

ELECTION LAW OF BOSNIA AND HERZEGOVINA

CHAPTER 15 CAMPAIGN FINANCE¹

Article 15.1

(1) A political party and independent candidate that participate in the elections for bodies of authority at all levels in Bosnia and Herzegovina shall be obliged to file with the Election Commission of Bosnia and Herzegovina, at the time of submission of the application for certification to participate in the elections a financial report for the period beginning three months prior to the date of submission. In addition, no later than thirty (30) days after the Election Commission of Bosnia and Herzegovina publishes the election results, a financial report shall be submitted to the Election Commission of Bosnia and Herzegovina for the period beginning on the day of submission of the application for certification until the certification of the results. These reports shall contain the following:

1. All cash at hand;
2. All income and disbursements based on: memberships; contributions from abroad; contributions from individual and legal entities; contributions in the form of goods and services (hereinafter referred to as "in-kind contributions"); returns on its own assets and entrepreneurial activities; credits; loans; donations; rebates; refunds; other operating expenditures; and other sources for the reporting period as determined by the Election Commission of Bosnia and Herzegovina;
3. Identification of the person or source of any payment and in-kind contribution, as well as the identification of a person who received that payment, in excess of one hundred (100) convertible marks, together with the date and amount of any such receipt;
4. The total amount of all account payables, and total amount of disbursements in the following categories: direct costs for political campaign; operating expenses; costs associated with the entrepreneurial activity, and other costs; and
5. the amount and nature of outstanding debts and obligations owed by or to the person who files a report and where such debts and obligations are settled for less

than their reported amount or value, a statement as to the circumstances and conditions under which such debts or obligations were extinguished

(2) An application for participation in the elections of a political party and an independent candidate will not be certified unless a political party and an independent candidate submits a financial report for a period beginning three months before the beginning of the period for filing the application for certification.

Article 15.2

(1) The Election Commission of Bosnia and Herzegovina shall issue Regulations in order to implement this chapter, whereby it shall specify in detail the content, form, manner and other details of reporting.

(2) All persons who are required to file reports must also file such additional reports as required by the Election Commission of Bosnia and Herzegovina or by the Law on Party Financing.

Article 15.3

(1) Every political party, coalition or list of independent candidates, shall appoint a competent person who shall be in charge for filing reports and record-keeping, and who shall be authorized to receive communications from the Election Commission of Bosnia and Herzegovina.

(2) Those who file reports shall inform the Election Commission of Bosnia and Herzegovina about appointing the competent person referred to in paragraph 1 of this article within three (3) days of his or her appointment, and must file the amendments within three (3) days, of any changes to his or her status.

(3) The competent person shall sign each such report and shall be responsible for keeping records that support the reports, and must make such reports available to the Election Commission of Bosnia and Herzegovina upon request.

Article 15.4

An independent candidate shall be directly responsible for filing reports with the Election Commission of Bosnia and Herzegovina.

Article 15.5

The Election Commission of Bosnia and Herzegovina shall make all reports available to the public, and shall take appropriate actions to ensure that all citizens have easy access to information contained within the reports.

Article 15.6

¹ (Official Gazette of BiH, No. 23/01, 7/02, 9/02, 20/02, 25/02, 4/04, 20/04, 25/05, 52/05, 65/05,

77/05 , 11/06, 24/06, 32/07, 33/08, 37/08, 32/10, 18/13, 7/14, 31/16 and 41/20)

(1) The Election Commission of Bosnia and Herzegovina shall have the authority to investigate instances of non-compliance with the provisions of this chapter, and may order individuals to answer written questions, to provide documentary and other evidence, and to provide testimony in connection with any investigation that the Election Commission of Bosnia and Herzegovina may initiate. The Election Commission of Bosnia and Herzegovina may initiate investigation or take appropriate implementing actions, on its own initiative or in response to a complaint filed by a person.

(2) The Election Commission of Bosnia and Herzegovina shall have jurisdiction with respect to enforcing this chapter, and shall have power to make determinations that a political party, coalition, list of independent candidates or an independent candidate, or any other person has violated provisions of this chapter, and it shall have power to assess civil penalties against any political party, coalition, list of independent candidates or independent candidate for non-compliance with the mentioned provisions, or to take appropriate administrative action within its general authority under this law.

(3) Before assessing a civil penalty or taking administrative action, the Election Commission of Bosnia and Herzegovina shall seek to achieve voluntary compliance with the political party, coalition, list of independent candidates or independent candidate determined to be in violation.

Article 15.10

(1) The Central Election Commission of BiH shall announce the number of voters for each constituency within seven days of the day of completion of the Central Voters Register. The number of voters shall serve as a basis to determine a maximum amount that a political entity shall be allowed to spend for financing the election campaign.

(2) The maximum amount allowed to be spent for financing the election campaign shall represent a result of the multiplication of the number of voters in all constituencies in which the political entity referred to in paragraph (1) of this Article has a list of candidates by:

- 1) 0.30 KM for the elections of Head of Municipality/City Mayor and members of the Municipal Council/Assembly
- 2) 0.20 KM for the elections of members of Cantonal Assemblies
- 3) 0.30 KM for the elections of members of the RS National Assembly and the House of Representatives of the Federation Parliament,
- 4) 0.30 KM for the elections of members of the Parliamentary Assembly of BiH
- 5) 0.30 KM for the elections of members of the Presidency of BiH

6) 0.30 KM for the elections of President and Vice-President of the Republika Srpska

(3) For the elections referred to in paragraph (2), item 1 of this Article, in the municipalities with less than 3,000 voters recorded in the Central Voter Register, it shall be considered that 3,000 voters are registered.

(4) If the elections are repeated in a constituency, or in the Polling Station, the costs of the election campaign per voter can increase by up to 30% of the costs of the elections annulled in the constituency or the polling.

