

LAW ON THE ELECTION OF COUNCILLORS AND REPRESENTATIVES¹
(1998, 2000 and 2001 and including amendments of 20 July 2002 and 11 September)
(UNOFFICIAL TRANSLATION)

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I. BASIC PROVISIONS

Article 1

This Law regulates the election and termination of office of councillors in the assemblies of municipalities, the capital city and the administrative centre, and the representatives in the Parliament (MPs) of the Republic of Montenegro (hereinafter referred to as the Republican Assembly), and the protection of suffrage.

Article 2

1. Citizens elect councillors and representatives on the basis of their free, universal, equal and direct suffrage, by a secret ballot.
2. No one has the right, on whatever grounds, to take a citizen to account for voting, or to ask him who he has voted for or why he has not voted.

Article 3

1. In the assembly of a municipality, the capital city and the administrative centre (hereinafter referred to as the Municipal Assembly), 30 councillors shall be elected and an additional councillor per every 5,000 voters.
2. The number of councillors shall be determined by the Municipal Assembly by a special resolution, at the latest on the day of calling for the election.
3. One representative per every 6,000 voters shall be elected in the Republican Assembly.
4. The number MPs shall be determined by the Republican Assembly by a special resolution, at the latest on the day of calling for the election.

¹ This is an unofficial working document, produced by the OSCE/ODIHR on 12 September 2002, consolidating existing law with recent amendments.

Article 4

1. Councillors and MPs shall be elected in the constituencies on the basis of a list submitted by political parties (a party electoral list), coalitions of political parties (a coalition electoral list), and lists submitted by groups of citizens (an electoral list of a group of citizens) (hereinafter referred to as an electoral list).
2. Seats for councillors and representatives shall be distributed in proportion to the number of votes obtained.

Article 5

1. Councillors and MPs shall be elected for a four year term of office.
2. Councillors and MPs shall make a decision and vote in accordance with their conviction.
3. Councillors and MPs cannot be recalled.

Article 6

1. Citizens have the right to be informed via media on the election programmes and activities of submitters of electoral lists, as well as about candidates on electoral lists.
2. To enable citizens to exercise their right to suffrage referred to in paragraph 1 of this Article, the media shall be obliged to ensure equality in informing about all the submitters of electoral lists and the candidates from electoral lists.
3. The election campaign in the media and by the way of public gatherings shall cease 24 (twenty four) hours prior to the polling date.

Article 7

The election administration bodies conducting the elections shall be polling boards and election commissions.

Article 8

The protection of suffrage shall be provided by election commissions, the Constitutional Court of the Republic and competent courts.

Article 9

1. The funds for conducting the election shall be provided for in the municipal budget for the election of councillors and in the republican budget for the election of representatives.
2. All deeds, enactments, petitions and other documents regarding the administration of the election and termination of term of office of councillors and representatives shall be tax exempted.

II. SUFFRAGE

Article 10

Suffrage in virtue of this Law shall include the following rights of citizens: to elect and be elected; to nominate and be nominated; to make decisions on the nominated candidates and electoral lists; to publicly put questions to the candidates; to be informed in time, truthfully, completely and objectively about the programmes and activities of submitters of electoral lists, as well as exercise other rights provided by this Law.

Article 11

1. A citizen of Montenegro, who has come of age, has the business capacity and has been the permanent resident of Montenegro for at least twenty four months prior to the polling day shall have the right to elect and be elected a representative.
2. A citizen of Montenegro, who has come of age, has the business capacity and has been the permanent resident of Montenegro for at least twenty four months prior to the polling day, and a citizen residing on the territory of the municipality, as the constituency, for at least 12 months prior to the polling day, shall have the right to elect and be elected a councillor.

III. CONSTITUENCIES

Article 12

1. The election of councillors is conducted in a municipality as a single constituency.
2. The election of MPs is conducted in the Republic as a single constituency.
3. In the Republic, as a single constituency, four MPs shall be elected, out of the total number of MPs, at the polling stations defined by the special resolution passed by the Assembly.

IV. CALLING FOR ELECTION

Article 13

1. The election of councillors and MPs is called for by the President of the Republic of Montenegro (hereinafter referred to as the President of the Republic).
2. The Decision on calling for the election shall define the time-limits for the election procedures prescribed by this Law, as well as the date for the polling day.
3. The Decision on calling for the election shall be publicised in the "Official Gazette of the Republic of Montenegro".

Article 14

1. The election of councillors and representatives shall be held no less than 15 (fifteen) days prior to the termination of the term of office of councillors and representatives whose term of office is still valid.
2. No less than 60 (sixty) days and no more than 100 (hundred) days shall pass between the days of calling for the election and the polling day.
3. The term of office of councillors and representatives whose mandate is expiring shall end on the day of verification of terms of office of the newly elected councillors and representatives.
4. The terms of office shall be verified within 15 (fifteen) days of the polling day.

Article 15

1. In the event of dissolution of the Parliament of the Republic or passing a decision on shortening the mandate of the Republican Parliament, the President of the Republic shall call for elections on the day following the day of its dissolution i.e. the day following the day of coming into effect of the decision of shortening its term of office.
2. The provision referred to in paragraph 1 of this Article shall be applied in the event of the termination of the term of office of the Municipal Assembly, the dissolution of the Municipal Assembly or the termination of the term of office of councillors based on the decision of the Municipal Assembly.

Article 16

Provisions referred to in Article 14, paragraphs 2,3, and 4 of this Law, shall also be applied in the event of the dissolution of the Republican, or the Municipal Assembly, and in the event of the termination of the term of office of representatives based on the decision of the Republican Assembly or of councillors based on the decision of the Republican Assembly or of councillors based on the decision of the Municipal Assembly.

V. ELECTION ADMINISTRATION BODIES²

Article 17

1. The bodies in charge of administering the election shall perform their duties in conformity with the law.
2. The bodies administering the election shall be responsible for their work to the body that appointed them.

² See below Chapter XIV 'Transitional and Final Provisions' for the applicable provisions relating to the establishment and composition of electoral administration bodies for elections taking place prior to 1 January 2003.

3. All agencies and organisations are obliged to offer help to the bodies administering the election and provide them with the data necessary for their work.
4. Republican and local agencies, other agencies and organisations are obliged to offer professional and technical assistance to the bodies administering the election and provide them with the data necessary for their work.

Article 18

1. The election bodies may operate in their permanent composition (appointed members) and their extended composition ('authorised representatives').
2. Any submitter of the verified and proclaimed electoral list shall have the right to appoint authorised representatives to the election administration bodies.
3. Two or more submitters of an electoral list may appoint a joint authorised representative to an election administration body.

Article 19

Election commissions shall be appointed after the constitution of a newly elected parliament for the term of office of four years, while polling boards shall be appointed for each election of councillors and representatives.

Article 20

To the posts of the chairman, the secretary, the appointed and authorised members of the election administration bodies and their deputies may only be appointed the persons who have suffrage.

Article 21

The election administration bodies take decisions by a majority of votes of their members.

Article 22

1. The work of the election administration bodies is public.
2. The election body members and other persons monitoring the operation of the election bodies are obliged to act in conformity with the law and the rules of conduct set down by the Republican Election Commission.
3. Should any of the election body members and persons monitoring the operation of the election bodies break the rules of keeping order at the polling station, or in any other way disrupt the work of an election body, the election body may remove them and enter the data on this in the Record.

1. Election Commissions

Article 23

The election commissions are: Municipal Commissions and the Republican Election Commission.

Article 24

1. Permanent members of a Municipal Election Commission shall be appointed by the Municipal Assembly upon the proposal of the municipal body in charge of the selection and appointment of these members.
2. The composition of a Municipal Commission shall be publicised in the "Official Gazette of the Republic of Montenegro – Municipal Ordinances".

Article 25

1. A Municipal Election Commission is composed of: the chairman, the secretary, five permanent members and one authorised representative of each of the submitters of electoral lists.
2. Also appointed in the permanent composition of polling boards shall be one representative of each of two opposition parties in the respective assembly, which won the largest number of votes in the last election.
3. Also appointed are deputies of the chairman and permanent members of a Municipal Election Commission.

4. An authorised representative of a submitter of an electoral list may have a deputy.
5. The chairman and members of a commission, as well as authorised representatives of submitters of electoral lists, in the event of their absence or inability to perform their tasks and duties in the commission, may be replaced by their deputies.
6. The chairman of a commission, his deputy and the secretary, as well as the members of a commission are selected from graduate lawyers, and the deputies of members, as a rule, from graduate lawyers.

Article 26

1. On the day of rendering the decision on the proclamation of the electoral list, the Municipal Election Commission shall pass a decision on which of the submitters of the electoral list have fulfilled the conditions for appointing their representatives in the extended composition of this body.
2. The decision on whether a submitter has or has not fulfilled the conditions for appointing its representative in the extended composition shall be submitted to each of the submitters of electoral lists by the Municipal Election Commission within 24 (twenty four hours) of passing such a decision.
3. The submitter of the electoral list shall appoint its authorised representative in the extended composition of a Municipal Election Commission and notify the Commission of this, and the Commission shall, within no later than 24 (twenty four) hours of the delivery of the above stated notification, render a decision stating their new members by name. Authorised representatives participate in the work of a commission and make valid decisions 15 (fifteen) days prior to the polling day.

Article 26a

In the event that the election for councillors and representatives are conducted together, the submitter of the verified electoral list for the election of representatives shall have the right to appoint his authorised representative in the extended composition of municipal bodies administering the election, even if he is not a submitter of the list for the election of councillors.

Article 27

A Municipal Election Commission shall:

- (i) see that the election be conducted legally;
- (ii) do logistics for the administration of the election;
- (iii) determine polling stations for the election of councillors and representatives;
- (iv) form polling boards and appoint the chairman and members of polling boards for the election of councillors and representatives;
- (v) determine the number of ballot papers for each polling station, stamp them, and together with the verified extract from the register of electors deliver them with a written record to the polling boards;
- (vi) determine whether the electoral lists for the election of councillors and representatives have been made and submitted in conformity with this Law;
- (vii) confirm and proclaim the electoral lists for the election of councillors;
- (viii) publicise the number of electors in the municipality and by individual polling stations;
- (ix) establish the results of the election of councillors and the number of votes for each electoral list, as well as the number of seats won by each electoral list for the election of councillors;
- (x) issue certificates to elected councillors;
- (xi) establish the overall results of the election of councillors in its constituency by each polling station and submit a report on this to the Republican Election Commission;
- (xii) publicise the results of the election of councillors;
- (xiii) submit the report to the Municipal Assembly on the results of the election of councillors;
- (xiv) submit the data on the results of the election of councillors to the bodies in charge of the collection and processing of statistical data.

Article 28

1. The Municipal Election Commission shall adopt a rule-book on its work.
2. The conditions for the work of the Municipal Election Commission are provided by the Municipal Assembly.

Article 29

1. Permanent members of the Republican Election Commission are appointed by the Republican Assembly, upon the proposal of the Republican Assembly body in charge of the selection and appointment of commission members.
2. The composition of the Republican Election Commission is publicised in the "Official Gazette of the Republic of Montenegro".

Article 30

1. The Republican Election Commission is composed of: the chairman, the secretary, nine permanent members and one authorised representative of each of the submitters of electoral lists.
2. Also appointed in the permanent composition of the Republican Election Commission shall be one representative of each of two opposition parties in the Parliament which won the largest number of votes in the last election.
3. Deputies are appointed to the chairman and permanent members of the Republican Election Commission.
4. An authorised representative of the submitter of an electoral list may have a deputy.
5. The chairman and the Commission members, as well as authorised representatives of submitters of electoral lists, in the event of their absence or inability to perform their tasks and duties in the Commission, may be replaced by their deputies.
6. The chairman and members of the Commission, their deputies and the secretary are selected from graduate lawyers.

Article 31

1. On the day of rendering the decision on the proclamation of the electoral list, the Republican Election Commission shall pass a decision determining which submitters of the electoral list fulfil the conditions for appointing their representatives in the extended composition of this body.
2. The decision on whether a submitter of the electoral list has or has not fulfilled the conditions for appointing its representative in the extended composition shall be submitted to the submitters by the Republican Election Commission within 24 (twenty four) days of rendering such a decision.
3. The submitter of the electoral list shall appoint its authorised representative in the extended composition of the Republican Election Commission and notify the Republican Election Commission of this, and the Republican Election Commission shall, within 24 (twenty four) hours of the delivery of notification, render a decision stating its new members by name.
4. Authorised representatives participate in work and make valid decisions as from 15 (fifteen) days prior to the election day.

Article 32

The Republican Election Commission shall :

- (i) see that the election be conducted legally and the provisions of this Law are uniformly implemented;
- (ii) monitor and offer professional advice on the implementation of this Law;
- (iii) co-ordinate the work of the Municipal Election Commissions, give instructions with regard to the implementation of this Law, and supervise their work;
- (iv) set down unified standards for the election material;
- (v) set down the forms for carrying out election procedures provided by this Law;
- (vi) determine the manner of proclamation of electoral lists;
- (vii) determine the manner of handling and keeping the election material;
- (viii) judge whether the lists for the election of representatives have been made and submitted in conformity with this Law;
- (ix) render a decision on proclamation of the lists for the election of representatives;
- (x) announce the total number of voters and their number by municipalities and polling stations;
- (xi) establish the results of the election of representatives and the number of votes by respective electoral lists, as well as the number of seats belonging to each list for the election of representatives;

- (xii) announce the overall results of the election of representatives, as well as the results by each polling station in the Republic;
- (xiii) submit a report to the Republican Assembly on the election of representatives;
- (xiv) issue certificates to the elected representatives;
- (xv) submit data on the election of representatives to the bodies in charge of the collection and processing of statistical data, and
- (xvi) perform other activities provided by this Law.

Article 33

The Republican Election Commission shall take over responsibilities within the competence of the Municipal Election Commission in case it fails to carry out its duties with regard to the election of representatives in conformity with this Law.

Article 34

1. The Republican Election Commission shall adopt the rule-book on its work.
2. The conditions for the work of the Republican Election Commission shall be provided by the Republican Assembly.

2. Polling Boards

Article 35

1. Polling Boards are composed of: the chairman, four permanent members and one authorised representative of each of the submitters of electoral lists;
2. Also appointed in the permanent composition of polling boards shall be one representative of each of two opposition parties in the respective assembly, which won the largest number of votes in the last election.
3. Deputies are assigned to the chairman and permanent members.
4. The chairman and members of polling boards, as well as authorised representatives of submitters of electoral lists, in the event of their absence or inability to perform their tasks and duties in the polling board, shall be replaced by their deputies.
5. A Polling Board is appointed for each polling station not later than 10 (ten) days prior to the polling day.
6. The decision on the appointment of electoral boards, shall be submitted to the submitters of confirmed electoral lists by the Municipal Election Commission within 24 (twenty four) hours of rendering such a decision.

Article 36

1. On the day of rendering the decision on the proclamation of the electoral list, the Municipal Election Commission shall pass a decision on which of the submitters of the electoral lists have fulfilled the conditions for appointing their representatives in the extended composition of the Polling Boards.
2. The Municipal Election Commission shall submit to the submitters of the electoral list the decision on whether it has fulfilled the conditions for appointing a representative in the extended composition of the Polling Board within 24 (twenty four) hours of setting up the polling station. A submitter of an electoral list shall appoint its authorised representative in the extended composition of the Polling board and notify the Municipal Election Commission of this, and the Municipal Election Commission shall, not later than 24 (twenty four) hours of the delivery of such notification, render a decision stating the names of persons becoming the members of the extended composition of the Polling Board.
3. An authorised representative participates in the work of the Commission and makes valid decisions as from five days prior to the polling day.

Article 37

1. The Polling Board shall be in charge of direct administering the voting at the polling station, ensure the regularity and secrecy of voting and establish the results of voting at the polling station.
2. The Polling Board shall be in charge of keeping order at the polling station during voting.
3. The Polling Board shall be in charge of keeping order at the polling station during voting.

4. The Polling Board shall charge two of its members with the duty of administering the voting outside the polling station.
5. More detailed rules on the Polling Board activities shall be set down by the Republican Election Commission.

VI. PROPOSAL AND CONFIRMATION OF ELECTORAL LISTS

1. Candidacy

Article 38

1. The political parties registered in the Republic of Montenegro, either separately or as a coalition, as well as groups of citizens, shall nominate candidates for their electoral list on the basis of prescribed number of electors' signatures.
2. The political parties shall propose the electoral lists on terms defined by this Law.

Article 39

1. One person may be nominated as a candidate for the election of councillors on only one electoral list and in only one constituency.
2. One person may be nominated as a candidate for the election of representatives on only one electoral list.
3. One electoral list shall contain no less than 2/3 (two thirds), and no more than the total number of candidates elected.
4. Extraordinary from Paragraph 3 of this Article, on the electoral list of the group of citizens or the political party representing the Albanians in Montenegro, there shall be at least 1/3 (one third) and at most the whole number of candidates that shall be elected.
5. The submitter of an electoral list may freely determine the order of candidates on the list.

Article 40

1. A submitter of the electoral list may withdraw the list no later than by the date set for the confirmation of the general electoral list.
2. Upon the withdrawal of the list, the term of office of the authorised representatives of the submitter of the electoral list in all the election administration bodies shall cease, as well as all rights pertaining to him in this regard according to the provisions of this Law.
3. A candidate may withdraw his candidacy not later than by the date set for rendering the decision on the proclamation of the electoral list.

Article 41

1. If after rendering the decision on the proclamation of the electoral list, a candidate may be stripped of his business capacity by a finally-binding court decision, lose Yugoslav and/or Montenegrin citizenship, withdraw his candidacy, or if he may die, the submitter of an electoral list shall lose the right to nominate another candidate.
2. The position of the candidate referred to in paragraph 1 of this Article shall be taken by the candidate who is next on the electoral list.

2. Title, Confirmation and Proclamation of the Electoral List

Article 42

1. The title of the electoral list shall be determined according to the name of the political party submitting the electoral list.
2. If two or more political parties submit a joint electoral list, the name and other rights and responsibilities of the submitters of a joint electoral list shall be specified by way of an agreement, which shall be submitted to the relevant election commission together with the electoral list.
3. Together with the title of the electoral list of a group of citizens, the submitter shall also determine a more precise appellation of the list.

4. The title of the list referred to in paragraphs 1-3 of this Article may include the name and surname of the person designated as the first candidate on the list, supported by his written consent.

Article 43

1. The electoral list for the election of councillors and/or representatives shall be deemed confirmed if supported by at least 1% of the electors out of the total number of electors in the constituency, based on the data about the electors of the last election prior to the decision on calling for the election, regardless of whether the last election was the presidential or the parliamentary election.
2. Exceptionally to the provision referred to in paragraph 1 of this Article, for the political parties or groups of citizens representing the Albanians in Montenegro, the electoral list for the election of councillors shall be deemed confirmed if supported by at least 200 (two hundred) electors, and the electoral list for the election of representatives if supported by signatures of at least 1,000 (one thousand) electors.
3. Electors signing the lists for the election of councillors must be permanent residents of the respective municipality.
4. Electors signing the lists for the election of representatives must be permanent residents on the territory of the Republic.
5. The Republican Election Commission shall prescribe the content and layout of the form for the signatures of electors referred to in paragraphs 1 and 2 of this Article.

Article 44

An elector may support with his signature only one electoral list for the election of councillors and only one list for the election of representatives.

Article 45

The collection of signatures for the proposal of candidates for the electoral list within the election campaign is initiated and performed by political parties, as well as by citizens, individually or collectively.

Article 46

1. The electoral list for the election of councillors shall be submitted to the Municipal Election Commission, and the list for the election of representatives to the Republican Election Commission, as early as 20 (twenty) days of the days of calling for the election, and not later than 25 (twenty five) days prior to the polling day.
2. The following documents shall be submitted together with the electoral list to the election commission:
 - (i) a written statement of the candidate of his acceptance of the candidacy;
 - (ii) the certificate of suffrage for each candidate on the electoral list;
 - (iii) the certificate of permanent residence of each candidate;
 - (iv) the list of electors' signatures supporting the electoral list;
 - (v) a written consent of the first candidate if his name is included in the title of the electoral list;
 - (vi) the decision of the authorised body of the political party which has verified the electoral list.
3. The electoral list together with the above stated documents shall be submitted directly to the relevant election commission.

Article 47

1. Immediately upon the receipt of the electoral list, the competent election commission shall determine whether it has been submitted in the prescribed term, and whether it has been composed in conformity with the provisions of this Law.
2. If the competent election commission finds that the electoral list has not been submitted in time, it will render a decision on rejecting the electoral list.
3. If the competent election commission finds that the electoral list has certain defaults, it shall render, within 48 (forty eight) hours of the receipt of the electoral list, a decision ordering the submitter of the electoral list to eliminate them within 48 (twenty four) hours of the delivery of the decision. The decision shall suggest the measures that are to be taken in order to eliminate those faults.

4. If the competent election commission finds that the faults in the electoral list have either not been eliminated at all, or have not been eliminated within the prescribed period, it shall render a decision, within the next 24 (twenty four) hours, on refusing to proclaim such an electoral list.

Article 48

1. If the competent election commission finds that the submitted electoral lists have no faults or that the faults have been eliminated, it shall render a decision confirming and proclaiming the electoral list.
2. The decision referred to in paragraph 1 of this Article shall, without delay, be delivered to the submitter of the electoral list.

Article 48a

Verified and proclaimed electoral lists participate on an equal basis at all the polling stations in the Republic as a single electoral constituency, in conformity with this Law

General Electoral List

Article 49

1. Upon the confirmation and proclamation of submitted electoral lists, the competent election commission shall compose the general electoral list comprising all the electoral lists with names of all the candidates.
2. The order of candidates on the general electoral list shall be determined by the chairman of the election commission by drawing lots, in the presence of authorised submitters of confirmed electoral lists.
3. The general electoral list shall be publicised by the competent election commission not later than 15 (fifteen) days prior to the polling day.

VII. REPRESENTATION OF SUBMITTERS OF ELECTORAL LISTS AND CANDIDATES FROM ELECTORAL LISTS

Article 50

1. The submitters of electoral lists shall have the right to inform the citizens on an equal basis about their programmes and activities in the media within the same daily slots and daily columns.
2. No property (money, technical equipment, facilities etc.) of state authorities, state-owned enterprises, public institutions and funds, or of the Chamber of Commerce and Economy of Montenegro can be used for the presentation of electoral lists.

Article 51

1. From the day of calling for the election until the termination of the election campaign, Radio-Television of Montenegro shall provide, within its political and information programmes that could be watched and heard all over the Republic, special programmes of equal length broadcast at the same time, in which submitters of the electoral lists shall present themselves, and present and expound their political programmes.
2. The state-owned enterprise referred to in paragraph 1 of this Article shall on no conditions be allowed to broadcast the presentation of political programmes in commercial, entertainment or any other programmes except political and information programmes.

Article 52

From the day of calling for the election until the termination of the election campaign, "Pobjeda", the state-owned publishing company, shall provide equal space, columns and terms in its daily paper for each submitter of the electoral list to present themselves and present and expound their political programmes.

Article 53

1. Radio-Television of Montenegro shall announce all promotion rallies of the submitters of electoral lists for the election of councillors and representatives free of charge during the election campaign, and in conditions and on terms providing equal position for all the submitters of the electoral lists.

2. The state-owned publishing company “Pobjeda” shall announce all promotion rallies of the submitters of the electoral lists for the election of councillors and representatives free of charge during the election campaign, on terms referred to in paragraph 1 of this Article.

Article 54

The media that on commercial basis publicise the submitters’ notices promoting the election, political programmes and candidates, shall indicate on each notice that it is a „paid notice,, .

Article 55

The rules on presentation of political parties in the election campaign shall be set down by the Republican Assembly not later than 30 (thirty) days prior to the expiry of the date of calling for the election, or the day following the day when the Assembly is dissolved, or when it renders the decision on shortening its term of office.

Article 56

1. The editors and presenters of political, information and specialised programmes shall, during the election campaign, independently and objectively present all the candidates, and the presenters must have an impartial attitude to all the political, social-welfare and ethnic and cultural programmes.
2. In agreement with the submitters of electoral lists, the editors referred to in paragraph 1 of this Article shall determine the programme of their presentations, in accordance with the Law and the criteria of the editorial policy.
3. In conformity with the provision referred to in paragraph 1 of this Article, and in conformity with paragraph 2 of Article 6 of this Law, programmes shall be organised providing direct public confrontation of political programmes of the submitters of electoral lists, as well as the candidates on these lists.

Article 57

1. All other media founded by the Republic, the administrative capital, the capital city and municipalities, in conformity with this Law, shall provide equal terms for the presentation of all the submitters of electoral lists and candidates on those lists.
2. The media referred to in paragraph 1 of this Article, together with the representatives of their founders and submitters of electoral lists, shall set down more detailed rules for the presentation of the submitters of electoral lists, their election programmes and candidates on these lists.

Article 58

Submitters of electoral lists and the candidates on these lists shall have the right to organise, during the election campaign and on equal terms, conferences and other public gatherings with the purpose of presenting and promoting their election programmes, electoral lists as well as the candidates on those lists, in conformity with the regulations on public order and peace.

Article 59

1. During the election campaign, the media founded by the Republic, the administrative capital, the capital city and municipalities shall, depending on their financial and technical means at their disposal, and on equal terms, inform about the activities of submitters at all of their conferences and other public gatherings in which they present their election programmes and their candidates for the election of representatives.
2. The submitters of electoral lists and the media referred to in paragraph 1 of this Article shall, by an agreement, set down the ways and terms on reporting from a public gathering as well as the terms by which the submitters of the electoral lists should inform the media of a public gathering to be held.

Article 60

During the election campaign, the submitters of electoral lists and the candidates on these lists shall have the right to prepare election posters, public notices, photographs, leaflets, promotional messages and the like, and publicly display them, with no prior permission needed, in places designated by a competent municipal body.

Article 61

The audio election campaign shall be used at a time and in such a manner so as not to disturb the citizens and infringe their right to peace, in conformity with the regulations of public order and peace.

Article 62

During the election campaign, the media shall publicise the findings of competent state bodies stating that a certain media has violated the principles of equality, parity and objectivity of their informing the citizens about the election programmes and candidates of political parties and other submitters of electoral lists.

Article 63

1. During the period of seven days prior to the polling day, it shall be forbidden to publicise in the media the results of polls, research and analyses with regard to the citizens' personal estimate of the election results.
2. On polling day, before closing the polling stations, it is forbidden to publicise preliminary results or the estimates of the election results.

Article 64

The provisions of this chapter shall also apply to the media founded by legal and physical entities performing their activity in conformity with the provisions of the Public Information Law.

VIII. ADMINISTRATION OF THE ELECTION

1. Polling Stations

Article 65

1. Voting for the election of councillors and representatives is conducted at polling stations.
2. Polling stations are set up by the Municipal Election Commission upon the proposal of the authority in charge of keeping the Register of Electors not later than 20 (twenty) days prior to the polling day.
3. Polling stations must be arranged in a way providing enough space for all the members of the Polling Boards to have insight and access to the ballot box and the election material at all times.
4. Not later than 10 (ten) days prior to the polling day, the Municipal Election Commission shall announce which polling station have been set up and which electors shall vote at a particular polling station.

Article 66

1. A polling station is set up for up to 1,000 electors.
2. More detailed rules with regard to polling stations are set down by the Republican Election Commission.

Article 67

1. An elector shall cast his vote at the polling station where he is entered in the extract from the Register of Electors.
2. The obligation referred to in paragraph 1 of this Article shall apply also to the electors who are doing their national service or are taking part in a military exercise, or electors who are performing duties in units or institutions of the Yugoslav Army.
3. Exceptionally to the provisions referred to paragraph 1 of this Article, an elector may cast his vote outside the polling station where he is entered in the extract from the Register of Electors by post, on terms prescribed by this Law.
4. The procedure of voting outside the polling station, as well as the number of electors who have exercised their right to vote in this manner, are entered in the Record on the Work of the Polling Board.
5. More detailed rules on voting by post are set down by the Republican Election Commission.

Article 68

1. A local authority in charge of keeping the register of Electors shall deliver the notice on the election to electors not later than 5 (five) days prior to the polling day.
2. A local authority referred to in paragraph 1 of this Article shall deliver the notice on the election to electors' address by post.
3. Each elector is delivered an invitation stating the date and time of polling, the number and address of the polling station at which he should cast his vote, as well as the number under which he is entered in the extract from the Register of Electors.

Article 68a

1. At polling stations, transparent ink-spray and ultra-violet light machine are used.
2. The voter who refuses to be tested by transparent ink-spray will not be allowed to vote by the polling board.
3. The manner of using the spray referred to in paragraph 1 of this Article shall be determined by the Republican Election Commission.

Article 69

1. Every voter shall vote in person.
2. A voter is allowed to vote only once during elections
3. Voting shall be done on a certified ballot paper.
4. The voter shall confirm receiving the voter ballot by signing the special book of voters, which content shall be defined by the Republican Election Commission.
5. No person shall be allowed to enter the polling station carrying arms or dangerous implements.
6. At the polling station and within the area of 50 (fifty) metres from the polling station, it is forbidden to display political party symbols and other promotional material that may effect the decision of electors.
7. Should, during the voting procedure, the rules referred to in paragraphs 1-6 of this Article be violated, the polling board may be dissolved. In the event of the dissolution of the polling board, voting at that polling station shall be repeated.
8. The member of the polling board in charge of identification of voters, as well as other members of the polling board shall not be allowed to announce, in any form and particularly by addressing loudly the first and last names of voters, as well as their ordinal numbers in the voters' register.

Article 69a

1. Voting shall be done by secret ballot.
2. Should the polling board fail to organise the polling station in the manner that provides for full secrecy of balloting (polling booth/cabin), such polling board shall be dissolved and voting at that polling station shall be repeated.
3. A voter shall enter his vote on the ballot paper solely in the area intended for that purpose (screen / room divider / booth / cabin) such that no one shall be able to see who he has voted for.
4. Should it happen that a voter infringes the secrecy of voting by casting his vote in public, out of the area envisaged for voting or by showing his ballot paper in public to the polling board and making it visible who he has voted for, the president of the polling board, based on a decision of the polling board, shall be obliged, in the presence of the polling board and after separation of the control coupon, to make such a ballot paper invalid by crossing it out, folding it in a separate envelope and dropping it in the ballot box instead of the voter.
5. The event of voting referred to in Paragraph 4 of this Article shall be entered by the president of the polling board into the record book.
6. Closer guidance on measures securing the secrecy of the vote shall be defined by the Republican Election Commission.

Article 70

1. Polling stations in the constituency shall be opened at 8 a.m. and closed at 9 p.m. During this interval, the polling stations must be open non-stop.

2. The electors who are present at the polling station at the time of its closing shall be allowed to cast their vote, and the polling board shall previously determine the number and identity of the such voters.
3. Should the rules referred to in paragraphs 1 and 2 of this Article be infringed during the polling, the Polling Board shall be dissolved and a new Polling Board appointed, and polling at that polling station shall be repeated.

Article 71

1. Should the order at the polling station be disturbed, the Polling Board may interrupt the polling until order is restored. The reasons for and duration of interruption shall be entered in the Record on the work of the Polling Board.
2. The police on duty shall not be allowed to enter the polling station during polling.
3. Exceptionally to the provisions referred to in paragraph 2 of this Article, the Polling Board chairman, upon the prior consent of the Polling Board, may ask the police on duty to enter the polling station, only if order and peace are disturbed at the polling station.
4. If polling is interrupted for more than one hour, it shall be prolonged for the time of duration of the interruption.

Article 71a

1. The use of telephones, mobile phones and pagers shall not be allowed in the voting premises.
2. Members of the polling board and persons who supervise the work of bodies in charge of administration of elections, shall not be allowed to keep any kind of records at the polling station on voters who have voted as well as to use copies of the voters' register or any other auxiliary records on voters.
3. Should a member of the polling board or a person who supervises the work of a body in charge of administration of elections proceed contrary to provisions of Paragraphs 1 and 2 of this Article, the president of the polling board shall give him a warning and, if after such a warning that persons continues to disturb the work, the president of the polling board, based on a decision of the polling board, shall remove him and record that in the record book of the work of the polling board. Should it happen that a member of the polling board is removed from the premises, the president of the polling board shall be obliged to enable the presence of his deputy and thus further the work of the polling board.

Article 72

1. While the polling station is open and polling is in progress, all members of the Polling Board or their deputies must be present at the polling station.
2. Each polling station shall have a special room where it is possible to ensure the secrecy of voting.
3. In the room in which the voting is conducted only as many voters can be present at a time as there are polling booths at a polling station.
4. Persons having no rights or duties with regard to the administration of the election, as prescribed by this Law, are forbidden to remain at the polling station.
5. If the rules referred to in paragraphs 1-4 of this Article have been infringed, a complaint can be lodged to the Municipal Election Commission that shall then decide whether voting at that polling station shall be repeated.

2. Election Material

Article 73

1. The ballot paper shall contain :
 - (i) indication of the constituency;
 - (ii) the ordinal number placed before each individual electoral list;
 - (iii) the titles of electoral lists according to the order determined on the general electoral list;
 - (iv) a remark stating that the electors are to cast their votes for one electoral list only, which is done by circling either the title of the list or the name and surname of the first candidate on the list;

2. In addition to the data referred to in paragraph 1 of this Article, the ballot paper shall contain, at the back and in the upper right corner, also the title of the municipality, the title of the polling station, the indication of the number of the polling station, as well as the stamp of the Polling Board containing the title and the number of the polling station.

Article 73a

1. The ballot paper shall be printed in such a manner as to have two parts : a control coupon in the form of a separate section containing the uniform serial number, and a paper ballot.
2. The uniform serial number must not be printed on the ballot paper.
3. The control coupon and the ballot paper shall be separated by punching.
4. The range of serial numbers on the control shall equal the number of electors entered in the Register of Electors; the number of ballot papers, according to the sequence of serial numbers on the control coupon, shall be determined for each polling station in the corresponding constituency.
5. The control coupon of the ballot paper shall be printed of such a width which shall be not more than one half of the ballot paper's width.
6. The Republican Election Commission shall, within unique standards for election material, define the thickness (weight) of ballot paper as to secure the secrecy of the vote.

Article 74

1. The competent election commission shall determine in more details the form and layout of ballot papers, the manner and control of printing, verification and distribution of ballot papers, as well as the destruction of matrices.
2. The competent election commission shall determine the number of ballot papers that must be identical to the number of electors entered in the Register of Electors, as well as the number of reserve ballot papers.
3. The number of reserve ballot papers shall not be more than 3% of the total number of electors in the corresponding constituency.
4. Serial numbers on the control coupons of the reserve ballot papers shall be determined in the range between the first next serial number after the total number of electors in the corresponding constituency, and the serial number which is identical to the sum of the total number of electors and the number of reserve ballot papers in the corresponding constituency.
5. The Republican Election Commission shall determine the colour of ballot papers for the election of councillors and representatives.
6. The ballot papers for the election of councillors shall be verified by the Municipal Election Commission, and the ballot papers for the election of representatives shall be verified by the Republican Election Commission.

Article 75

1. The Municipal Election Commission shall prepare in due time the election material for each Polling Board, and particularly the number of ballot papers required, the general electoral lists, extracts from the Register of Electors, special and official envelopes for voting, as well as the form of the Record of the Work of Polling Boards.
2. The delivery of the election material shall be performed not later than 48 (twenty eight) hours prior to the polling day.
3. The competent municipal body shall be in charge of setting up the polling stations and preparing for each Polling Board the necessary number of ballot boxes with the means of sealing and other instruments needed for voting. On polling day, before the beginning of polling, the Polling Board shall determine whether the election material for that Polling Board is complete and in proper state, whether the polling station has been organised in such a way to ensure the secrecy of voting, and whether polling may start, and shall enter all this in the record of the Work of Polling Board.

Article 76

1. The general electoral list, with the titles of electoral lists and names of all the candidates, must be displayed in a visible place at a polling station during polling.

2. The contents, form and manner of display of the general electoral list referred to in paragraph 1 of this Article shall be prescribed by the Republican Election Commission.

Article 77

1. The representatives of submitters of electoral lists and the candidates for councillors and representatives shall have the right of insight into the election material, particularly into the extracts from the Register of Electors, the records of the Work of Polling Boards, the records of election commissions and ballot papers. The inspection of the election material is carried out in the offices of the Republican Election Commission, as well as of the bodies keeping the election material.
2. Opening of the wrappings containing the election material and the envelopes with ballot papers shall be conducted by the Municipal Election Commission in its permanent composition, in the presence of an authorised representative of the party filing the request for the inspection of the election material.
3. Upon the completion of the inspection of the election material, the election material shall be packed and sealed in the manner prescribed in the Article 91 of this Law.
4. At the request of a submitter of an electoral list, the bodies keeping the election material are obliged to allow the photocopying of the material at the expense of the party filling the request.
5. The insight into the election material may be carried out within 5 (five) days of the polling day.
6. The insight into the election material and photocopying of the material, after the expiration of the term referred to in paragraph 5 of this Article, may be carried out by a parliamentary party upon filing a request.

Article 78

1. The election material shall be kept for the period of at least 4 (four) years.
2. Exceptionally to the provision referred to in paragraph 1 of this Article, the ballot papers shall be kept for 90 (ninety) days or until the termination of the procedure on the infringement of rights during the election.
3. The manner of keeping and using the election material is prescribed by the Republican Election Commission.

3. Polling

Article 78a

1. Prior to the opening of a polling station, the Polling Board shall determine by drawing lots the permanent member of the Polling Board who shall, in the presence of other members of the Polling Board, make a deliberate damage to the stamp of the Polling Board, by cutting or burning the rubber matrix of the stamp, which shall be used for stamping the ballot papers at the back, at the place determined for placing the stamp, immediately before a ballot paper is delivered to the elector.
2. The member of the Polling Board in its permanent composition who performs the operation of sealing of ballot papers, shall be determined by the Polling Board by drawing lots.
3. The damaged seal of the Polling Board shall not be put on the control coupon of a ballot paper.
4. The ballot papers shall be arranged according to the sequence of serial numbers on the control coupons and shall be delivered to the electors during polling according to that sequence.

Article 79

1. The ballot box must be transparent.
2. The Polling Board shall check the ballot box in the presence of the elector who is first to come to the polling station. The result of this control is entered into the control slip which shall be signed by both the members of the Polling Board, and the first elector.
3. The control slip is placed in the ballot box which is then sealed in the presence of the first elector, and this is entered into the Record of the Work of the Polling Board.
4. Upon opening of the ballot box, it shall first be checked whether it contains a control slip. If the ballot box does not contain the control slip, the Polling Board shall be dissolved, a new one appointed, and voting at that polling station shall be repeated.
5. The form of the control slip is prescribed by the Republican Election Commission.

Article 80

1. The elector shall first state his name and surname, and prove his identity by producing either his ID or some other means of identification (passport, driver's licence) with a photograph and a personal identification number or the number of ID in it.
2. The elector may not cast his vote without producing a proof of his identity.
3. After having confirmed the identity of the elector, the chairman or a member of the Polling Board shall circle the ordinal number before his name in the Extract from the Register of Electors, explain the voting procedure to him, and hand him over the ballot paper.

Article 81

1. Members of a Polling Board may in no way influence the decision of the elector.
2. Members of a Polling Board shall explain the voting procedure to the elector again if requested so by the elector.
3. Members of a Polling Board shall take special care that the elector is not disturbed by anyone while marking out his ballot paper, and that the secrecy of voting is completely ensured.
4. Should any of the rules referred to in paragraphs 1-3 of this Article be infringed, the Polling Board shall be dissolved, and voting at that station shall be repeated.

Article 82

1. An elector may cast his vote for only one electoral list on the ballot paper.
2. Voting is performed by circling the ordinal number before the title of the chosen electoral list, or by circling the title of the list, or by circling the name and surname of the first candidate on the list.
3. An elector shall fold the marked ballot papers himself in such a manner as to conceal who he has voted for, and to leave free the control coupon, and after that, taking into his hand a folded ballot paper, go to the member of the Polling Board determined by drawing lots and, if needed, to the member determined by the Polling Board, to take off the control coupon from the ballot paper, along its punched part. The elector shall then place the ballot paper into an appropriate ballot box and leave the polling station.
4. The member of the Polling Board referred to in paragraph 3 of this Article shall be obliged to arrange the control coupons separated from the ballot papers according to the sequence of serial numbers and to keep them in the manner prescribed by rules set down by the Republican Election Commission.

Article 83

1. No alterations to the extracts from the Register of Electors may be made of the day of composing the certified extract from the Register of Electors for each polling station, to the day of conducting the election, as well as on the polling day.
2. If any of the activities are performed in contravention to the provision referred to in paragraph 1 of this Article, the Polling Board shall be dissolved, and voting at that polling station shall be repeated.

Article 84

1. An elector who cannot cast his vote in person (for reasons of his blindness, disability or illiteracy) has a right to bring another person with him who shall, in his stead, and according to his instructions, mark the ballot, that is perform the voting procedure.
2. Voting referred to in paragraph 1 of this Article shall not be performed either by a member of the Polling Board or an authorised representative of the submitter of the electoral list.
3. The manner of voting referred to in paragraph 1 of this Article shall be entered into the record.

Article 85

1. An elector who cannot vote at the polling station (handicapped persons or those prevented in some other way) shall inform the Polling Board whether he wishes to vote. The Polling Board shall, through its member in charge of voting outside polling stations, enable such an elector to cast his vote, by post, in a manner ensuring directness and secrecy of voting.
2. After being informed of the elector's inability to come to the polling station to cast his vote, the Polling Board shall, through its member in charge of voting by post, deliver to the elector the official envelope containing the stamped ballot paper, general electoral list, and a special envelope in which to put his marked ballot paper.

3. After an elector has voted, he shall place the ballot paper in the separate envelope which is then sealed and wax-stamped in his presence by the member of the Polling Board. The closed envelope containing the ballot paper is then placed into the official envelope which is sealed in the presence of the elector by the member of the Polling Board.
4. The member of the Polling Board in charge of voting outside polling stations shall deliver the official envelope to the Polling Board which shall then open it, circle the ordinal number before the elector's name in the extract from the register of Electors, and place the closed envelope containing the ballot paper into the ballot box.
5. The manner of voting of the electors referred to in paragraph 1 of this Article is entered in the record.
6. More detailed instructions on the manner of voting referred to in paragraph 1 of this Article shall be prescribed by the Republican Election Commission.

Article 86

[Repealed]

Article 87

1. The electors who are in detention or serving a prison sentence shall vote at a special polling station determined by the Republican Election Commission in agreement with the management body in charge of enforcing penal sanctions.
2. Extracts from the Register of Electors are provided, and the composition of the Polling Board and the manner of voting of persons referred to in paragraph 1 of this Article determined by the Republican Election Commission.

Article 88

The electors who at the time of the election are temporarily resident abroad shall vote at the polling station in the region of their last permanent residence on the territory of the Republic of Montenegro, before leaving the country.

IX. ESTABLISHING AND ANNOUNCING OF ELECTION RESULTS

1. Establishing Election Results

Article 89

1. After the voting has been finished, the Polling Board shall proceed to establish the election results in its polling station. The Polling Board determines the number of unused ballot papers and places them into a separate envelope which is then sealed.
2. The Polling Board shall then determine the number of control coupons separated from the ballot papers and place them into a separate envelope which is then sealed.
3. Based on the extract from the Register of electors, the Polling Board determines the number of electors who have voted.
4. When the ballot box is open, and after the control slip has been checked, valid ballot papers are separated from the invalid ones.
5. The data referred to in paragraphs 2,3 and 4 of this Article shall be entered into the Record by the Polling Board, prior to the opening of the ballot box.
6. The Polling Board states the number of invalid ballot papers, then the number of valid ballot papers, as well as the number of votes for each electoral list, and enters it into the Record.
7. The following shall be deemed invalid ballot papers: unmarked ballot papers, ballot papers marked in such a way that it is not clear which electoral list an elector has voted for, as well as the ballot paper in which more than one electoral list have been circled.
8. If it is determined that the number of ballot papers found in the ballot box is larger than the number of electors who have cast their vote, or if it is determined that the number of ballots in the ballot box is larger than the number of the control coupons, or if it is determined the existence of two or more control coupons with the same serial number, or a serial number not belonging to that polling station, the Polling Board shall be dissolved and a new one appointed, and polling at that polling station shall be repeated. The election results at that polling station shall be determined after the repeated polling.

Article 90

1. After the Polling Board has established the election results, the following shall be entered into the Record of its work : the number of ballot papers received; the number of unused ballot papers; the number of used ballot papers; the number of valid ballot papers; the number of votes for each electoral list; the number of electors according to the extract from the Register of Electors; the number of electors who have voted according to the Register of Electors and the number of electors who have voted by post.
2. Also entered in the Record are the remarks and opinions of the Polling Board members, as well as all other facts that may be relevant to polling.
3. The Record of the Work of the Polling Board shall be signed by all the members of the Polling Board.
4. Each member of the Polling Board shall receive a copy of the Record of the Work of the Polling Board.

Article 91

1. The Polling Board shall place unused, invalid and valid ballot papers in separate envelopes with the indication of its content and which shall then be sealed. The complete election material containing the Record of the Work of the Polling Board, extract from the Register of Electors, ballot papers, control coupons separated from the ballot papers, the stamp of the Polling Board, as well as other remaining election material shall be placed in another envelope and sealed.
2. After the election results have been established, the Polling Board shall deliver, immediately, and not later than 12 (twelve) hours following the closing of the polling station, to the Municipal Election Commission the election material referred to in paragraph 1 of this Article.

Article 92

1. Upon receipt of the election material from the polling stations, the Municipal Election Commission shall establish the following: the total number of electors entered in the register of electors; the number of electors who have voted at the polling stations; the number of electors who have voted by post; the total number of ballot papers received; the total number of invalid ballot papers; and the number of valid ballot papers; the total number of votes for each electoral list for the election of councillors.
2. On the basis of polling results at the polling stations in the constituency, the Municipal Election Commission shall establish the preliminary results for the election of councillors within 12 (twelve) hours of the receipt of reports from polling stations.
3. On the results of the election of representatives at the polling stations determined by the special decision of the Parliament of the Republic, Municipal Election Commission composes a separate report
4. The Municipal Election Commission shall establish the results of voting for representatives at polling stations within its region, within 12 (twelve) hours of the delivery of the Report from the polling stations at the latest, and shall submit a report, together with the Record of its work, to the Republican Election Commission.
5. The Republican Election Commission shall establish the preliminary results of the election of representatives, within 12 (twelve) hours of the delivery of the reports of the Municipal Election Commissions.

2. Allocation of Seats

Article 93

1. The Municipal Election Commission for the election of councillors and the Republican Election Commission for the election of representatives, shall establish the total number of votes each electoral list has won and the number of seats belonging to each list.
2. Each list shall be apportioned a number of seats in proportion to the number votes it has won.

Article 94

Only electoral list that have won more than 3% (three percent) of votes of the total number of the electors who have voted in the constituency shall take part in the apportioning of the seats, unless otherwise prescribed by this Law.

Article 94a

1. At the polling stations determined by special decision of the Parliament of the Republic, only electoral lists that have won at least 3% of votes of the total number of electors who have voted at these polling stations shall take part in the apportioning of the seats.
2. The electoral list which fulfills the condition to participate in the apportioning of seats at the polling stations determined by special decision of the Parliament of the Republic, in the final apportioning of seats shall be added the votes of the electors that the list has won at other polling stations in the Republic, on condition that at those polling stations it has not fulfilled the condition to participate in the apportioning of seats, i.e. it has participated without winning a seat.
3. Votes that an electoral list has won which, according to the number of votes won, does not participate in the apportioning of seats, i.e. participates without winning a seat at the polling stations determined by special decision of the Parliament of the Republic, shall be added to the votes that the list has won at other polling stations in the Republic, on condition that at those polling stations it does participate in the apportioning of seats.
4. Allocation of seats referred to in Article 12, paragraph 3 of this Law is conducted in conformity with Article 95 of this Law.

Article 95

1. The number of seats apportioned to an individual electoral list shall be determined by dividing the total number of votes each electoral list in the constituency has won by 1, 2 and through to the number which corresponds to the number of councillors and representatives that are elected in the constituency. The quotients thus arrived at are sorted by size, and taken into account are as many largest quotients as there are councillors and representatives elected.
2. Each electoral list shall be apportioned as many seats as the number of such quotients it has.
3. If two or more electoral lists get the same quotient on the basis of which they would be apportioned a seat, it shall be decided by drawing lots which electoral list shall be apportioned that seat.

Article 96

1. The seats within the total number of seats an electoral list has won shall be apportioned by apportioning one half of the seats to the candidates on the electoral list according to the order of on the list, and the remaining seats to the candidates on the list in accordance with the decision of the submitters of the electoral list.
2. When an electoral list has won an odd number of seats, the number of seats apportioned to the candidates on the list according to their order on the list shall be increased by one.

Article 97

In case that, according to the results of polling established in the manner referred to in the Article 95 of this law, a particular electoral list should win a larger number of seats than the number of candidates on the list, those seats shall be apportioned to the electoral lists having the next largest quotient.

Article 98

1. The Municipal Election Commission shall establish the final results of the election of councillors within 12 (twelve) hours of expiry of the terms for filing objections and claims, and of the decision on these objections and claims becoming final and executive.
2. The Republican Election Commission shall establish the final results of the election of representatives within 12 (twelve) hours of expiry of the term for filing the objections and claims, and of the decisions on these objections and claims becoming final and executive.

3. Announcing Election Results

Article 99

1. The Municipal Election Commission for the election of councillors and the Republican Election Commission for the election of MPs shall publicly announce the final election results including the following:
 - (i) the number of electors entered in the register of electors,
 - (ii) the number of electors who have voted at the polling station;
 - (iii) the number of electors who have voted outside the polling station
 - (iv) the number of electors who have voted;
 - (v) the number of ballot papers received;
 - (vi) the number of unused ballot papers;
 - (vii) the number of used ballot papers;
 - (viii) the number of invalid ballot papers;
 - (ix) the number of valid ballot papers;
 - (x) the number of votes individual electoral lists have won;
 - (xi) the number of seats individual electoral list have won.
2. Final results of the election of representatives are publicised in the "Official Gazette of the Republic of Montenegro", and of the election of councillors in the "Official Gazette of the Republic of Montenegro – Municipal Ordinances" within 15 (fifteen) days of polling day at the latest.

Article 100

The elected councillors and representatives shall be issued by the Municipal Election Commission and the Republican Election Commission respectively, the certificate that they have been elected councillors or representatives on the day of the verification of their term of office.

X. TERMINATION OF THE TERM OF OFFICE, REPEATED ELECTION, FILLING VACANT SEATS OF COUNCILLORS AND REPRESENTATIVES AND EARLY ELECTION

1. Termination of Term of Office

Article 101

1. Councillors and representatives' terms of office shall be terminated before the expiry of the term for which they have been elected in the following cases:
 - (i) if they resign;
 - (ii) if they have been convicted, by a finally-binding court decision, to an unconditional prison sentence of not less than six months, or to a prison sentence for a criminal act rendering them unworthy of this office;
 - (iii) if they have been stripped of their business capacity by a finally-binding court decision;
 - (iv) if they take over a function that is incompatible with the office of a councillor and a representative, in conformity with the Constitution and this Law;
 - (v) if their Yugoslav and Montenegrin citizenship is revoked;
 - (vi) if they die;
 - (vii) if they cease to be members of political parties on whose electoral lists they have been elected;
 - (viii) if a ban is placed on the activities of the political party on whose electoral list they have been elected.
2. The term of office of councillors or representatives shall be terminated on the day of advent of any of the events referred to in paragraph 1 of this Article.
3. The termination of the term of office shall be stated by the competent assembly at its first session following the receipt of notification of reasons for the termination of the term of office of a councillor or representative.
4. A councillor or representative whose term of office had terminated pursuant to paragraph 1, item (iv) of this Article, may remain on the electoral list and may gain the term of office of a councillor or representative again, in accordance with this Law.

2. Repeated Election

Article 102

1. The repeated election shall be conducted if the competent election commission annuls the election at an individual polling station.
2. In the case referred to in paragraph 1 of this Article, the polling is repeated at the individual polling station only.
3. The repeated election shall be conducted in the manner and according to the procedure for the administration of election provided by this Law.
4. The repeated election shall be called for by the competent election commission.
5. In case the election is repeated, the final results shall be established after the repeated voting is finished.

Article 103

1. The repeated election is conducted within not more than 7 (seven) days of the day the election is annulled.
2. Electoral lists for the administration of repeated election may not be changed.

3. Filling Vacant Seats of Councillors and Representatives

Article 104

1. If the term of office of a councillor or representative is terminated for reasons stated in Article 101 of this Law, the seat shall be awarded to a new councillor or representative, in the manner set down in this Article.
2. If on the electoral list from which a councillor or representative has been elected there remains the same or larger number of candidates than the number of councillors or representatives whose term of office has been terminated, elected shall be the candidate whom the submitter of the electoral list decides.
3. If on the electoral list from which a councillor or representative has been elected there are no other candidates, the candidates from the list having the next largest quotient shall be deemed elected a councillor or representative.
4. The term of office of a new councillor or representative shall last until the expiry of the term of office of a councillor or representative whose term of office has been terminated.
5. The candidates referred to in paragraphs 2 and 3 of this Article shall be required, prior to the confirmation of their terms, to present a written consent that they accept the term.

4. Early Election

Article 105

1. In the event of dissolution of the Republican Assembly, or of the passing of the decision to shorten the term of office of the Republican Assembly, the early election shall be called for.
2. The early election shall be conducted in the manner and according to the procedure for the administration of election set down by this Law.

XI. PROTECTION OF SUFFRAGE

Article 106

The bodies in charge of administering the election are obliged to notify the electors during the election procedure of their electoral right and the manner of protection of these rights.

Article 107

1. Every elector, candidate and submitter of the electoral list have the right to lodge a complaint to the competent election commission for reasons of the infringement of the electoral rights during the election.
2. The complaint referred to in paragraph 1 of this Article shall be lodged within 72 (seventy two) hours of the hour at which the decision was made or the act performed.

3. The complaint referred to in paragraph 1 of this Article is lodged directly to the competent election commission.

Article 108

1. A complaint against a decision, act or failure of the Polling Board shall be lodged to the Municipal Election Commission.
2. A complaint against a decision, act or failure of the municipal Election Commission shall be lodged to the Republican Election Commission.

Article 109

1. The competent election commission shall render a decision within 24 (twenty four hours) of the hour of receipt of the complaint and shall deliver it to the submitter of the complaint.
2. If the competent election commission finds that the complaint is justified, it shall annul the decision or the act.
3. If the competent election commission fails to render a decision on the complaint within the terms set down by this Law, the complaint shall be deemed justified.

Article 110

1. Against the decision of the competent election commission by which the complaint has been rejected or refused, a complaint may be lodged to the Republican Election Commission.
2. A complaint may be lodged to the Constitutional Court against the decision of the Republican Election Commission rejecting or refusing the complaint

Article 111

All the procedures with regard to the delivery of decisions, conclusions, and other records, documents, means of identification, petitions and the like shall be regulated in accordance with the rules regulating the delivery in the administrative procedure, unless otherwise prescribed by this Law.

XI a OBSERVERS OF THE ELECTION

Article 111a

Authorised representatives of the local non-governmental organisations registered for observing the exercise of political rights and freedoms, shall be allowed to monitor the course of the election and the work of the bodies in charge of administering the election, in conformity with this Law.

Article 111b

1. Local non-governmental organisations that show interest in observing the election, shall apply to the Republican Election Commission which shall, within 48 (forty eight) hours from the receipt of an application, issue official authorisations or render a decision rejecting the issuance of such an authorisation.
2. The application referred to in paragraph 1 of this Article shall include the name of the organisation, the certificate of entering the registry, the number and composition of the observer's representatives.
3. The applications shall be lodged no later than five days prior to the election.

Article 111v

Authorised representatives of foreign countries and relevant international organisations and non-governmental institutions, registered for observing the election and the exercise of the suffrage, may monitor the course of the election and the work of the bodies in charge of administering the election, in conformity with provisions prescribed by this Law.

Article 111g

1. Foreign observers referred to in Article 111v of this Law, who wish to observe the election, shall lodge an application for monitoring the election to the Ministry of Foreign Affairs of the Republic of Montenegro, 10 (ten) days prior to the polling day at latest.

2. The application referred to in paragraph 1 of this Article shall include the name of the country the observer comes from, the title of the organisation, the certificate of entering the registry, the number and composition of the representatives and time/duration of their stay.
3. The Ministry of Foreign Affairs shall, on the day following the receipt of the application, forward the application to the Republican Election Commission.
4. The Republican Election Commission shall, within 48 (forty eight) days from the receipt of the application, issue the official authorisations for observing the election or render a decision refusing the issuance of such an authorisation.

Article 111d

1. To the persons referred to in Articles 111a and 111v of this Law, the Republican Election Commission shall issue identification cards bearing the name and surname of the observer, the name of the country he comes from and the title of the organisation/institution he belongs to.
2. The person to whom the identification card is issued, shall be obliged to carry it in a conspicuous manner.

Article 111dj

1. The bodies in charge of administering the election shall be obliged to provide for an undisturbed attendance/observing of the election by foreign and local observers.
2. The Polling Committee shall enter into the Record the presence of observers at the polling stations.

Article 111e

The Republican Election Commission shall, on the proposal of the election administration bodies, take away the authorisation and identification card from any person who fails to observe the rules with regard to the maintenance of order at the polling stations, or rules on the work of the election administration bodies.

XII. ELECTION ADMINISTRATION AND ELECTION CAMPAIGN EXPENSES

Article 112

1. Assets for the work of election administration bodies, the election material and other expenses for the administration of the election shall be provided by the Municipal Assembly for the election of councillors, and the Republican Assembly for the election of representatives. The request to be allocated these assets, together with the specification of the total expenses, is submitted by the competent election commission.
2. The Republican Election Commission shall determine the criteria and allocate the assets to municipal election commissions for performing necessary activities in administering the election of representatives.
3. The Republican election Commission shall determine the manner of and control the spending of assets referred to in paragraph 2 of this Article.
4. Assets allocated as a fee to persons working in election administration bodies shall be exempted from paying taxes and contributions.

Article 113

The elected representative, or councillor proposed by a group of citizens and the political party for the elected representative, or councillor from the list of that political party, shall be awarded an allowance the amount of which is determined by the Republican or the Municipal Assembly.

Article 114

1. State and local administration bodies shall make their premises, equipment, means and other facilities for conducting the election campaign available and provide equal conditions for their using to all the submitters of electoral lists.
2. Within 10 (ten) days of calling for the election, the bodies referred to in paragraph 1 of this Article shall define, by an agreement with the submitters of electoral lists, the conditions and manner of using the facilities referred to in paragraph 1 of this Article.

XIII. PENAL PROVISIONS

Article 115

1. Any person taking an elector to account after the election for voting or asking the elector to say who he has voted for and why he has not voted for shall be fined or imprisoned for up to one year for the criminal act.
2. If the act referred to in paragraph 1 of this Article is committed by a member of an election commission, a polling board or another carrying out duties with regard to the election, such a person shall be punished with a prison sentence from three months to three years.
3. Any person who, for the purpose of presentation, popularisation or attacking a particular electoral list, orders the use or uses army forces, military bodies, police, judiciary and state agencies and facilities and equipment of these bodies, as well as employees of these bodies and other persons working or co-operating with these bodies, if they execute such orders, shall be punished with a prison sentence of three years.
4. If the criminal act referred to in paragraph 3 of this Article is committed by the President of the Republic, the President of the Assembly, the President and members of the Government, the President and members of the Constitutional Court, the President and members of the Supreme Court, the State Prosecutor and his deputies, as well as relevant governmental officials on the Federal Republic of Yugoslavia, shall be punished with a prison sentence of up to five years.

Article 116

1. On any person committing any of the following acts shall be imposed a fine of five-fold to twenty-fold minimum wage in the Republic or sentenced to imprisonment of up to 60 (sixty) days :
 - (i) agitating contrary to the provision of Article 6 of this Law;
 - (ii) accepting the candidacy contrary to the provisions of Article 39 of this Law,
 - (iii) signing when nominating a candidate contrary to the provision of Article 44 of this Law;
 - (iv) using the property for the presentation of electoral lists contrary to the provision of paragraph 2, Article 50 of this Law;
 - (v) disturbing the work of the Polling Board, conducting the election, voting, or the work of the election commission;
 - (vi) remaining at the polling station after voting in spite of the warning of the Chairman of the Polling Board, contrary to the provision of Article 72 of this Law;
 - (vii) coming to the polling station armed or with dangerous instruments, contrary to the provisions of Article 69.
2. Together with the punishment for the infraction of the Law referred to in paragraph 1, item 7 of this Article, the person who has committed this act shall also be punished with taking away the arms or dangerous weapons.

Article 117

1. A fine of fifty-fold to three hundred-fold minimum wage in the Republic shall be imposed on a state media or any other public media if it :
 - (i) does not act in conformity with the provisions of Articles 51, 52, 53, 56, 57 58 and 62 of this Law;
 - (ii) acts contrary to the provisions of Article 63 of this Law.
2. A fine of five-fold to twenty-fold minimum wage in the Republic shall also be imposed on the authorised official at the state media or any other public media for committing acts referred to in paragraph 1 of this Article.

XIV. TRANSITIONAL AND FINAL PROVISIONS³

Article 118 (A15)

³ Introduced by the Law on the Amendments to the Law on Elections of Councillors and Representatives, adopted 11 September 2002 (the 'September Law').

Exceptionally, the elections to be held in Montenegro until 31 December 2002 shall be administered by the bodies in charge of administering elections appointed in accordance with the transitional and final provisions of this Law.

Article 119 (A16)

1. The permanent members of the Republican Election Commission shall include: the chairman, the secretary and eight members.
2. The Chairmen of the Republican Election Commission shall be appointed at the proposal of the (political) party which won the largest number of representatives' mandates in the previous elections.
3. The Secretary of the Republican Election Commission shall be appointed at the proposal of the (political) party that won the second largest number of representatives' mandates in the previous elections.
4. Appointed in the permanent composition of the Republican Election Commission shall be one representative each of all (political) parties represented in the Assembly of the Republic of Montenegro.

Article 120 (A17)

1. The permanent members of the Municipal Election Commission shall include: the chairman, the secretary and eight members.
2. The Municipal Election Commission shall be appointed according to criteria and in the manner as defined in Article 16 of this Law.
3. If some of the political parties represented in the Assembly of the Republic of Montenegro does not have a political interest to delegate its representative in the permanent composition of the Municipal Election Commission, it can cede its place in that Municipal Election Commission to some other political party about which it is obliged to inform a competent Municipal Assembly.
4. The Chairmen of the Municipal Election Commission shall be appointed at the proposal of the (political) party, i.e. coalition which won the largest number of councilors' mandates in the previous elections. If the coalition electoral list won the largest number of mandates in the previous elections the Chairman of the Municipal Election Commission shall be appointed at the proposal of the party which, within the coalition, won the largest number of mandates.
5. The Secretary of the Municipal Election Commission shall be appointed at the proposal of the (political) party which won the second largest number of councilors' mandates in the last election.
6. In the case of an even number of mandates, won by the coalition electoral list and a party which submitted an independent electoral list, the Chairman of the Municipal Election Commission shall be appointed at the proposal of the (political) party, i.e. coalition which won the larger number of votes.
7. In the case of an even number of mandates, won by the coalition electoral lists, the Chairman of the Municipal Election Commission shall be appointed at the proposal of the coalition whose electoral list won the larger number of votes.
8. In the case of an even number of mandates, won by the parties which in the last election submitted an independent electoral list, the Chairman of the Municipal Election Commission shall be appointed at the proposal of a (political) party which won the larger number of votes.

Article 121 (A18)

1. The permanent members of the polling board include: the president and four members.
2. Each political party represented in the relevant Assembly shall be entitled to a number of posts of the Chairman of the Polling Board according to the proportional representation of the councilors' mandates in the Assembly, while the Municipal Election Commission shall by drawing lots determine the polling stations for which a certain party would propose its representative for the Chairman of the polling board.
3. The two permanent members of a Polling Board shall be appointed at the proposal of the party, i.e. coalition, having majority in the relevant Municipal Assembly.
4. In the permanent composition of a Polling Board appointed shall be obligatorily one representative each of the two opposition parties, represented in the relevant Assembly, which won the largest number of votes at the last election.

5. If in the relevant Municipal Assembly there just one opposition party, two representatives of that party shall be elected the permanent members of the Polling Board.

Article 122 (A19)

The decisions which have already passed and the actions which have already been taken by the Republican Election Commission and the Municipal Election Commissions in the outgoing composition shall be deemed a constitutional part of the unique electoral process which shall be continued by the Republican Election Commission and the Municipal Election Commissions appointed in accordance with this Law.

Article 123 (A20)

In the Early Elections to be held in the year 2002, election of four representatives, in line with Article 12 Paragraph 3 of this Article, shall be held at the polling stations which shall be determined by the Parliament of the Republic of Montenegro with a special decision.

Article 124 (A21)

1. The Municipal Assembly, i.e. the Board of Commissioners in Podgorica and the Board of Commissioners in Tivat, shall appoint the Municipal Election Commissions within seven days of the day this Law entering into force.
2. The Assembly of the Republic of Montenegro shall within the time period envisaged by Paragraph 1 of this Article appoint the Republican Election Commission.

Article 125 (A22)

The provisions of the Law on Amendments to the Law on Election of the Councillors and Representatives ("Official Gazette of the Republic of Montenegro, no. 41/2002") which are not in conformity with the provisions contained in this Law shall be declared null and void.

Article 126 (A23)

It is of the public interest that, pursuant to Article 109 Article 2 of the Constitution of the Republic of Montenegro, provisions of this Law be enforced at the Early Elections of Representatives in the Parliament of the Republic of Montenegro, Elections of Councillors in the Capital City - Podgorica, and Elections of Councillors in the Municipal Assembly of Tivat, which have already been called for.

Article 127 (A24)

This Law shall enter into force on the day of its publication in the "Official Gazette of Montenegro".

