

SERIES OF STUDIES ABOUT ELECTION LEGISLATION

Analysis of election deadlines
in the Member States of the OSCE

Sarajevo, June 2015

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ABBREVIATIONS

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| BiH | Bosnia and Herzegovina |
| CEC BiH | Central Election Commission of Bosnia and Herzegovina |
| OSCE | Organization for Security and Co-operation in Europe |
| OSCE/ODIHR | Organization for Security and Co-operation in Europe / Office for Democratic Institutions and Human Rights |
| CVR | Central Voters' Register |
| PS | Polling Station |
| DCM | Diplomatic and Consular Missions |

INTRODUCTION

Coalition for Free and Fair Elections 'Pod Lupom', composed of 6 civil society organizations from the whole country, has started monitoring the election process in Bosnia and Herzegovina (BiH) on July 1, 2014.

The general assessment of the Elections observed is that they were held in a democratic and fair atmosphere and in accordance with the Election Law and related rules and procedures, with a small number of irregularities and critical situations, and isolated incidents.

However, some irregularities in the electoral process were observed during fieldwork in certain legal arrangements and application of existing regulations, which suggests that there is a need for improvements in the Election Law and the implementing regulations of the CEC BiH as well as in their implementation in the field and in narrowing the space for possible abuse. In relation to this, the Coalition made a number of recommendations in its Final Report¹ on the General Elections 2014 in BiH.

After observing the implementation of the General Elections, the Coalition activities continue in the direction of contributing to the improvement of the electoral process in Bosnia and Herzegovina. In the post-election period the Coalition organized a conference in Sarajevo and three round tables in Mostar, Banja Luka and Tuzla where the relevant stakeholders, especially those who are directly participating in the electoral process, discussed the presented recommendations, and were asked to give their opinions on problems identified by the Coalition, as well as on other issues of election legislation.

With the aim of argumentation and conduct of fruitful discussions on specific topics which are identified as 'burning issues', the Coalition made a decision to form a working group composed of young researchers in April 2015 with the task of analyzing the Election Laws of the OSCE Member States. The first analysis is related to the Polling Station Committees which were characterized as the weakest link of the electoral process in Bosnia and Herzegovina.

¹ Final Report is available on the following link:
<http://podlupom.org/userfiles/file/Kona%C4%8Dni%20izvje%C5%A1taj%20%20Finalna%20verzija%20za%20%C5%A1tampu%20%28BOS%29.pdf>

WHY ELECTION DEADLINES

By observing the General Elections in 2014, and according to information from the panel meetings, the problems with election deadlines, which are mostly prescribed in the Election Law, can be classified into several categories:

The long duration of the electoral process - taking into account the facts on the complexity of the elections in Bosnia and Herzegovina (a large number of electoral races on Election Day, a number of constituencies, open lists, verification of a large number of political subjects, printing a large number of different ballots, vote by mail, etc.) the provided election deadlines ensure sufficient time for the execution of all electoral activities.

Problems

From the point of view of the main participants of the election process - citizens, election deadlines are too long and are repeated every two years. Given the fact that the elections are called at least 150 days before Election Day, that the final election results are published within 30 days after the elections, that in most cases there are no deadlines for the constitution of the executive government, citizens are placed in a situation that a single election cycle often takes up to 10 months for certain levels of government. During this period, there is a kind of vacuum in the functioning of both the executive and legislative authorities that are paid by citizens.

Suggestions

- *It is necessary to consider and to shorten the overall length of the electoral process.*
- *It is necessary to establish the terms for the constitution of the executive government and sanctions for non-compliance with the deadlines, and conditions for re-announcement of elections.*
- *It is necessary to determine the responsibility of political subjects for non-compliance with the deadlines.*

The long duration and recurrence of similar election activities

a) Registration and verification of political parties and independent candidates – The Election Law prescribes the period of 14 days for political parties and independent candidates to file their application. Since there are no central records of political parties, political parties are required to submit proof of registration that is not older than 60 days. Political parties and independent candidates are required to collect signatures for their candidacy with the exceptions provided by Law. The CEC shall, within 14 days, verify signatures and certify the political subjects.

Problems

Verification of signatures by CEC was conducted on a sample of 10% of signatures by checking unique identity number while all signatures are checked in cases of identified defects in the sample. Of the 69 registered political parties², only one political party was rejected due to inadequate documentation while the applications of all 24 independent candidates were confirmed without problems. The obligation to collect signatures by registered political parties and the lack of adequate software for automatic signature verification causes long durability of this process.

Suggestions

- It is necessary to consider the adoption of the Law on political organizations at the national level that would determine the body responsible for the registration and monitoring of political parties, the obligation of political parties and ways of their elimination from the records in the case of termination and/or non-compliance with the Law. The existence of central public records and its regular update would annul the need to submit evidence of the existence of political parties.

- It is necessary to consider the abolition of the certification of the registered political parties and/or connect these activities with the certification of confirmation of candidates and candidates' lists.

- In line with the above, it is necessary to consider the complete abolition of the obligation to collect signatures to political parties that regularly fulfill their obligations in order to reduce the workload of the CEC to verify signatures.

b) Verification and announcement of candidates and lists of candidates - Deadline for submission of lists is 90 days before Election Day where the CEC for the General Elections stipulated that the list can be submitted from in the period July 2 to July 12. There were a total of 753 registered candidates' lists with 7,892 candidates. The deadline for certification of lists was August 8 2014, ie 27 days from the last possible day for submission of the list. The Election Law also allows the possibility to correct or update the list of documentation. Central Election Commission for General Elections 2014 certified 732 candidate lists (97.21%) with 7,748 candidates (98.17%) checking their right of nomination and the validity of the list in terms of fulfilling the provisions on gender representation. CEC had time until August 28, 2014 to announce the candidate lists.

Problems

The time period of almost three and a half months from the date of announcement of the elections until the day of announcing candidate lists is too long. The preparation of candidates' lists for political parties is a procedure that can be done much earlier than the announcement of the elections due to the fact that the election date is fixed. Possibility to update the documentation and/or to change the candidates causes unnecessary burdens on the CEC, except

² Report on conduct of General Elections by CEC

in case of death of a candidate. The lack of adequate software to check the candidates' lists also extends durability process.

Suggestions

- It is necessary to consider shortening the deadlines for the submission, verification and announcement of candidates' lists.

- In order to shorten the deadlines, it is also necessary to introduce the practice of automatic rejection of the list in the case that it does not meet the prescribed requirements.

c) Voters' register – in BiH there are four cross-sections of voters' register that have data on the number of registered voters, and the voters' register becomes final 45 days before the election. The first cross-section of voters in the CVR was made the day before the announcement of the elections May 14, 2014 and was used to create temporary Excerpt from the Central Voters Register (CVR); a second section was made as on July 29, 2014 and was used to determine the number of polling stations and to make the specifications for the printing of ballots; the third section was made on August 28, 2014 and was used to made the Excerpt from the final voter's register which was distributed to polling stations; and the fourth section was made on Election Day, in order to determine voting rights of voters who voted by unconfirmed ballots. Following the publication of the first section and making temporary excerpts of the CVR, the Law allows 74 days for the submission of data on changes in the records of displaced persons, registered citizens who vote out of BiH, and determining the voting option for voters from Brčko District, or for the so-called active voters' registration. CEC received 49,634 requests/requirements for registration to vote outside BiH and after the expiry of the deadline for appeal (August 26) rejected the 5,013 applications for registration or 10.9% of them. Voters who are homebound could register to vote via mobile team up to September 9, 2014. Voters who have changed residence in less than 45 days from the Election found themselves on the list of voters in previous residence, while the citizens who became adults after the conclusion of the voters' list, voted by unconfirmed ballots. Municipal Election Commissions receive excerpt from the voters 20 days before Election Day.

Problems

Deadlines for cross-section and the conclusion of the voters' register were adequate for the period after the war when there was a big problem with the registration of a large number of voters living outside of BiH and the large number of displaced persons and refugees. Sending a large number of forms for registration of voters abroad is complicated, time consuming and expensive process which due to frequent changes of residence of citizens living abroad cannot guarantee their delivery. The prescribed period of 74 days for the submission of data on the registration of displaced persons and persons living outside of Bosnia and Herzegovina needs to be shortened and moved closer to Election Day. Deadline for voting via mobile teams should also be closer to Election Day, as well as the deadline for delivery of the Excerpt from the voters' register to Municipal Election Commissions.

Suggestions

- *It is necessary to consider the possibility of shortening the deadlines related to the voters' register and moving them closer to the Election Day. This is especially related to the deadline for an active registration of voters residing outside BiH, registration of voters voting via mobile teams, and the deadline for the conclusion of the final Excerpt from the voters' register.*
- *It is necessary to consider the possibility of removal of the CEC's obligation to submit registration forms to citizens who are outside BiH.*
- *Due to the relatively small number of voters who vote in DCMs, it is necessary to consider the removal of this option.*

d) Determination of polling stations - the number, types and locations of polling stations are determined 65 days prior to the Elections while the Municipal Election Commission announces the exact address of polling stations 15 days before the Elections. Four types of polling stations are being determined: regular, for absentee voting, voting by unconfirmed ballots and voting abroad. Voters were enabled to find out the exact address of their polling station via SMS.

Problems

These two actions are almost identical and represent double work for the local election commission. Polling stations that should be marked "in absence" are often labeled "personal", "personal 1991" and "absence", which confuses voters. In some municipalities there were opened special polling stations for voters voting by unconfirmed ballots, while in some municipalities those polling stations were in the same place as the ones labeled "in absence" which is a good practice with regard to reducing the costs of the election committees.

Suggestions

- *Having in mind the minimal changes in the voters' register compared to previous elections, as well as the continuity of the local election commissions, it is necessary to consider the possibility that the exact location and address of polling stations are determined and announced once, 15 days before the election.*
- *It is necessary to consider that in each local constituency is opened one "particular" polling station in which can vote absentees voters who are not enrolled in the CVR, but they have a valid document.*

e) Election results - the Law prescribes the announcement of election results within 30 days from the Election Day. Polling station committees are obliged to deliver the determined results from their polling station to the local election commission within 12 hours from the closing of the polling station. Local election commission shall enter the received results in the information system and announce the results within 24 hours after the polls closed. Results are published successively starting from midnight on Election Day and in precisely set deadlines. For the verification of the election results and the counting of votes received by post there is a Head center. The center counts the votes ex officio and upon the request of authorized proposer and decisions of the CEC recounts the ballots from some polling stations and for specified races.

Problems

Due to inadequate system of training and inadequate preparedness of local election commissions and polling station committees, there are frequent requests for a recount on both grounds in practice. A legal provision which allows the local election commission to accept the minutes of the polling committee with inaccurate test accuracy in practice leads to a large number of polling stations where there are significant discrepancies in test accuracy requiring a recount of the ballots. This leads to a kind of blockade and delay in the announcement of the election results in local election commissions where there is a large number of these polling station committees and races which affects the dynamics of the announcement of results by the CEC. Although the CEC regularly announces the results in accordance with the BiH Election Law, this creates the perception in the public of inability of the election administration and doubts about the election results.

Suggestions

- It is necessary to consider the possibility that all the members of the polling station committee participate in the handover of election materials in the local election commission. If there are discrepancies in the test of accuracy when entering data into the information system, it is necessary to provide the opportunity for correction to the polling station committee.

- It is necessary to consider the option of (non)acceptance of the minutes of the polling station committee if there are discrepancies in test accuracy after corrections and repeat the elections at that polling station within 7 days.

- Consideration should be given to the option that the ballots from abroad have to arrive by Election Day and their counting should be scheduled on the day of the Election, and announce these results at midnight, with the first preliminary results.

METHODOLOGY

Research methodology is based on a detailed study of election legislation, primarily the Election Laws of the Members States of the OSCE, 39 out of 57 of them. Due to limited capacity, as well as taking into account the relevance of the legislation in the context of BiH, the research excluded a certain number of Member States, mainly those with Anglo-Saxon legal tradition, countries outside Europe as well as the smaller European countries like San Marino, Andorra, etc.³

The survey includes the following countries: Albania, Armenia, Austria, Azerbaijan, Belarus, Bulgaria, Montenegro, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Netherlands, Croatia, Iceland, Italy, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Hungary, Macedonia, Moldova, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Serbia, Spain, Sweden, Switzerland, Turkey, Ukraine and Uzbekistan.

³ Research did not include the following Member States:

Andorra, BiH, Greece (no available translation of the Election Law to English), Ireland, Canada, Liechtenstein, Luxembourg, Malta, Monaco, Mongolia, USA, San Marino, Tajikistan, Tunisia, Turkmenistan, United Kingdom and Vatican. The Election Law of BiH was analyzed separately and used for comparison of electoral solutions.

For this research the OSCE/ODIHR database of legal regulations of the Member States of the OSCE was mainly used⁴. It is important to emphasize that most of the translations are unofficial and made just for research purposes. Reports of election monitoring missions by OSCE/ODIHR⁵ were used as an extra source along with other available information from organizations dealing with electoral processes⁶.

For this purpose, the Coalition 'Pod Lupom' formed a working group composed of 8 researches/collaborators out of over 200 applicants that applied to Coalition's public call for researchers/collaborators.

The data that will be presented in this study were obtained in a way that the Coalition primarily divided the states per members of the working group. After that, working group received tasks according to areas/topics on which they had to provide adequate answers from Election Laws and regulations of countries they were researched about.

The received answers point out different legal traditions, emphasizing at the same time different levels of development of political culture, election awareness which can be assessed through the level of regulation of certain areas. So countries that can be characterized as those with highly developed awareness of the election process and the rules of conduct for the election (eg. The Scandinavian countries) very poorly define a number of questions, and give to election commissions, and sometimes even to citizens, quite wide powers to organize and conduct elections. On the other hand, countries that have in their recent past gone through a transition of their political and economic systems, and even wars, tend rather to have a very detailed regulation of all segments related to the electoral process, which again points to the efforts of these countries to thus prevent potential election fraud and manipulation. This variety of regulations was a challenge in making an analysis in terms of recognizing trends and common features that can possibly serve as examples of good practice for BiH.

ANALYSIS BY AREA:

ELECTIONS ANNOUNCEMENT AND CERTIFICATION OF POLITICAL PARTIES

⁴ <http://legislationline.org/>

⁵ <http://www.osce.org/odihr/elections;>

⁶ [http://www.idea.int/elections/;](http://www.idea.int/elections/) <http://aceproject.org/>

Central Election Commission (CEC BiH), on the basis of the BiH⁷ Election Law announces elections at all levels. All elections are held on the first Sunday in October of the election year⁸. CEC BiH announces elections no later than 150 days before the Election Day. The Election Law provides for different deadlines when it comes repeated, delayed and early elections (Chapter 14).

Applications for certification of political subjects for the elections in Bosnia and Herzegovina are submitted to the CEC in 135 days before the Elections (political parties and independent candidates), or 110 days (coalitions and lists of independent candidates). The deadlines for response by the CEC are 15 and 7 days respectively. After verification of political subjects, follows the submission of candidate lists, which must be done 90 days before the Elections. The CEC has a deadline for response of 25 days and approved final candidate lists are published in the official gazettes at least 45 days before the election.

When it comes to announcing elections, in the laws and regulations available of analyzed states of the OSCE, in 23.1%⁹ of them the term is not defined or cannot clearly identified. The three countries call for elections in relation to the time of termination of the current mandate (Slovenia, Albania and Lithuania), where in relation to the time of termination of the current mandate elections are published from 4.5 to 9 months earlier. In the other 27 states, or 69.2%, elections are held on average 81.2 days ahead of Election Day. The minimum number of days that must elapse from the date of the announcement until elections was recorded in Croatia (30 days), while the maximum was recorded in Germany (6 months or 180 days).



⁷ Articles 1.14. and 2.9. of the Election Law of BiH

⁸ Except when that date conflicts with a religious holiday of one of the constituent peoples of Bosnia and Herzegovina; in this case the CEC BiH schedules Elections for the Sunday after the first Sunday in October, which does not coincide with religious holidays.

⁹ Sweden, Ukraine, Norway, Denmark, Iceland, Latvia, Kazakhstan, Uzbekistan and the Netherlands

By analyzing the provisions concerning the registration and certification of political subjects in the elections, it was noted that the two procedures are explicitly separated in regulation of 10¹⁰ of the 39 states (25.6%). In the other 29 countries or 74.4% the specific deadlines for certification and/or decision of the competent authority for the elections are not stated, but the deadlines by which political subjects apply for participation are defined. These terms are set quite differently and range from eg. in Sweden - about 180 days before the election for registration of the party for the elections without defining other terms; in Slovakia and Belarus, where the deadline for registration is 90 days before the election. Other countries define this period between 60 and 25 days before the Election Day¹¹.

VOTERS

At the elections in Bosnia and Herzegovina, whether the general or local, only those who are registered in the Central Voters Register (CVR) have the right to vote. CEC BiH is in charge of CVR. Since 2006, the passive registration of voters is present. In order to be entered in the CVR, a person must possess IDEEA BiH ID card or apply for a same. CVR is concluded 45 days before Election Day. The Election Law provides voting outside BiH for refugees from BiH and people temporarily living abroad¹². For this category of voters there is an active registration and the CEC prescribes the deadlines and ways of registration. The deadlines for the announcement of the final list of voters is defined by the Law and the implementing regulations of the CEC. Central Electoral Commission is obliged to deliver an Excerpt from CVR to each constituency which includes all eligible voters in a given constituency no later than 20 days before the Elections.

In analyzed countries, the deadlines for announcement of final voters lists vary from eg. 25 days in Azerbaijan to 7 days in Estonia, Lithuania, Czech Republic. Passive registration is present in 1 out of 39 states ie 28,2%, while in the other 28 states (71,8%) is not possible to determine whether it is active or passive registration.

LITHUANIA, ESTONIA AND CZECH REPUBLIC

Voters list is announced 7 days before
the elections

¹⁰ Deadlines are stated in relation to the Election Day. Slovenia: registration 25 days before the election, certification 18; Romania: 40 days, decision within 48 hours; Ukraine: 75 days, decision within 5 days; Norway: the application within 150 days, decision within 60 days; Armenia: 45 days, certification to 35 days; Latvia: registration 40 days, announcement 10 days before the election; Azerbaijan application 30 days a decision within 5 days; Estonia: registration 45 days, decision within 5; Serbia: registration 15 days, decision within 24 hours; Kazakhstan: the application within 30 days, decision up to 20 days before the election

¹¹ Exceptions are Spain and Croatia that define the deadline in relation to the date of announcement of the Elections, Spain 15 days after the announcement and Croatia no later than 14 days from the date of the announcement.

¹² Under the following conditions: they are citizens of BiH, they are at least 18 years old or will be 18 by Election day, and that they have a permanent residence in BiH.

This is because these regulations generally define the terms or ways to change voter lists, but not the original drafting or responsibility for their composition.

When it comes to voters' from, lets say, a special category, from the perspective of Bosnia and Herzegovina in terms of voting of displaced persons, only two of the mentioned countries had identified such categories - Turkey and Russia. The deadline for the registration of such voters in Turkey is 15 days, and in Russia three days before the election. In other countries, special categories are generally separated persons in military or similar services and missions, persons with disabilities, persons serving prison sentences, patients etc. The longest recorded deadline for registration of those voters is 82 days in Austria, while in other countries which explicitly provide such categories and deadlines, an average deadline is 19.8 days¹³. As an interesting comparative solutions in regard to special categories of voters, one can point out the following examples: in Switzerland¹⁴, the person who can not vote personally for health reasons on Election Day gives his/her personal identification and medical certificate about the health to another person that can then vote for him/her; France has provided similar only by proxy; in Sweden the voter can choose to vote by the so-called messenger. When it comes to voting via mobile teams, it is worth to point out a solution where such voting is allowed to voters, who are entitled to such a form of voting, on Election Day: Estonia, Serbia, Belarus, Moldova and Russia. These solutions usually have a limit until when a person can apply for this type of voting on the Election Day.

DETERMINING NUMBER AND LOCATION OF POLLING STATIONS

Determination of the number and location of polling stations (PS) in Bosnia and Herzegovina is defined by the BiH Election Law and implementing act of the CEC ie the Instruction on types, method and deadlines for determination of BM. The latter specifies this procedure. Number of BM is determined by local election commissions (city / municipal / Brčko District Election Commission) no later than 65 days before the election, and the locations of these immediately afterwards. No later than 15 days before Election Day, the local election commissions announce which PS are determined for voting with their exact locations.

When analyzing the available laws and regulations of states that are the subject of this study, it was noted that only 8¹⁵ of the 39 (20.5%) states do not explicitly regulate this

AUSTRIA

Locations of polling stations are announced 5 days before the Elections

¹³ Note: in order to obtain this percentage we used the longest given deadline by country as often different categories have defined different deadlines. In 46% of the analyzed countries, specific categories are either not covered by the analyzed regulations or it can be concluded that general provisions for voters are related to them. These are: Romania, Norway, Denmark, Iceland, Germany, Switzerland (Canton Zurich), Albania, Azerbaijan, Estonia, Montenegro, Ukraine, Kazakhstan, Belarus, Finland, France, Spain, Czech Republic, Croatia

¹⁴ Note: When analyzing Switzerland the focus is placed on one canton, namely Canton Zurich, considering that these regulations differ greatly from one canton to another, and federal law does not define these issues or defines them very vaguely, leaving cantons the freedom of detailed planning.

¹⁵ Slovenia, Norway, Denmark, Iceland, Hungary, Estonia, Netherlands and Czech Republic.

area with deadlines or similar. Typically, they state that the PS will be determined

'timely', or the determination thereof are not mentioned. When we take the average of other countries analyzed, we come to the data that the number of polling stations, and in many countries this deadline applies to the announcement of the location, is determined 41.1 days before the Election Day¹⁶. The longest recorded period is in Ukraine and is 175 days before the elections, while the shortest recorded in Austria and Germany of only 5 or 6 days before the election.

ELECTION CAMPAIGN

The election campaign in Bosnia and Herzegovina is defined by the BiH Election Law. The Law, therefore, provides that the election campaign lasts 30 days before Election Day¹⁷. The Law provides a number of rules of conduct of political subjects; however it is often evident that there is violation of these, somewhat general, provisions by political subjects. This applies especially to campaigning prior to the scheduled period, especially by political subjects already in the government. The media silence, a period when political advertising and agitating is prohibited, begins 24 hours before the opening of polling stations and lasts until they close.

In about 64% of the analyzed states media silence is defined in such a way as it was done in Bosnia and Herzegovina, however, the campaign and its duration is very different. So 12¹⁸ of the 39 states (30.7%) do not define the election campaign, its duration nor the election silence. Most of these countries, though not all, belong to those European countries which have developed democracy, and where there are strongly established conventional norms of political action and behavior. Estonia, Montenegro, Kazakhstan, Moldova and Croatia election permit the start of the election campaign from the date of certification of candidates for participation on the elections

ie from the announcement of election lists. Georgia, on the other hand, allows the campaign from the date of announcement of the elections, Uzbekistan three months before the expiration of the current mandate of representatives, while the remaining countries specify the duration of the campaign by the number of days in relation to the Election Day.

UZBEKISTAN

Campaign begins three months before the expiration of the current mandate

¹⁶ Spain is the only country that defines this deadline in relation to the date of announcement of the elections, so it is not taken into consideration when calculating this average (6 days after the announcement)

¹⁷ Election Law of BiH, Chapter 16,

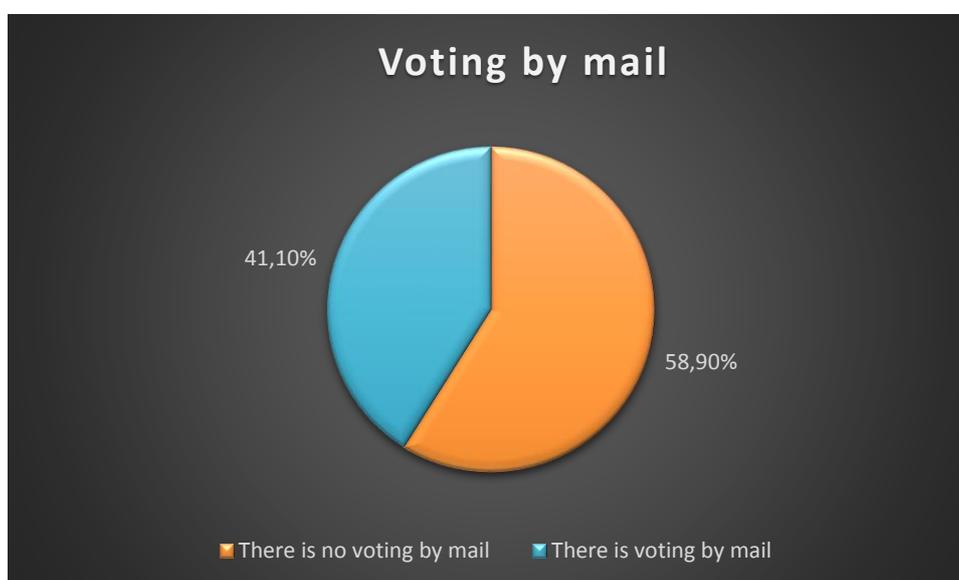
http://www.izbori.ba/Documents/documents/ZAKONI/Izborni_zakon_PRECISCENI_TEKST-srp.pdf

¹⁸ Norway, Denmark, Sweden, Iceland, Austria, Germany, Switzerland, Serbia (which defines the election silence 48 hours before the election, but not the duration of the campaign), Lithuania (30h election silence before the election), the Netherlands, Belarus (prohibited political activities on election day) and Finland

VOTING BY MAIL

The election law foresees also voting by mail. BiH citizens abroad and who are entitled to vote may choose to vote by mail. Also, citizens who have the status of displaced persons¹⁹ have the right to vote in person or by post for the municipality in which they had their residency according to the last census. CEC BiH, for the last elections held in October 2014, distributed a voter package to these voters about 6 weeks before Election Day (in the period August 23 to 28). The return ballot envelopes are accepted for counting if they arrive no later than two days after the election with the postmark or date of sending not later than the date of the election.

Comparative analysis of observed states of OSCE showed that 23²⁰ of the 39 states or 58.9% do not provide voting by mail or from the available legislation it is not evident how and in what way the postal voting is regulated. When it comes to these countries, voting by mail means also the postal voting from abroad and within the country.



Of the countries that provide voting by mail, or in the available regulations specify the postal voting the following was recorded: only 8²¹ of the 16 states precisely when the voting material must be sent to the voter, and the average of these deadlines is 17,6 days before the Election Day. The longest deadline is in Slovakia –

FRANCE
Materials are delivered 4 days before the Elections.

¹⁹ Article 1.1.a., paragraph 1, item 10 of the Election Law, "displaced person/refugee" means a citizen of BiH who has the right to vote and has a residency abroad in the status of a refugee from Bosnia and Herzegovina.

²⁰ Georgia, Romania, Ukraine, Norway, Armenia, Denmark, Bulgaria, Albania, Azerbaijan, Montenegro, Serbia, Kazakhstan, Belarus, Finland, Macedonia, Moldova, Portugal, Czech Republic, Uzbekistan, Croatia, Turkey, Kyrgyzstan, Russia.

²¹ Latvia, Switzerland (Canton Zurich), Lithuania, France, Slovakia, Italy, Poland, Germany. Iceland does not specify any deadlines, Hungary and the Netherlands for the delivery of materials to voters predict it to be done "as soon as possible"

35 days, and the shortest in France, where the material will be delivered 4 days before the Elections.

When it comes to returning completed ballots to the appropriate election commissions in their home countries, provided regulations of only 11²² states specify deadlines for sending or receiving ie such procedures for counting votes. These deadlines are set so differently that it is not possible to draw any section or for the majority find a common denominator. For example, Latvia determines that the material must be returned 'immediately' after reception, Spain that the material has to be sent at least 3 days before the election, and in Switzerland the deadline is by the end of Election Day. Other countries generally define the deadline in a way that defines when the material must be received in order to take these ballots into account while counting. In Hungary ballots must be received by the authorized commission up to midnight of the day before Election Day, in the Netherlands until 3 pm on Election Day, in Germany until 6 pm on Election Day. It was noted that ballots are accepted for counting after the Election Day in Poland (24 h), and Austria and Slovenia (8 days).

ANNOUNCEMENT AND DETERMINATION OF RESULTS

Announcement of preliminary and confirmed election results is the responsibility of the CEC BiH. CEC determines the results of direct and indirect elections upon the expiry of the deadline for filing complaints and appeals, as required by the Law. Election Law defines deadlines for determining the election results, while the regulations of the CEC determines the order of determining, informing the public and announcing the results. It is a legal obligation to announce the final results of the election within 30 days of their maintenance. The first preliminary results are announced by the CEC 24 hours after the Election Day, and the rest of the preliminary results are announced by dynamics planned by Guidelines on the deadlines and sequence of election activities, which the CEC adopts for each election.

By analyzing the regulation of 39 states, in 23²³ of them or 58.9% was recorded that they do not specify the announcement of preliminary election results. In the other 16 countries, these deadlines vary from announcement of the results in the 'morning after the election' in Georgia; no later than 24 hours after the elections in Armenia, Azerbaijan, Montenegro and France; to the longest deadline recorded - 8 days after the elections in Switzerland as an obligation for all cantons.

When it comes to the announcement of the final Election results, also in a number of countries that deadline is not defined or the available legislation does not clearly indicate the same. In particular, such information can

POLAND

The final results are announced 3 days after the Election Day.

²² Hungary, Latvia, Switzerland (Canton Zurich), Romania, Spain, Slovakia, Poland, Germany, Austria.

²³ Slovenia, Sweden, Romania, Ukraine, Norway, Denmark, Iceland, Latvia, Austria, Germany, Albania, Estonia, Serbia, Lithuania, Belarus, Portugal, Spain, Czech Republic, Slovakia, Uzbekistan, Croatia, Turkey, Russia

not be confirmed for 20²⁴ of the 39 states (or 51.28%),

where we have a definition of the announcement of the results in a way that says 'as soon as possible', for example, in Germany and the Netherlands. In the states that define a deadline for the announcement of the final results, 19 of them (48.7%), have an average of 16.2 days from the Election Day to announce the results. The maximum number of days is recorded in Bulgaria and Spain (40 days), and the minimum number of days is recorded in Poland (3 days), Russia (5 days), and Armenia and Lithuania (7 days).

OBSERVERS

The Election Law foresees participation of observers in the election process, international and domestic (partisan and non-partisan), in accordance with the Law and the implementing regulations of the CEC BiH. During the accreditation of observers, Coalition observed relatively complicated procedure of accreditation, especially when you take into account the observation of more constituencies where is necessary to have an accreditation for each constituency in particular. At the same time, this is valid only for domestic observers, not for international observers. Also, when it comes to deadlines for accreditation of observers, international observers are in a more favorable position compared to the local in the sense that the accrediting observation can register up to 7 days before Election Day, while local associations must submit the application 15 days before the election.

The analysis of available regulations of the countries involved in this study showed that in 16²⁵/39 countries (41%) observers are not foreseen or particularly emphasized in the Election Law. Out of these countries, it is interesting to say that Hungarian provisions mention international, but not domestic observers; Swiss framework law does not predict nor prohibit observers, so some cantons provide the presence of observers; in the Netherlands, although observers are not mentioned as such, there is a provision that says that 'every person has the right to be at every polling station' which indicates a particular type of allowed civil observation.

When it comes to countries that foresee observers and define deadlines for accreditation of observers (23²⁶/29 or 58.9%) – the average deadline for the accreditation of domestic observers is 15.68 days before the elections. This average also includes the countries that predict partisan observers, but not citizen observers.

GERMANY

Potential observers can apply online to observe the elections

²⁴ Slovenia, Sweden, Romania, Denmark, Iceland, Latvia, Austria, Germany, Switzerland, Albania, Azerbaijan, Estonia, Kazakhstan, the Netherlands, Finland, France, Macedonia, Slovakia, Uzbekistan, Croatia.

²⁵ Slovenia, Sweden, Norway, Denmark, Hungary, Switzerland, Estonia, Serbia, Lithuania, the Netherlands, Belarus, Czech Republic, Slovakia, Italy, Turkey, Poland.

²⁶ Georgia, Romania, Ukraine, Armenia, Iceland, Bulgaria, Latvia, Austria, Germany, Albania, Azerbaijan, Montenegro, Kazakhstan, Finland, France, Macedonia, Moldova, Portugal, Spain, Uzbekistan, Croatia, Russia, Kyrgyzstan

For example, we can point out Iceland that foresees party observers, and where the OSCE/ODIHR recommend that the non-partisan and international observers are also enabled to participate in the electoral process. It is interesting to point out the example of Germany where people who want to observe the elections can apply via the Internet. Macedonia has the most difference in terms of partisan and non-partisan observers, so e.g. partisan observers can apply for accreditation two days before the elections, while non-partisan have to apply 10 days before the election. In Bulgaria observers, domestic and international, can be registered up to Election Day. On the other hand, the average period within which international observers must report election observation is 16 days, which is the maximum deadline for this category provided in Austria and is 60 days. In other countries this deadline ranges mostly between 7 and 15 days.

AFTER THE ELECTIONS

After determining the results of the elections, which is under the jurisdiction of the CEC BiH, follows the period of government constitution. The Election Law defines the deadlines for constitution of the legislative and representative government, and the BiH Presidency²⁷. These deadlines are different depending on the level of government, and the maximum deadline is 30 days from the date of announcement of the final results by the CEC. It should be noted that there is no responsibility (or criminal provisions) for failure to constitute government on any level. Also, there are no early elections, which are scheduled in some countries, especially for situations where it is not possible to form a government within a specified period.

When we look at countries covered by this analysis, the institute of early elections was recorded in 19²⁸/39 countries, or 48.7%, while in other countries it is either not foreseen or it can not be found in the available legislation, including the Constitution of the states. The same applies to cases of forms of sanctions for failure to constitute the government which is not visible in the available legislation, except the institute of early elections in case of dissolution of the legislative bodies.

Regarding the deadlines for the formation of the executive government, the obtained data mainly concern the appointment of the President of the future government. These data have been reported in a small number of analyzed countries, namely: the Ukraine, Armenia, Hungary, Germany, Albania, Azerbaijan, Montenegro, Finland, Macedonia and Moldova. The deadline for the appointment of the future mandate is from a maximum of 30 days from the first session of parliament in Ukraine and Macedonia, by the deadline of 14 days in Germany where the federal chancellor has to be elected to after the nomination is made by the federal president.

²⁷ The deadline for the constitution of the Cantonal Assembly is no later than 10 days from the announcement of the final results; for the National Assembly of the Republic of Srpska - 15 days; the House of Representatives of the Federation of Bosnia and Herzegovina - 20 days; the BiH Parliament House of Representatives - 30 days. Delegates in the House of Peoples of FBiH and the House of Peoples of Parliamentary Assembly of BiH are elected within 30 days of the certification of the election. The constitution of the municipal and city councils after the local elections shall be made not later than 30 days after the announcement of the certified, final election results.

²⁸ Georgia, Slovenia, Sweden, Switzerland, Ukraine, Armenia, Denmark, Germany, Azerbaijan, Estonia, Serbia, Lithuania, Belarus, Slovakia, Uzbekistan, Turkey, Russia, Kyrgyzstan, Poland.

The deadlines for the constitution of the legislative bodies in the analyzed countries are not recorded or identifiable by using the available provisions in 16²⁹/39 or 41% of the states. In the other analyzed countries, 18³⁰/39 or 46.1%, the deadline for the formation of a legislative government is in average 25.7 days after the elections, with the longest recorded period of 70 days in Iceland, to 12 days in Denmark.

INSTEAD OF CONCLUSION

In the coming months, the Coalition 'Pod Lupom' will work on unifying prepared analyzes, about the election committees, election deadlines, protection of the electoral rights, and analysis that will deal with specific technical aspects of the electoral process on Election Day in the analyzed countries.

In light of the recent appointments of Interdepartmental group for changing the electoral legislation in BiH, we hope that this and other materials that Coalition prepares will be useful in the process of preparing amendments to the Election law of BiH which should be included in the agenda in the autumn of this year in order to comply with the recommendations of the Venice Commission of not altering the Election Law in an election year.

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²⁹ Switzerland, Azerbaijan, Estonia, Lithuania, the Netherlands, Belarus, France, Spain, Czech Republic, Slovakia, Uzbekistan, Croatia, Turkey, Russia, Kyrgyzstan, Poland.

³⁰ The deadlines for the formation of the legislative government after the elections. Note that we mainly observed general elections ie deadlines for the formation of the highest legislative body: Georgia 20 days; Sweden 15; Romania, 20; Ukraine 30; Norway about 21 days; Armenia about 21 days; Denmark, 12 days; Iceland 70; Hungary 30; Bulgaria 30; Austria 30; Albania 20; Montenegro 15; Kazakhstan 30; Germany 30; Macedonia 20; Moldova 30; Italy 20 days. Slovenia defines that term from 2 months to 15 days before the expiry of the mandate of the earlier representatives; Latvia determines it on the first Tuesday in November upon the expiration of the previous mandate; Serbia defines the deadline in relation to the announcement of the final results (deadline is 30 days from the announcement); Portugal does the similar as Serbia, or 3 days after the announcement of the results; Finland - also after the announcement of the results, but the deadlines are not defined.