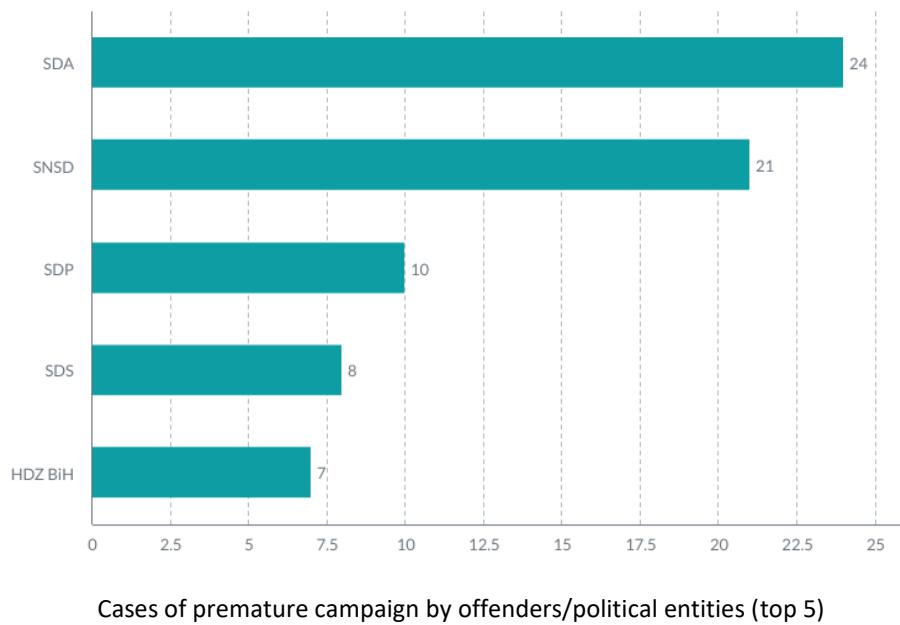
As in the previous electoral cycles, Coalition's observers documented that many political entities had conducted their activities before the official start of the election campaign, especially in the segment of sponsored advertising on social media and display of posters/billboards in the places intended for paid advertising. In addition to these sponsored social media advertising activities examples, it was in some cases documented that a vast majority of political entities had launched their campaign activities in the field, engaging with voters, publishing posts on their personal or political party social media profiles. The Coalition's observers documented 242 cases of prohibited campaign in 65<sup>59</sup> municipalities/cities across BiH. The analysis of the premature campaign-related reports shows that most reports related to the following political entities: SDA (24), SNSD (21), SDP (10), SDS (8), HDZ BIH (7), PDP (6), DNS (6), etc. It is encouraging that the BiH Central Election Commission imposed a considerable number of fines for premature campaigning on Facebook, but fines were also imposed for the premature traditional advertising via billboards or posters.

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<sup>59</sup> Banja Luka, Bihac, Bijeljina, Busovača, Brčko District, Doboj, Drvar, Gornji Vakuf - Uskoplje, Gradačac, Grude, Kozarska Dubica, Krupa na Uni, Livno, Ljubuški, Modriča, Novi Grad, Petrovo, Prijedor, Sapna, Srebrenica, Stari Grad Sarajevo, Stolac, Tuzla, Ugljevik, Velika Kladuša, Visoko, Vitez, Zavidovići, Zenica, Ilijaš, Široki Brijeg, Srebrenica, Velika Kladuša, Žepče, Centar Sarajevo, Istočno Novo Sarajevo, Kotor Varoš, Novi Grad Sarajevo, Novi Travnik, Pale (RS), Rogatica, Sanski Most, Trebinje, Višegrad, Zvornik, Cazin, Čelinac, Ljubuški, Lukavac, Novi Travnik, Teslić, Bihac, Hadžići, Neum, Novi Grad Sarajevo, Novo Sarajevo, Pale (FBiH), Pelagićevo, Travnik, Čelinac, Gračanica, Iliđa, Tomislavgrad, Vukosavlje, Mostar

A typical characteristic of the local elections in BiH, also inclusive of this electoral cycle, is the sharpened rhetoric at the local level, which was documented in a larger number of municipalities/cities where the campaign had been marked by so-called battle of posters, internet bots on social networks and newly released portals that mainly serve to discredit political opponents, to evoke, if necessary, war traumas and to raise inter-ethnic tensions. Pre-election rallies were also held completely against all the recommendations put in place to prevent virus spread, missing any reaction or sanction by the competent authorities.

**Cases of premature campaign by offenders  
(political entities, top 5)**



The Coalition's observers reported on the activities of the political subjects in terms of the premature campaign in nine<sup>60</sup> cases. The campaign in Mostar was characterised by a strong ethnic polarisation and the campaign based on raising inter-ethnic tensions, calls on ethnic homogenisation under the pretext of the so called "dispersion of votes." Visits of highly-ranking domestic and foreign politicians, who used their capacity to promote only one political entity<sup>61</sup>, were also documented.

## 7.2. Accuracy of the Central Voters' Register (CVR)

The registration of voters in BiH has been passive since 2006, while the active registration is still in place for the voters who vote outside Bosnia and Herzegovina. A total of 3.282.380 were registered in the CVR for the 2020 Local Elections as of October 1, 2020.

<sup>60</sup> Political entities SDA, DF and SDP two cases each, political entities HDZ BiH, Party for BiH and SBB one case each.

<sup>61</sup> It was recorded that ministers in the Croatian Government had repeatedly, both directly and indirectly, endorsed one political subject - HDZ BiH. The FBiH Prime Minister, acting in the capacity of a prime minister, not representing the party, as published on the web page of the SDA Mostar City Board, exclusively met with the candidates of the Coalition for Mostar and their candidate for the mayor where they discussed future investments.

The Coalition's observers documented suspicions expressed concerning the accuracy of the voters' register in 17<sup>62</sup> municipalities/cities in BiH. A high number of cases of registration/deregistration of voters implying the change in the number of voters of more than 5% in relation to the total number of registered voters were recorded in seven municipalities (Srebrenica, Nevesinje, Trnovo (FBiH), Bratunac, Istočni Drvar, Višegrad and Žepče). No reports of a large number of the deceased on the voters' registers were documented for these elections, as it was the case in the previous electoral cycles. All cases were mostly incidental.

A total of 100. 864<sup>63</sup> voters were registered in the Central Voters' Register for the 2020 Local Elections in Mostar as of November 11, 2020. The Coalition's observers did not report any suspicion in the accuracy of the voters' register; there was no major registration/deregistration of voters.

### **7.3. Trade of positions in the polling station committees**

The BiH Election Law sets forth that political entities certified to participate in the elections may have only one representative on the polling station committee. Despite this very clear provision, political entities often use various means in order to get a larger number of positions in the polling station committees, trading the positions and/or paying for the positions to the political entities that have no interest in a certain constituency.

The Coalition's observers reported allegations of 85 cases involving the trade of seats in the polling station committees in 36<sup>64</sup> different municipalities. Most frequently these are the cases where appointment members of PSCs, nominated by a political entity, were identified and were actively promoting, mostly on the social networks, entirely different political entities. These cases were reported to the BiH CEC.

Inspection of the list of the political entities certified to participate in the Local Elections clearly reveals that there is an increase in the number of political entities in BiH that are applying for participation in the elections in the basic constituencies in which they do not have any activity, municipal committee or office space, and where they do not intend to seriously engage in the electoral race. They apply with only one candidate, which may point to a conclusion that they are doing this with a purpose to trade positions in the polling station committees. These phantom political entities that primarily serve for illegal overtake of the positions in the polling station committees make, according to the preliminary survey, a majority in relation to the total number of political entities. For example, a total of 15 political

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<sup>62</sup> Banja Luka, Bratunac, Čelinac, Han Pijesak, Sapna, Srebrenica, Bijeljina, Olovno, Žepče, Ključ, Bužim, Novo Goražde, Rudo, Čajniče, Brčko Distrikt Bih, Novi Grad, Višegrad

<sup>63</sup> A total of 96.797 voters were registered to vote at regular PS, 48 to vote in absentia, 34 to vote at the polling stations designated for "in person", and 3.985 voters to vote by-mail.

<sup>64</sup> Cazin, Livno, Sapna, Srebrenica, Travnik, Čajniče, Derventa, Novi Grad, Rogatica, Zavidovići, Žepče, Bihać, Brod, Gračanica, Lukavac, Bugojno, Ilijaš, Pale (FBiH), Petrovo, Tomislavgrad, Jablanica, Konjic, Novi Travnik, Pale (FBiH), Tešanj, Teslić, Trebinje, Trnovo (RS), Zvornik, Gradačac, Ilijadža, Višegrad, Živinice, Bijeljina, Kladanj

entities with only one candidate on the list were registered in Rogatica; Alliance for Stari Grad (Sarajevo), an exceptionally locally oriented party, was certified lists with only one candidate in 9 out of 13 municipalities/cities in Tuzla Canton; local Herzegovinian Independent Party of Čapljina – Čapljina in the heart had candidates' list with only one candidate in 5 municipalities/cities of Tuzla Canton; inspection of the lists of proposed members for the polling station committees in Derventa on behalf of the political entities that do not actively participate in the political life of Derventa (Croatian block, Left wing, Circle, People's Movement Banja Luka calls, Homeland Social democrats, Homeland party, DCRS, Movement We love Srpska) suggests that the proposed members are "close" to both ruling and opposition parties that run for the elections in this constituency.

The Coalition "Pod Lupom" has been repeatedly warning about this wide-spread irregularity that presents a harsh violation of the BiH Election Law. Therefore it is necessary to amend the Law in order to prevent these situations in the future.

#### **7.4. Abuse of personal data for the purpose of registering voters for out-of-country voting**

Compared to the electoral cycles over the past six years, the BiH CEC had received a record number of by-mail request applications, approximately 130.000 applications. The deadline for voter registration for out-of-country voting was September 1, 2020, after which the CEC registered a total of 101.771 voters, and this number was subsequently increased so the total number of the voters registered for out-of-country voting was 103.081 (after appeals were granted and/or individual appeals reviewed). The number of rejected by-mail request applications voting was also record-breaking. The by-mail request applications were rejected for 27.960 voters on various grounds.

Of particular concern is the information about a large number of applications submitted for one person, as well as large number of applications submitted for several persons from the same address, which can indicate attempts to abuse by-mail voting. The BiH CEC has forwarded information about possible abuses to the competent bodies (SIPA and Prosecutor's Offices) for further investigation. Aimed at preventing abuse of by-mail voting the BiH CEC gave access to the CVR for these voters, but the BiH CEC was ordered to remove the excerpt from its official website by the decision of the BiH Personal Data Protection Agency. The largest number of applications was rejected for the following reasons: several application forms submitted for one person (7.623), more than six persons registered at one address outside BiH (4.760), inappropriate proof of identity (3.617), lack of proof on place of residence in BiH (2.700), lack of a valid proof of identity (2.567), several shortcomings (2.021), etc. The BiH CEC received around 5.000 appeals of the BiH citizens to its decisions on the out-of-country registration. Significant number of these relates to identity theft i.e. abuse of personal data for the purpose of out-of-country registration without citizens' knowledge. This type of irregularity represents a criminal act.

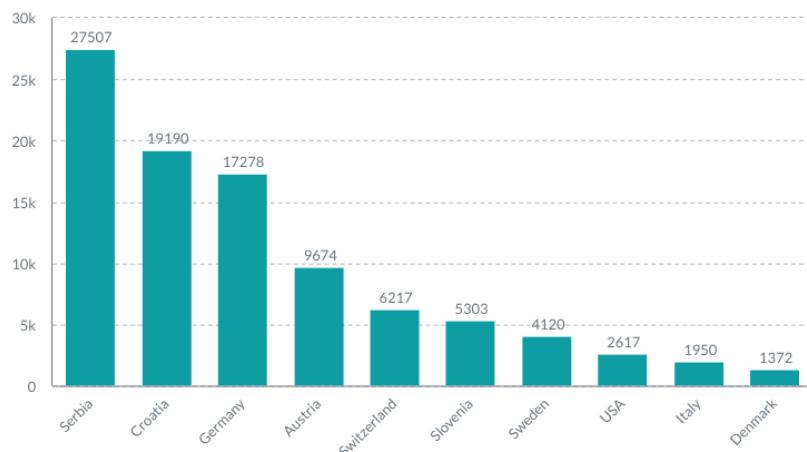
Particular concern is raised by the information on a large number of applications in one person's name, as well as a large number of applications for a large number of persons from the same address, which may indicate attempts to misuse by-mail voting, representing not only an electoral irregularity but also

a crime. The BiH CEC forwarded the information on possible abuses/misuses to the competent authorities (SIPA and prosecutor's offices) for further action. Aimed at preventing abuse of by-mail voting the BiH CEC gave access to the CVR for these voters, but the BiH CEC was ordered to remove the excerpt from its official website by the decision of the BiH Personal Data Protection Agency.

Observers of the Coalition “Pod lupom” have registered 76 different cases relating to the abuse of personal data for out-of-country voting in 29 municipalities and cities in BiH.<sup>65</sup> The Coalition “Pod lupom” received directly five reports on different cases of possible abuse of citizens’ personal data for registration of by-mail voting involving hundreds of voters, and has informed the BiH CEC thereof.

The highest number of voters registered to vote by-mail was from the neighbouring countries, Serbia (27.500) and Croatia (19.000), followed by Germany, Austria, Switzerland and Slovenia as countries with more than 5.000 registered voters.

#### Top 10 countries with most by-mail voting applications



#### Top 10 countries with most by-mail voting applications

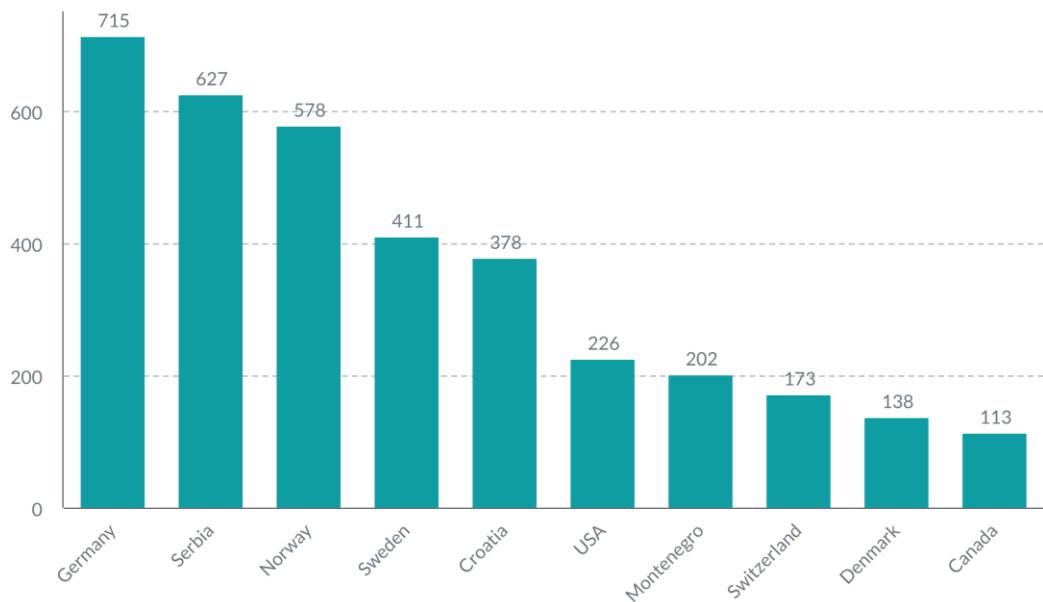
There are some radical examples showing the number of by-mail request applications in BiH municipalities and cities – in Dobretići, a small municipality in Central Bosnia, almost 37% of the total electorate registered to vote by mail. Considering a traditionally low turnout in this municipality (below 50%), in practice this means that on the Election Day more people are going to vote by mail from abroad than in Dobretići. It is interesting that the candidate for the mayor, who had won in the 2016 Local Elections in BiH, had more votes from the voters from abroad than from those living in Dobretići. Other municipalities in BiH also have a significant share of the by-mail votes.

<sup>65</sup> Banja Luka, Brčko District, Kostajnica, Rudo, Srebrenica, Teslić, Zvornik, Laktaši, Livno, Orašje, Domaljevac-Šamac, Rogatica, Srbac, Višegrad, Vukosavlje, Žepče, Bijeljina, Brod, Gornji Vakuf-Uskoplje, Ilići, Kotor Varoš, Trebinje, Bosanski Petrovac, Bratunac, Glamoč, Ključ, Tomislavgrad, Osmaci

The deadline for registration of out-of-country voters for the City of Mostar was October 6, 2020. After this deadline, the BiH CEC registered a total of 3.985 out-of-country voters, which is five times more than in the last local elections in Mostar in 2008 when 788 voters applied to vote by-mail. For the 2020 Local Elections in BiH, the CEC rejected a total of 441 by-mail request applications. Most of the rejected applications refer to submission of inappropriate proof of identity (174), failure to submit a valid proof of identity (90), lack of proof of residence in BIH (62) and several shortcomings in the application (61).

Most of the voters registered to vote by mail come from the following countries: Germany (715), Serbia, (627), Norway (578), Sweden (411) and Croatia (378), the United States of America (226), Montenegro (202), Switzerland (173), Denmark (138) and Canada (113).<sup>66</sup>

### Top 10 countries with most by-mail voting applications in the City of Mostar



Top 10 countries with most by-mail voting applications in the City of Mostar

<sup>66</sup> Other applications were submitted from the following countries: Australia (47), Austria (83), Belgium (18), Bolivia (1), Bulgaria (1), Czech Republic (8), Egypt (1), Finland (4), France (61), Greece (5), Ireland (5), Italy (43), Israel (2), Jordan (5), South Korea (1), Liechtenstein (1), Luxembourg (14), Hungary (1), Malaysia (1), Netherlands (78), New Zealand (1), Poland (3), Russia (2), North Macedonia (2), Slovenia (12), Spain (19), Turkey (6), United Arab Emirates (2), Great Britain (31).

## Number of by-mail request applications by cities and municipalities as a share in the electorate (top 10)

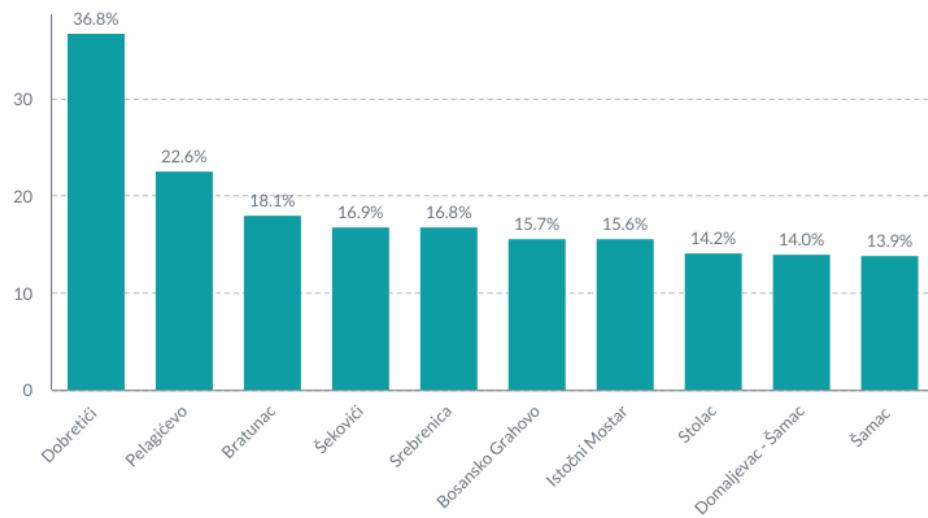


Chart 4 – Number of by-mail request applications by cities and municipalities as a share in the electorate (top 10)

### 7.5. Prohibited voter intimidation and vote buying

Although illegal, voter intimidation and vote buying have become a common occurrence at the elections in BiH. Coalition's observers reported 77 such cases in 45 municipalities/cities<sup>67</sup>. These cases relate to allegations about money being offered in exchange for a vote, pressure being exerted on employees in the public enterprises, distribution of packages to the citizens, etc. An allegation was recorded about president of the SNSD City Board in Zvornik exerting pressure on directors of public enterprises that "they must collect a certain number of votes"; in Rudo threats were made that some people will lose their job when "they come to power"; rumours in Lukavac about buying of votes for 50 KM; exerting pressure on municipal administration and public enterprises in Sapna for support to the mayor in the elections; a report in Bijeljina that inspection is promising work without inspection oversight if a certain candidate is supported, etc.

Rumours about vote buying have been registered in several municipalities/cities, where the amounts range between 50 and 150 KM. Concerns are raised by the long-term observers' comments that such conversations and agreements are generally accepted and that citizens do not shy away from selling the vote. Social networks also have a role here as they are being used to offer money in exchange for a vote (e.g. Brčko District of BiH), which was reported to the BiH CEC.

<sup>67</sup> Bijeljina, Busovača, Prijedor, Rudo, Zenica, Zvornik, Banja Luka, Sapna, Lukavac, Srebrenica, Brčko District, Čelinac, Bratunac, Hadžići, Istočno Novo Sarajevo, Bosansko Grahovo, Čajniče, Jablanica, Novi Grad, Pelagićovo, Rogatica, Šamac, Vlasenica, Kostajnica, Novo Goražde, Šekovići, Srebrenik, Ugljevik, Višegrad, Centar Sarajevo, Modriča, Prozor-Rama, Velika Kladuša, Doboј, Foča (FBiH), Ilidža, Istočni Stari Grad, Ključ, Krupa Na Uni, Milići, Neum, Ribnik, Stanari, Stari Grad Sarajevo, Tomislavgrad

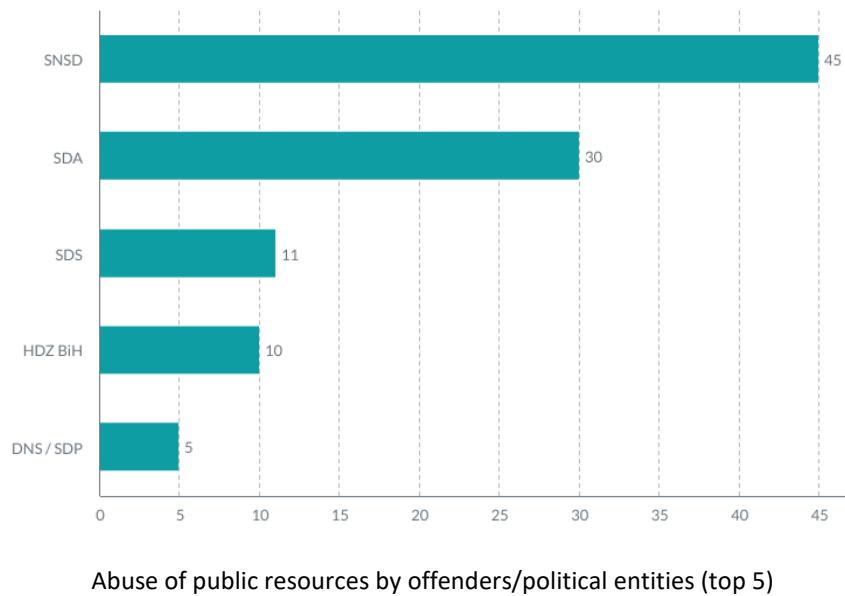
## 7.6. Abuse of public resources and positions for the campaigning purposes

Abuses of public resources and/or positions for the campaigning purposes relate to abuses in spending of the budget funds and public money owned by the BiH citizens, and abuse of public companies and public office by political entities or individuals who are candidates at the elections.

Almost always, the abuse of the public resources is done by those who are entering the election race while already holding public office.

The Coalition's observers reported 163 cases of abuse of the public resources in 57 municipalities/cities<sup>68</sup>. The reported cases mostly related to intensification of infrastructural activities and frequent and intensified visits by high-level officials, who typically meet or pay visits to those municipalities/cities headed by their party colleagues. The analysis of the reports shows that most of the cases concerning the abuse of the public resources refer to the following political entities: SNSD (45), SDA (30), SDS (11), HDZ BIH (10), DNS (5), SDP (5), and other political entities. A case was recorded in Drvar where the current mayor gave 100 KM to pupils; non-transparent allocation of more than 600.000 KM of agricultural incentives in Bijeljina, which is investigated by the District Prosecutor's Office in Bijeljina; introduction of the financial support for freshmen with residence in Ljubuški in amount of 500 KM and increase of the earlier financial support for seniors; intensification of infrastructural activities in a large number of municipalities/cities, etc.

**Abuse of public resources by offenders  
(political entities, top 5)**



<sup>68</sup> Bijeljina, Drvar, Ilijadža, Rogatica, Sapna, Srebrenica, Ugljevik, Višegrad, Zenica, Ilijaš, Zavidovići, Banja Luka, Ključ, Novi Grad Sarajevo, Sanski Most, Tuzla, Cazin, Čelinac, Lukavac, Ribnik, Bugojno, Derventa, Han Pijesak, Istočno Novo Sarajevo, Ljubuški, Neum, Novi Travnik, Bihać, Čajniče, Bosanska Krupa, Brčko District of BiH, Čitluk, Doboj, Hadžići, Jablanica, Pale (RS), Šekovići, Srbac, Stanari, Stari Grad Sarajevo, Teslić, Trebinje, Usora, Velika Kladuša, Zvornik, Bužim, Centar Sarajevo, Foča (FBiH), Gradačac, Kozarska Dubica, Krupa na Uni, Novi Grad, Prijedor, Vitez, Foča (RS), Milići, Rudo

The engagement of civil servants and other employees in the public administration or public companies for campaigning purposes can be regarded as abuse of public resources. The Coalition's observers documented 201 such cases in 48<sup>69</sup> municipalities/cities in BiH.

The Coalition's observers in Mostar reported five cases of the abuse of public resources. These cases relate to intensification of infrastructural activities and frequent and intensified visits by high-level officials, who typically meet or pay visits to local representatives of their own political parties. The reports relate to SDA and SNSD, i.e. the list "Stay here – together for our Mostar". There was also a case where SNSD's officials distributed presents to children on two occasions during the pre-election activities, which may represent abuse of children for political purposes.

## 7.7. Other irregularities

The cases of inappropriate speech, language or contents that can incite religious, ethnic, or other intolerance, most frequently on the basis of affiliation to a political entity, were documented in 53 cases in 26<sup>70</sup> municipalities/cities. The majority of these cases relate to the latter, extremely inappropriate speech or intolerance based on political affiliation. Social media, especially Facebook, saw not only heated debates but also emergence of new profiles or pages for the sole purpose of naming and shaming political opponents. In Bijeljina, there was an incident of a broken window on the local mosque, which was strongly condemned by the local government representatives.

The case that attracted most attention was an advertising sport broadcast by the political entity United Srpska", in which representatives of constituent peoples and minorities in BiH were portrayed in a stereotypical and insulting way. The BiH CEC found this advertising sport to be part of the election campaign of this political entity, and that the contents of the spot "can convey unambiguous and direct risk of incitement of hate, fear and intolerance", and passed the decision to annul certification to participate in the election for this political entity, imposing the maximum pecuniary fine of 10.000 KM to the person responsible. An appeal was filed against the BiH CEC decision to the Appellate Division of the Court of BiH. The Court of BiH annulled the BiH CEC's decision, allowing the political entity to participate in the elections. This case had additionally reaffirmed that the Law has to more precisely define the rules of conduct of political entities in the period before the official start of the election campaign, and thus set forth adequate sanctions.

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<sup>69</sup> Bijeljina, Foča (FBiH), Gradačac, Ilijadža, Rogatica, Rudo, Sapna, Višegrad, Zenica, Glamoč, Srebrenica, Han Pijesak, Ključ, Vitez, Ribnik, Ugljevik, Zvornik, Lukavac, Novi Grad, Bihać, Bosansko Grahovo, Bratunac, Bužim, Novo Goražde, Prijedor, Stari Grad Sarajevo, Tešanj, Vlasenica, Bosanska Krupa, Čajniče, Čitluk, Doboј, Istočno Novo Sarajevo, Kozarska Dubica, Mrkonjić Grad, Odžak, Šipovo, Srbac, Stanari, Usora, Centar Sarajevo, Novi Grad, Petrovo, Gračanica, Milići, Šekovići, Žepče

<sup>70</sup> Gradačac, Ilijadža, Novo Goražde, Srebrenik, Vitez, Glamoč, Istočna Ilijadža, Rogatica, Rudo, Banja Luka, Krupa na Uni, Bijeljina, Hadžići, Bratunac, Srebrenica, Brčko distrikt BiH, Gacko, Neum, Nevesinje, Prozor-Rama, Mostar, Centar Sarajevo, Novi Grad, Stari Grad Sarajevo, Jablanica, Prijedor

The Coalition “Pod lupom” documented 100 different reports of other irregularities. A vast majority of these irregularities, over 80%, relate to displaying posters and political promotional materials at prohibited locations during the campaign, “war by posters”, etc.

In addition, the Coalition recorded a range of political rallies<sup>71</sup> taking place contrary to the recommendations for preventing the spread of COVID-19, with no reactions by the competent authorities.

The Coalition “Pod lupom” had received a number of reports by citizens concerning electoral irregularities and inquiries about the protection of electoral rights, mostly concerning by-mail voting and exercising the right to vote in the context of the pandemic. The citizens reported individual examples of personal data abuse for registration of by-mail voting, as well as cases of, in their opinion, ungrounded rejection of the by-mail request application and undelivered ballot papers for by-mail voting. Other irregularities reported by the citizens related to trading of positions in the polling station committees, allegations of vote-buying, and display of political entities’ promotional material at prohibited locations.

Analysis of the candidates’ lists in the Mostar elections showed repetition of the situation where many political entities that are certified to participate in the election have only one candidate, which may raise some concerns that trade of the positions in polling station committees had been in motion. More specifically, 16<sup>72</sup> different political entities had only one candidate at the level of the City electoral unit, even though they were all certified to participate in the electoral areas.

## **8. ELECTION DAY**

The Coalition’s assessment of the Election Day, November 15, is that the Election Day at the vast majority of polling stations went in line with the BiH Election law and the implementing regulations, with irregularities that in general are traditionally repeated in elections in BiH.

### **8.1. Opening of polling station**

The BiH Election Law sets forth that the polling stations open at 7 a.m. and remain continuously open for voting until 7 p.m. If there is an interruption of voting, the PSC or the local election commission, depending on duration of interruption, are to decide on prolongation of voting<sup>73</sup>.

<sup>71</sup> Regular rallies of PDA and SDA in Banovići: rally of the candidate for mayor of Zenica, Fuad Kasumović, etc.

<sup>72</sup> A-SDA, Čapljina Independent List- Čapljina in heart, BiH democrats – Džebraijl Bajramović, Alliance for Stari Grad, BOSS Mirnes Ajanović, Independent List Doboj, NBL, Left Wing, Alliance of young forces, Movement Bridge 21, Liberal party of BiH, HKDU BiH, LDS BiH, HSP dr Ante Starčević, HDU BiH, HSS Stjepana Radića

<sup>73</sup> PSC decides on prolongation of voting if the interruption lasted three or less hours, and if the interruption lasted more than three hours the decision is taken by the election commission.

Eighty-four percent of observed PS was open at 7 a.m., while the remaining PS were opened with an hour delay, and only three PS were opened with a delay exceeding an hour<sup>74</sup>.

Ninety-eight percent of observers had unhindered access to the polling stations to which they were deployed. The observers had problem accessing the polling station at 46 polling stations, majority of which in Doboj, and at a certain number of polling stations in Banja Luka. All members of the polling station committees were present at the polling station at 6 a.m. in 87% of the cases.

It was observed that 96% of the polling stations were arranged in line with the BiH CEC's Instruction on the operation of the election management bodies on the Election Day in the context of the COVID-19 pandemic. The list of PSC members, showing name of the political entity for every member, was not displayed at every third polling station in the country, which is a statutory obligation. Some polling material was missing at 6 % of the polling station, while the ballots were not manually counted at 2% of the polling stations. Empty ballot box was shown before commencement of voting at 99% of the polling stations. Secrecy of the vote was secured at all polling stations, i.e. the voting booths were arranged in a way that no one could see who the voter voted for. The secrecy of the vote was jeopardised at only two polling stations (Prijedor and Bratunac) where that irregularity was addressed after the report made by the observers of Coalition "Pod lupom".

Coalition's observers in Mostar had unhindered access to polling stations. At 17.8% of the polling stations not all members observed the obligation to be present at the polling station at 6 a.m. The observers documented that 4.1% of the polling stations were not arranged in line with the BiH CEC's Instruction on the operation of the election management bodies on the Election Day in the context of the COVID-19 pandemic.

List of the PSC's members the name of the political entity for every member of the committee was not displayed at almost half polling stations. Hand count of the ballots was not done at three polling stations. The empty ballot box was showed before commencement of voting at all polling stations, except one. Secrecy of the vote was secured at all polling stations. The percentage of polling stations that were opened at precisely 7 a.m. is 76. 8 %, while the remaining polling station committees were opened with up to an hour delay.

## **8.2. Voting process**

The Coalition's observers reported the following irregularities in the voting process: one person issued more ballots, multiple voting by one person or one person votes on behalf of the person who did not come to the polls. There irregularities were documents at 36 polling stations. Taking pictures of ballots was documented at polling stations in Novi Grad Sarajevo, Novo Sarajevo, Brčko District, Iličići and Sanski Most.

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<sup>74</sup> 103B017 in Vlasenica, 123B009 in Han Pijesak and 173A001 in Čapljina

Bulgarian train, i.e. voters coming to the polling station with pre-cast ballots and leaves with a set of empty ballots, was documented at six polling stations in Prijedor, Vareš, Gornji Vakuf-Uskoplje, Novo Sarajevo, Stari Grad Sarajevo and Brčko District of BiH.

Open persuading of voters to vote for a particular political entity or voter intimidation was documented at 76 polling stations.

At least one case of voting without valid identification documents occurred at 2.9% of polling station, and even more than ten of such cases happened at one polling station in Odžak.

Turning voters down because they were not on the excerpt from the CVR was documented at 48% of polling stations, where the number of such cases ranged between one to ten, while more than ten such cases was documented at 27 polling stations.

The Coalition's observers documented family voting at almost two third of the polling stations, where more than ten cases of this irregularity were documented. More than ten cases of family voting were documented at 28 polling stations.

The case of one person assisting a large number of voters to vote was documented at 26.5 % polling stations, and more than ten such cases were documented at four polling stations Bijeljina, Srebrenik, Stolac and Živinice.

Prolonged presence of unauthorised persons was documented at 15 polling stations. The proposed measures to prevent virus spread were not applied and observed during the voting in 3.2% of the cases.

The Coalition's observers were not allowed unimpededly monitor the voting process at 24 polling stations across the country, and objections or complaints by party election observers were documented at 156 polling stations.

Two observers had particularly unpleasant experience with the election administration in Živinice, including the members of the polling station committee, but also the representatives of the City election commission Živinice. There was report of a person in Čelić who pretended to be Coalition's observer.

The Election Day in Mostar passed mostly peacefully with a smaller number of irregularities that are repeated in elections in BiH.

Irregularities in the voting process where one person receives multiple ballots or one person votes multiple times were not documented, and there were also no cases of so-called "Bulgarian train".

One to ten cases of voting without valid identification documents were documented at eight polling stations. Turning voters down because they were not on the excerpt from the CVR was documented at more than 60% of polling station (up to ten such cases). More than ten such cases were documented at one polling station. Coalition's observers documented so-called "family" voting at two thirds of polling stations (up to ten cases of this type of irregularity), and more than ten such cases were documented at one polling station. At more than 40% of polling stations one person assisted a larger number of voters to vote, and two such cases were documented on two polling stations. Prolonged presence of unauthorised persons was documented at one polling station. The proposed measures to prevent virus spread were not applied and observed during the voting in 6.8% of the cases. The Coalition's observers were not allowed unimpededly monitor the voting process at three polling stations, and objections or complaints by party election observers were documented at 13 polling stations.

### **8.3. Closing of the polling stations**

Closing of the polling stations was mostly done in line with the regulations. 98.9% of the polling stations were closed until 7:15 p.m., and the remaining 0.8% of the polling stations were closed with up to an hour delay. Voters, who were in the line in front of the polling stations at 7 p.m., were not allowed to vote at 2.3% of the polling stations, although it should be allowed in line with the regulations. All members of the polling station committees were present for the closing at almost all polling stations.

Closing of the polling stations in Mostar was mostly done in line with the regulations. All polling station committees were closed until 7:15 p.m., except one which was closed with a 15-minute delay. Voters, who were in the line in front of the polling stations at 7 p.m., were not allowed to vote at 1.4% of the polling stations that were closed at 7:15 p.m. All members of the polling station committees were present for the closing at almost all polling stations, except two polling stations.

### **8.4. Vote count**

The establishment of election results at the polling stations was conducted mostly in line with the law and regulations. Pen were documented on the counting desks at the time of opening a ballot box at 24 polling stations, leaving room for suspicion in the possibility of interventions on the ballot papers.

The declaration of invalid ballots in the race for the city/municipal mayor invalid was not conducted in line with the BiH CEC's regulations. A case of adding votes to the ballot papers in the race for the city/municipal mayor was documented by a party observer during the vote count in Gradiška. Observers filed objections regarding the establishment of election results in the race for the (city) mayor at 16 polling stations. Serious irregularities that may impact the results of the race for the (city) mayor were documented at two polling stations (007B045 in Novi Grad and 003A076 in Bihać).

The declaration of invalid ballots in the race for the city/municipal assembly/council was not conducted in line with the BiH CEC's regulations at two polling stations. A case of adding votes to the ballot papers in the race for the city/municipal assembly/council was documented by a PSC's member during the vote count in Kalesija. Observers filed objections regarding the establishment of election results in the race for the city/municipal assembly/council at 17 polling stations. Serious irregularities that may impact the results of the race for city/municipal assembly/council were documented at two polling stations (080A011B in Kalesija and 082A005A in Sapna).

The Coalition "Pod Lupom" had at the 2020 Local Elections encountered many discrepancies in the "accuracy test" for the election of local self-government bodies. It is imperative to emphasise that a significant number of these discrepancies occurred due to the situation caused by COVID-19 i.e. due to the fact that mobile teams were established to allow voting of persons who were tested COVID-19 positive or persons who were in isolation and the mobile teams were taking the ballots from the regular polling stations during the Election Day.

Problems with packing of the polling material were documented at five polling stations. Entry into the polling station after the closing was documented at 40 polling stations. The stock form and aggregate results form were not signed by all members of the polling station committees at 13 polling stations. The yellow copy of the aggregate results form was either not displayed or it was displayed, but illegible, at 20% of the polling stations.

The establishment of election results at the polling stations in Mostar was mostly conducted in line with the law and regulations. Pens were documented on the counting desks at the time of opening a ballot box opening at three polling stations, which is not allowed. Observers filed objections concerning establishment of the results for the City Council at nine polling stations.

Discrepancies in the accuracy test for the election to the City Council – City electoral unit Mostar, were documented at two polling stations, and discrepancies in the accuracy test for the election to the City Council – Electoral unit of the city area Mostar were documented at one polling station.

Problems with the packing of polling material were documented at four polling stations. Unauthorised persons entering the polling station after the closing was documented at ten polling stations. The stock form and aggregate results for were not signed by all PSC members at five polling stations. The yellow copy of the aggregate results form was either not displayed or was displayed, but illegible, at one third of the polling stations.

There were subsequent problems in the process of establishing the election results in Mostar, which occurred during the election night and days after. This primarily relates to the attempt to misuse more than 3.000 preferential voters at 15 PS, which was determined by a re-count, and no sanctions were imposed to those responsible. Furthermore, it has to be underlined that this process was not under observers' control, because these were irregularities that happened during the transport of polling

material after the process at the PS was completed (forfeiture of aggregate results form) or during the entry of the results into the Integrated Election Information System by the operator in the premises of the City election commission.

### **8.5. Observing the operations of the local election administration on the Election Day**

The Coalition's observers also monitored the operations of the local election commission (LEC) i.e. the polling material hand-over procedures and entry of results from the polling stations. In 98% of the cases the observers had unhindered access to the LEC's premises. Crowding at the hand-over of the polling material was documented in 8% of the cases. The measures proposed for prevention of virus spread were observed and applied at LECs in 93% of the cases.

The polling station committees wrongly packed the polling material in 29% of the cases. Damages indicating that someone opened the polling material were documented in 6% of the cases (no seal on the bag, loose seal or seals that are different than seals on other bags). A drastic example was documented in Novi Grad (RS) municipality where 29 bags were turned in open.

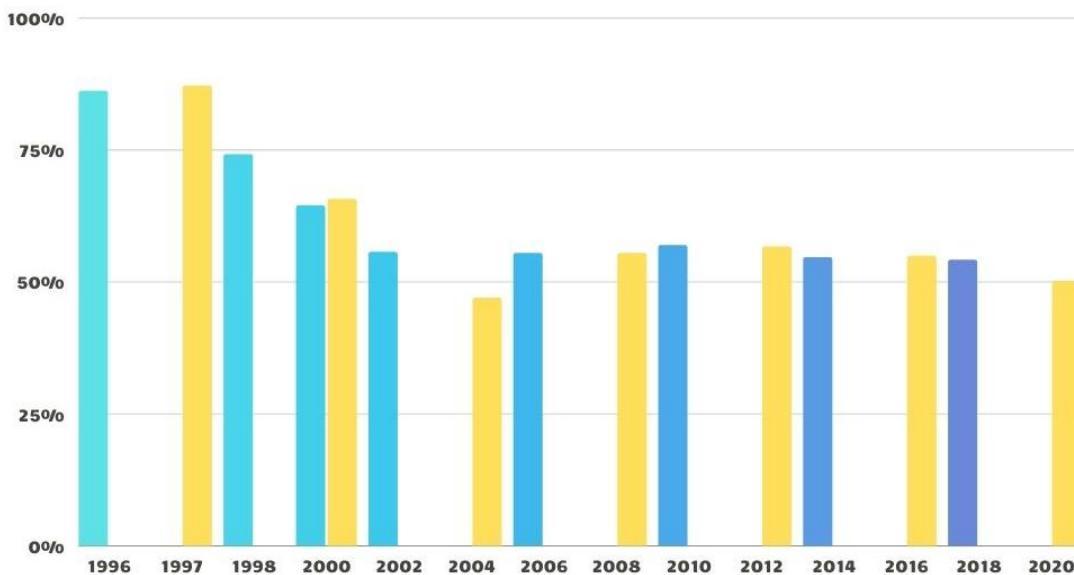
In 44% of the cases the LEC's representatives opened the bags aimed at removal of errors in the forms or packing of the material. The most frequent errors/problems occurring during the hand-over of polling material from the polling stations are unsealed bags or wrong packing (in 31 LECs) and erroneously completed forms (in 28 out of 142 LECs).

Re-count of ballots was documented at 19 LECs, where PSC from that particular polling station conducted re-count in eight cases, while a special re-count team was established in 11 cases. Objections filed to the work of LEC was documented at 15 LECs, while the observers could not freely observe the process of entering the results into the Integrated Election Information System at two local commissions.

### **8.6. Turnout**

A total of 1.557.653 voters or 50% of the electorate had exercised the right to vote at the 2020 Local Elections, representing the lowest turnout of all local elections, except for the ones held in 2004, when the turnout was. 55% of the voters went to polls in the City of Mostar.

## VOTER TURNOUT IN B&H ELECTIONS



The Coalition “Pod lupom” also monitored turnout. According to the Coalition’s data, the turnout in the 2020 Local Elections was 51% (with a margin of statistical error of +/- 1.35 % at accuracy interval of 95 %). The turnout in the 2020 Local Elections in the City of Mostar was 54.7 % (with a margin of statistical error of +/- 1.18 % at accuracy interval of 95 %). Compared to the elections held on November 15, 2020 the voter turnout in Mostar was higher by 3.7 %.

## 9. IRREGULARITIES ON THE ELECTION DAY

### 9.1. Reports by the Election Day observers

The Coalition “Pod lupom” received around 200 reports of “critical situations” from the polling station. “Critical situations” in this sense are violations of electoral rules, of a greater or lesser degree of seriousness, which are reported by Coalition’s observers and are forwarded to the election administration for consideration in real time. Seventy-five percent of reported “critical situations” were resolved during the Election Day in cooperation with the local election commissions and the BiH CEC, thus preventing continuance of potential irregularities at the polling stations. The most critical situations related to the prohibition to observe (59), voting irregularities (45) and lack of polling material (18). The Coalition’s observers had entered 39 objections into the Minutes of the work of the polling station committee on the Election Day.

## 9.2. Citizens' reports

Coalition "Pod lupom" received around 100 citizens' reports of electoral irregularities during the Election Day. The highest number of reports related to inability of voters tested COVID-19 positive or in isolation to exercise their right to vote; reports by citizens who discovered that they are registered to vote by-mail without their knowledge; reports of promotional material near the polling station; report of election silence violation; report of vote-buying and voter intimidation. A report was made in Istočno Novo Sarajevo that upon the arrival to the PS a voter had determined that someone had already signed the excerpt from the CVR next to his/her name.

A total of 23 electoral irregularities at the elections in Mostar, on December 20, were reported were reported to the Coalition through the toll-free number or online report. Out of that number 7 cases related to the claims that COVID-19 mobile team did not visit the voter, although the voters claimed to be registered for this type of voting. An identical case concerning the regular mobile team was also reported. The Coalition received a report of voters living at the same address, but had voted in the different electoral areas.

Several reports were received through the online reporting tool and related to checking of the PS location on the BiH CEC's website and carrying of insignia during voting. Also, there were several reports of deceased persons' names being on the voters' list.

## 10. POST-ELECTION PERIOD

### 10.1. Establishment of election results

The BiH CEC is responsible for establishment of election results. The CEC establishes results of direct and indirect election after expiry of deadline for submission of complaints and appeals, as set forth by the Law, and after the decision becomes final and binding. The Election Law defines deadlines for establishment of election results, while the BiH CEC's regulation regulates the order of establishment, dissemination of information to the public, and the method of publication. The BiH CEC is obligated to confirm final election results within 30 days following the Election Day.

The results of the 2020 Local Elections were confirmed and published on December 15, 2020, which means that the statutory deadline had been observed.

The results of local elections in Mostar were also confirmed and published within the statutory deadline, January 15, 2021.

Decision on confirmation and publication of the results of the 2020 Local Election included all basic constituency except for Doboj and Srebrenica. A series of irregularities in the election process were identified in these constituencies that ultimately resulted in the BiH CEC's decision to partially annul the elections in these constituencies. Thus, the BiH CEC had on February 2, 2021 passed the decision on holding of repeat elections for the mayor of the City of Doboj and Doboj City Assembly at 89 polling stations and mayor of Srebrenica municipality and Srebrenica Municipal Assembly at 28<sup>75</sup> polling stations. The repeat elections were scheduled for Sunday, February 21, 2021<sup>76</sup>.

## **10.2. Protection of electoral right – objections and complaints**

### Legal framework

Protection of the electoral right is secured by the election commissions, i.e. local election commissions and the BiH CEC and the Appellate Division of the Court of BiH. The regulations relating to the system of complaints and requests are laid down in the Election Law, the BiH Law on Administrative Procedure, and the BiH CEC's Instruction<sup>77</sup>. Election commissions protect electoral rights ex-officio, on the basis of discoveries or on the basis of complaint filed by the authorised persons. According to the Election Law, the authorised persons are a voter and political entity. A voter, according to CEC's interpretation, may file a complaint only when his/her personal electoral right is violated, which, in the Coalition's opinion, represents a fairly restrictive interpretation because it disables the citizens, associations and also other interested parties in the election process to officially file a complaint when their electoral right is indirectly violated. Furthermore, when it comes to the political entities, complaints may be filed by the political entities, but not the candidates of these entities individually without support of their political entity. The Coalition believes that the circle of persons who have the right to file a complaint in the election process should be expanded.

### Electoral irregularities reported to the competent bodies

The irregularities documented by the Coalition's observers concerning premature campaigning on the social networks (Facebook) and advertising of political entities on places intended for paid advertising at time when it is prohibited, trade of positions in the polling station committees, manipulations of election process by so-called phantom political entities through certification to participate in the election, vote buying and abuse of personal information in regard to by-mail voting, have been reported to the BiH CEC.

Received allegations about abuse of personal information have been reported to the BiH Prosecutor's Office. The BiH CEC received approximately 40 reports of violations of the BiH Election Law whereof 26 related to premature, paid campaigning before official start of the campaign; allegations about abuse of personal information for by-mail voting in five different constituencies; an attempt of vote buying in the Brčko District of BiH; and trade of positions in the polling station committees in five different

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<sup>75</sup> 26 regular polling stations and two polling station for voting in absentia in Gradačac and Živinice

<sup>76</sup> Coalition "Pod lupom" observed the repeat elections in Doboj and Srebrenica, but due to the methodology and reporting time framework these data are not included in this Report.

<sup>77</sup> Instruction on procedure for adjudication of complaints and appeals lodged with the election commissions: <https://bit.ly/2PIrHRr>

constituencies with evidence proving that members and/or activists of a political entity are in the PSC fictitiously on behalf of other political entity.

On the Election Day, November 15, the Coalition's observers had entered 39 objections into the Minutes of the work of the polling station committee. During the post-election period the Coalition "Pod lupom" had, at the request of the BiH CEC, submitted all relevant information about civic, non-partisan Coalition's observers being denied the right to observe the elections in the basic constituency Doboj, which was one of the reasons behind the decision to annual the elections at certain polling stations in this constituency.

Furthermore, the Coalition had, once all legal conditions were met, filed requests for recount of ballots at 11 polling stations where there was a surplus of ballots in the ballot box, which should not have happened. A request for recount of ballots at all PS in the basic constituency Novi Grad (RS) was also submitted because of a large number of documented irregularities in the process of polling material delivery from the PSC, as well as irregularities concerning packing and receipt of sensitive polling material.

#### *Appeals and decisions of the election administration in the election period*

During all stages of the election process the BiH CEC receives complaints in first or second instance, which depends on the competence to address certain matters. Below is an overview of procedures for protection of electoral right at all stages of election process in line with the information provided by the BiH CEC:

One appeal was filed to the Appellate Division of the Court of BiH (Court of BiH) against the BiH CEC's Decision on calling and administering the 2020 Local Elections. The appeal was rejected as inadmissible. One appeal was also filed to the BiH Court against the Decision of the BiH CEC on postponement of the 2020 Local Elections, which was rejected as unfounded.

A total of ten appeals to the Court of BiH was filed against the BiH CEC's decisions approving/rejecting appointment of members of the election commission. The Court of BiH rejected on appeal as untimely, eight as unfunded and one was granted and the case was returned to the BiH CEC for reconsideration.

A total of 55 appeals were filed against the BiH CEC's decision to certify and/or to reject certification of a political entity to participate in the 2020 Local Elections. The BiH Central Election Commission granted 12 appeals and had certified the appellants' applications. The Court of BiH decided on 43 appeals, whereof 37 appeals were rejected as unfounded, three were rejected as untimely, one as inadmissible and one was granted and the case returned to the BiH CEC for reconsideration, and during the repeat procedure the BiH CEC had rejected it as unfounded.

The BiH CEC passed six decisions on determining the right to use the name of a political party for electoral purposes at the 2020 Local Elections. Five appeals were filed to the Court of BiH against these

decisions. The Court of BiH rejected four appeals as unfounded, while one was granted and the case returned to the BiH CEC for reconsideration.

One appeal was filed to the Court of BiH against the BiH CEC's decision to certify and/or to reject certification of candidates' lists of political entities to participate in the 2020 Local Elections. The Court of BiH rejected the appeal as inadmissible.

The BiH CEC passed nine decisions rejecting the request for withdrawal of candidacy as inadmissible. Four appeals were filed to the Court of BiH against these decisions, and the Court of BiH rejected three as unfounded and one as inadmissible.

A total of 2.820 appeals were filed against the BiH CEC's decision to register and reject registration in the Excerpt from the CVR for voting outside BiH. A total of 1.448 appeals were granted. A statement of facts from 1.304 appeals was sent to the Court of BiH. The Court granted one appeal, while the remaining appeals were rejected as unfounded or were dismissed. It was also determined that the by-mail request applications were never received by the BiH CEC in case of 68 appeals.

The BiH CEC received one appeal against the decision of an election commission of basic constituency by which the complaint against the Decision on designation of the PS locations was rejected as unfounded. Having in mind that the election commission of basic constituency adjudicated the complaint which was under exclusive jurisdiction of the BiH CEC, the BiH CEC granted the appeal, annulled the decision of the election commission and rejected the complaint as unfounded.

Political entities filed complaints and appeals in one of the stages of election activities concerning appointment of PSC's members for the 2020 Local Election. A total of 18 appeals were filed to the BiH CEC against the first-instance decisions of the election commissions. The BiH CEC had in this process passed one conclusion on joinder of procedures, 12 decisions rejecting the appeals as unfounded and five decisions granting the appeals and returning the case file to the election commission of basic constituency for reconsideration. Three appeals were filed to the Court of BiH, whereof one was rejected as unfounded, and two were rejected as inadmissible.

The BiH CEC passed 67 decision in cases concerning violations of the BiH Election Law in terms of Chapter 16. The decisions were passed on the basis of complaints filed by political entities or ex-officio. In one decision the BiH CEC rejected two complaints of a political entity as unfounded, while it passed 66 decisions pronouncing sanctions to the political entities. A total of 24 appeals were filed to the Appellate Division of the Court of BiH against these decisions. The Court of BiH rejected 19 appeals as unfounded, one was rejected as inadmissible, while four were granted and the BiH CEC's decision annulled.

When it comes to the complaints submitted in the period of election campaign the BiH CEC passed a conclusion rejecting the complaint as premature. The conclusion was appealed before the Court of BiH,

which granted the appeal and returned the case to the BiH CEC for reconsideration. Furthermore, the BiH CEC passed two conclusions rejecting the complaints as untimely and one decision rejecting the appeal as unfounded. The procedure to establish responsibility of both candidate and a political entity was initiated ex-officio, and the BiH CEC passed a decision pronouncing pecuniary fine. The decision was appealed before the Appellate Division of the Court of BiH, which was rejected as unfounded.

The BiH CEC passed a decision pronouncing a pecuniary fine and annulling certification of political entity for the use language which could provoke or incite someone to violence or spread hatred. An appeal against this decision was filed to the Court of BiH, which the Court of BiH granted, annulling the BiH CEC's decision. Three decisions pronouncing pecuniary fines were also passed, all were appealed before the Court of BiH. The Court of BiH granted one appeal and annulled the BiH CEC's decision, while the remaining two appeals were rejected as unfounded. Furthermore, the BiH CEC passed two decisions rejecting the complaints as unfounded, three conclusions rejecting the complaints as untimely, and one conclusion rejecting the complaint as if it was not submitted.

The BiH CEC received six complaints for violation of election silence based on which it passed two decisions rejecting the complaint as unfounded and four decisions pronouncing pecuniary fines to the political entities. Four appeals were filed to the Court of BiH against these decisions, and the Court of BiH rejected three appeals as unfounded, and had granted one appeal and modified the decision in part relating to the fine, reducing it from 3.000 KM to 1.000 KM.

The BiH CEC received 24 appeals on first-instance decisions of the election commission deciding on the complaints filed for violations at the polling stations. The BiH CEC passed 23 decisions rejecting the appeals as unfounded and one conclusion rejecting the appeals as submitted by unauthorised persons. Appeals were filed against these decisions to the Court of BiH, which rejected two appeals as unfounded, one was rejected as untimely and one as inadmissible.

Election commission filed 65 requests to the BiH CEC for opening of bags containing polling station aimed at proper consolidation of established election results in basic constituencies. The BiH CEC passed 488 orders allowing the election commission to open the bags containing polling material at the polling stations in question. The BiH CEC has passed 11 ex-officio orders for opening of bags containing polling material.

The BiH CEC received 91 requests for re-count of ballots. The BiH CEC passed 91 conclusions rejecting the requests for being premature. No appeals against the conclusions were filed to the Court of BiH.

The BiH CEC received 236 requests for re-count of ballot after the publication of the Decision on establishment and publication of the results of the 2020 Local Elections in Bosnia and Herzegovina. In the process of deciding on the request the BiH CEC passed six conclusions rejecting the requests as untimely, 77 conclusions rejecting the requests for being submitted by unauthorised person, three conclusions rejecting the requests as inadmissible, 25 decisions granting the requests and ordering re-

count of the ballots and 125 decisions rejecting the re-count requests as unfounded. The re-count of the ballots was done in the Main Counting Centre (MCC) in Sarajevo and according to the decisions the recount was done for 147 regular polling stations – for basic constituency Kalesija at all regular polling stations and mobile team for the basic constituency Čapljina.

A total of 43 appeals were filed to the Court of BiH against the decisions and conclusions of the BiH CEC and all were rejected as unfounded.

A total of 23 appeals were filed to the Court of BiH against the Decision on determining and publishing the results of the 2020 Local Elections, whereof 19 were rejected as unfounded, three as inadmissible and one as untimely. The BiH CEC passed ten decision on complaints filed against the aforementioned decisions, and four appeals were filed against it that the Appellate Division of the Court of BiH rejected as unfounded.

One appeal was filed against the Decision on confirmation of the results of the 2020 Local Elections, and the Court of BiH rejected the appeal as untimely.

A total of 55 appeals were filed against the BiH CEC's decisions to reject the registration in the excerpt from the CVR for voting outside BiH at the elections for the City of Mostar. A statement of facts was forwarded to the Court of BiH for 32 appeals, whereof the Court rejected 29 as unfounded, two were in one part rejected as unfounded, and in other as inadmissible and one was rejected as inadmissible.

As the first-instance body the BiH CEC has granted 17 appeals as it was determined that the by-mail request application was updated within the statutory deadline and that all conditions for voting outside BiH were met; that a technical error had occurred; that the person had been registered to vote by-mail, but without his/her knowledge. It was determined that the application was never received by the BiH CEC in case of six appeals.

When it comes to violations of the voting right on the Election Day the BiH CEC passed a conclusion rejecting a complaint due to lack of jurisdiction. An appeal was filed against this conclusion, which the Court of BiH rejected as unfounded.

The City election commission Mostar filed 45 requests to the BiH CEC for opening of the bags containing polling material from 45 polling stations aimed at proper consolidation of election results. The request was granted for all polling stations requested.

The BiH CEC received 27 requests for re-count. The BiH CEC passed two conclusions rejecting the requests as untimely, one conclusion rejecting the request as inadmissible, five decisions granting the requests and ordering recount of ballots and 19 decisions rejecting the request for recount as unfounded. A total of eight appeals were filed against these decisions, whereof the Court of BiH rejected seven as unfounded, and granted one returning the case file to the BiH CEC for reconsideration.

One appeal was filed to the Court of BiH against the Decision on establishment and publication of the results of the 2020 Local Elections in the City of Mostar, and the Appellate Division of the Court of BiH rejected it as unfounded. The BiH CEC received six complaints on accuracy of the results published, whereof five were granted (four complaints were joined in a decision, while the remaining complaint was covered by a separate decision) and one complain was rejected by a conclusion as inadmissible. An appeal was filed against the conclusion and it was rejected by the Court of BiH as unfounded.

One appeal was filed against the Decision on confirmation of the results of the 2020 Local Elections in the City of Mostar, and the Appellate Division of the Court of BiH rejected it as inadmissible.

### **10.3. Implementation of election results**

The BiH Election Law defines the deadlines for establishment of the representative bodies and legislature, as well as the Presidency of BiH. These deadlines are different, depending on the level of government, and the maximum deadline is up to 30 days from the date of publication of the final results by the CEC. The deadline of 30 days from the date of publication of the final, confirmed results also refers to the establishment of municipal/ city councils in FBiH, i.e. municipal/city assemblies in RS, and the Assembly of the Brčko District of BiH.

A total of 140<sup>78</sup> executive office holders at the local self-government level, namely 119 municipal and 21 city mayors, were elected at the 2020 Local Elections held on November 15 and December 20 in Mostar. A total of 3.090 office holders were elected to the local representative bodies, including the Assembly of Brčko District of BiH, whereof 2.483 men (80.36%) and 607 women (19, 64%). There are four women and 19 men amongst 23 elected representatives of national minorities. A total of 1.810 elective office holders have been elected in FBiH whereof 1.422 men and 388 women; in RS the number is 1.249 whereof 1.034 men and 215 women, and in the Assembly of Brčko District of BiH 31 whereof 27 men and four women. In the electoral race for the mayor men won 135 mandates (96.5%) and women won five mandates (3.6%). In terms of age structure, two mayors are below 30 years of age, while 138 mayors are above 30 years of age.

A total of 35 councillors, 26 men (74.3%) and nine women (25.7%), were elected to the Mostar City Council at the elections held December 20, 2020.

Majority of the local representative bodies, as well as the Assembly of Brčko District of BiH, were established within 30 days following the day confirmed results were published. Municipal/city councils/assemblies in 16<sup>79</sup> basic constituencies held constituting sessions after January 15, 2021. Constituting session of the Mostar City Council started on February 5, 2021, and was suspended and reinitiated again with the intervention of the international community, i.e. the High Representative to

<sup>78</sup> City Mayor of Doboj and Srebrenica municipal mayor were subsequently elected at the repeat election held on February 21, 2021

<sup>79</sup> Bosanska Krupa, Kozarska Dubica, Kostajnica, Modriča, Vukosavlje, Livno, Drvar, Donji Vakuf-Uskoplje, Travnik, Vitez, Fojnica, Bosanski Petrovac, Sokolac, Novo Goražde, Bijeljina, Zvornik

BiH, urging the observance of the Statute that sets forth secrecy of the vote for the election of city mayor. The session actually ended on February 16 with the election of the city mayor.

As in previous elections, this time there were also cases where people run for the office without the intention to assume it if elected. Colloquially said, these are the candidates who stand at the elections for the purpose to "named, these are candidates who are running for the purpose of "pulling in" the votes. It has not been documented so far that these candidates rejected won mandates for justified reasons, on the contrary, they continued their political activities in the positions they already held, while their mandates were awarded to other candidates. It is very important to find a legal solution that would stop this practice, because in this way the will of voters, who give confidence to one candidate and the function is performed by another, is directly endangered.

## **11. METODOLOGY OF LONG-TERM OBSERVATION**

Coalition "Pod lupom" observes the entire election process in BiH, which includes all stages of the election process from the day elections were called until implementation of the election results and establishment of the government. Therefore the long-term election observation is organised and it serves for continuous monitoring of the overall election process as to be able to provide a comprehensive overview that encompasses the widest possible spectrum of the election-related activities, and not just the Election Day itself.

Coalition "Pod lupom" conducted the long-term observation of the 2020 Local Elections in co-operation with 85 civil society organisations, informal groups and activists from the entire BiH and 100 long-term observers who covered all basic constituencies in BiH, 143 of them (municipalities, cities and Brčko District of BiH). The deployed long-term observers observe work and sessions of all municipal/city election commissions in BiH, activities set forth by the election calendar and observance of the deadlines, electoral irregularities and media reporting. The long-term observers of the Coalition have been reporting by text messaging since the 2016 Local Elections. They send messages based on pre-defined questions, which enables faster systematisation of answers, as well as easier recognition of trends and identification of problems related to the election process. The long-term observers had delivered weekly reports on their activities, and sent 1.573 regular reports on the key observation findings. The long-term observers of the Coalition "Pod lupom" held 1.858 meetings with different electoral stakeholders (election administration, political entities, institutions, police administrations, civil society organisations, media and others) aimed at getting the most objective assessment of the election process in BiH. The reports of the long-term observers are backbone of this final report.

Coalition "Pod lupom" observed the Election Day on November 15, including the elections in Mostar, deploying around 2.700 civic, non-partisan observers, whereof 2.225 observed the Election Day at regular polling stations across BiH. A total to 217 observers observed the elections in the City of Mostar

on December 20, 2020 at almost all polling stations. Using the SBO methodology<sup>80</sup> that entails deployment of observers after a precisely determined sample of polling station and that the Coalition had developed for the first time in BiH and used it at the 2014 General Elections. The data collected are statistically relevant for the entire BiH. This advanced methodology is used by similar organisations across the world and represents a positive methodological shift from the classic election observation, which is based on covering as many polling stations as possible. Furthermore, it enables focusing on important E-day issues and speed in collection and processing of information.

The Election Day was also observed in the local election commissions, 137 of them. The coalition "Pod lupom" had established an operational Call Centre for the 2020 Local Elections held on November 15 and December 21, 2020 in Mostar. A total of 85 volunteers had worked at the Call Centre, receiving and processing information from the ground in real time. All Election Day observers passed a training about the legislation that sets forth Election Day procedures, as well as communication and reporting training. The observers had also signed the Code of Conduct, committing to objective and impartial reporting. Election Day observers were in charge of monitoring the process of opening of the polling stations, voting, closing of the polling stations, vote counting and determination of results, and were responsible to send information thereon via SMS real time reporting system and through a call to the Coalition's Call Centre. On Election Day alone, more than 15.000 observer reports were received and more than 250.000 individual pieces of information on the course of the election process at the polling stations were processed. Reports and findings of Election Day observers are the backbone of this Report in the segment of assessing the quality of the process and conduct of elections on the Election Day.

For the 2020 Local Elections, including those in Mostar, the Coalition monitored and informed the public at regular intervals about the turnout. The turnout recorded by the Coalition corresponds to the turnout presented by the election administration.

In addition to monitoring the work of municipal / city election commissions, the Coalition also monitors the work of the BiH CEC, which has been a regular practice since the formation of the Coalition in 2014. The sessions of the BiH CEC at the 2020 Local Elections were open and available to the public through the official YouTube channel of this institution.

## **12. ABOUT US**

### **12.1. About "STEP" project and Coalition "Pod lupom"**

Centres for Civic Initiatives (CCI), as project coordinator, together with the Centre for Civil Cooperation (CGS) Livno, Forum of Tuzla citizens (FGT), Association of citizens "Democracy-Organisation-Progress" – DON Prijedor and "Perpetuum mobile – Institute for development of youth and community" from Banja Luka, as project partners, and within the Coalition for free and fair elections "Pod lupom",

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<sup>80</sup> Statistically Based Observation – SBO

implement the project “Systematic transparency in the election process” (STEP), which is financed by the European Union (EU), and co-financed by the Government of the United States of America and the Organisation for Security and Co-operation in Europe (OSCE). The STEP Project will directly boost strength and visibility of the civil society organisations (CSOs) in the civic election observation and support development of the civil society in the country’s democratization process, covering two electoral cycles in BiH: the 2020 Local Elections and 2022 General Elections.

The STEP project seeks to strengthen civic participation and strengthen the nationwide CSO movement in support of free and fair elections in Bosnia and Herzegovina, while reducing the risk of electoral fraud and manipulation. Encouraging citizens' interest in a proactive approach in expressing their free political will is the goal to which the project actively contributes with the understanding that elections are the basic and most important form of civic participation in the democratization process in the country.

A set of activities divided into five components has been devised through the STEP project following the imperative of the CSOs' capacity building aimed at strengthening civic sector to become better equipped for further, stronger, more visible and sustainable activities of election observation in the future. STEP consists of the following five components: capacity building and network development, election observation, development of public policies and advocacy, communication with public and voter education, and media monitoring.

Coalition for free and fair elections “Pod lupom”, as an informal coalition of civil society organisations, exists since 2014. So far, the Coalition observed the regular 2014 General Elections, the 2016 Local Elections, the 2018 General Elections, the 2020 Local Elections, the 2020 Local Elections in Mostar and 2 other elections (first, early, repeated and recalls of the mayor). Approximately 12.000 civic, non-partisan observers of the Coalition “Pod lupom” were engaged at all the aforementioned elections. Coalition “Pod lupom” has so far directly worked with more than 50.000 citizens, whereof 30.000 young people. Fourteen recommendations of the Coalition “Pod lupom” has been so far partly or completely implemented, which results in improvement of the election process. According to the research done by IPSOS in August 2018 Coalition “Pod lupom” is an electoral stakeholder that the citizens trust the most (more than election administration, political parties, candidates on the lists or the media).

The Coalition is also conducting researches and preparing international comparative analyses, following sessions of the BiH Central Election Commission, organising roundtable discussions and conferences, bringing together representatives of the legislature, election administration, international and academic community, media and civil society. The Coalition advocates improvement of the election process in all of its segments. In addition to this, the Coalition educates young first-time voters in the election year aimed at motivating and encouraging them to take an active part in the election process.

## 12.2. Coalition in numbers

The Coalition “Pod lupom” had deployed 2.698 civic, non-partisan observers for the 2020 Local Elections held on November 15, 2020. The observers monitored the election process at the regular polling stations and in 137 municipal and city election commissions. Approximately 85 persons were recruited to work in the Call Centre for data processing. On Election Day alone, more than 250.000 individual pieces of information on the course of the election process at the polling stations were received and processed. The Coalition deployed 217 observers for the local elections in Mostar and they observed elections at almost all polling stations.

The long-term observers held 224 training sessions on Election Day observations at which 2.819 citizens were trained. The project strengthened the capacity of 170 activists of civil society organisations that are part of the STEP project activities. A total of 37 street actions were organised across BiH aimed at animating citizens to observe the elections. A total of 1.858 meetings with local election commission, representatives of political entities, non-government organisations, media and other electoral stakeholders were held. The Coalition had 2.698 observers present at the polling stations across BiH on the Election Day. A total of 1.483 of electoral irregularities were documented in the pre-election period. Approximately 40.000 pieces of different materials were created aimed at observers' education and action's visibility.

More than 800 media reports about activities of the Coalition “Pod lupom” were documented since the beginning of the project “Systemic transparency in election process” in January 2020 until January 18, 2021. The Coalition organised ten press conference and had published 18 press release during the election period. The Coalition was mentioned in more than 650 posts on the social networks, more than 1.1 million of citizens were informed about the election process, and more than 80.000 persons saw posts or had interacted through the social networks of the Coalition.

Education of young first-time voters is done under the project activity “I am voting for the first time” aimed at motivating and encouraging these voters to actively participate in the election process. Having in mind the circumstances caused by the pandemic, this activity has been mostly shifted to the social networks aimed at observance of the prescribed health care measures. In that sense the Coalition had 175 posts concerning this topic on social networks, reaching more than 300.000 persons and having 20.000 active reactions. Online quiz “You are voting for the first time”, which was open to persons of all ages, was played more than 4.800 times.

### 12.3. Acknowledgments

Coalition "Pod lupom" is celebrating its 7<sup>th</sup> birthday in May of 2021. The Coalition has gained trust and support of domestic and international public by working and advocating for free and more fair elections in BiH and greater citizens' participation in the direct election process. Everything achieved so far would not have been possible without those who had supported our work and participated in the Coalition's activities. We owe the greatest gratitude to our observers, citizens of BiH who have recognised the importance of the Coalition's mission and actively participated in the improvement of the election process and electoral culture in BiH. They directly strengthened confidence in the election process and observance of the free will of all voters. Also, a big thank you goes to all citizens of BiH who expressed their support to the activities of the Coalition and reported election irregularities, thus contributing to free and fair elections. Donor financial and advisory support provided high-quality and appropriate working conditions and a solid foundation for the concretisation of project goals. We also owe gratitude to all media houses that reported on the election process in a professional manner, and especially to those that provided free air time for the promotional material of the Coalition "Pod lupom". Thanks also to all the administrative bodies that had opened the door to the Coalition staff and showed their willingness to cooperate. We believe that the election process in BiH can be improved and we are actively working on it.

Thank you!



Project financed by the European Union

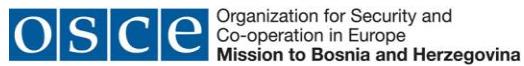
This publication was prepared with the financial support of the European Union.

The content of the publication is sole responsibility of the Coalition “Pod lupom”, and do not necessarily reflect views of the European Union.



Publication of this report was funded in part by a grant from the United States Department of State.

The opinions, findings and conclusions stated herein are those of the authors and do not necessarily reflect those of the United States Department of State.



The OSCE Mission to Bosnia and Herzegovina supported publication of this material.

Any view, statement or opinion expressed in the publication, unless explicitly specified, do not necessarily reflect the official position of the OSCE Mission to BiH.