

Consolidated text of the Law on Election of Councillors and MPs includes the following regulations:

1. Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 004/98 of 18 February 1998),
2. Correction of the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 005/98 of 25 February 1998),
3. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 017/98 of 20 May 1998),
4. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 014/00 of 17 March 2000),
5. Correction of the Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 018/00 of 31 March 2000),
6. Decision of the Federal Constitutional Court U-I No 33/2000 of 7 December 2000 (Official Gazette of the Federal Republic of Yugoslavia No 073/00 of 29 December 2000),
7. Law on Supplements to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 009/01 of 22 February 2001),
8. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 041/02 of 2 August 2002),
9. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 046/02 of 10 September 2002),
10. Decision of the Constitutional Court of the Republic of Montenegro No 14/04 of 18 June 2004 (Official Gazette of the Republic of Montenegro No 045/04 of 2 July 2004),
11. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of the Republic of Montenegro No 048/06 of 28 July 2006),
12. Decision of the Constitutional Court of the Republic of Montenegro U-I No 78/06 of 1 September 2006 (Official Gazette of the Republic of Montenegro No 056/06 of 7 September 2006),
13. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of Montenegro No 046/11 of 16 September 2011),
14. Law on Amendments to the Law on Election of Councillors and MPs (Official Gazette of Montenegro No 014/14 of 22 March 2014),
15. Decision of the Constitutional Court of Montenegro U-I No 21/14 of 28 October 2014 (Official Gazette of Montenegro No 047/14 of 7 November 2014),
16. Decision of the Constitutional Court of Montenegro U-I No 23/14 of 10 February 2016, with dissenting opinions (Official Gazette of Montenegro No 012/16 of 23 February 2016),
17. Decision of the Constitutional Court of Montenegro U-I No 32/14 of 27 June 2017 (Official Gazette of Montenegro No 060/17 of 30 September 2017),
18. Decision of the Constitutional Court of Montenegro U-I No 2/16 of 29 November 2017 (Official Gazette of Montenegro No 010/18 of 16 February 2018),
19. Decision of the Constitutional Court of Montenegro U-I No 23/17 of 6 November 2020 (Official Gazette of Montenegro No 109/20 of 10 November 2020), indicating its date of entry into force.

LAW ON ELECTION OF COUNCILLORS AND MEMBERS OF PARLIAMENT

(Official Gazette of the Republic of Montenegro No 004/98 of 18 February 1998, 005/98 of 25 February 1998, 017/98 of 20 May 1998, 014/00 of 17 March 2000, 018/00 of 31 March 2000; Official Gazette of the Federal Republic of Yugoslavia No 073/00 of 29 December 2000, 009/01 of 22 February 2001, 041/02 of 2 August 2002, 046/02 of 10 September 2002, 045/04 of 2 July 2004, 048/06 of 28 July 2006, 056/06 of 7 September 2006; Official Gazette of Montenegro No 046/11 of 16 September 2011, 014/14 of 22 March 2014, 047/14 of 7 November 2014, 012/16 of 23 February 2016, 060/17 of 30 September 2017, 010/18 of 16 February 2018, 109/20 of 10 November 2020)

I. BASIC PROVISIONS

Article 1

This Law regulates the following: the manner and procedure of election of councillors in parliaments of the municipalities, city municipalities, the Capital City and the Royal Capital (hereinafter referred to as municipality), and the members of the Parliament of Montenegro; the organisation, composition and responsibility of election administration bodies; establishing voting results and allocating mandates; the protection of suffrage and other issues of significance for organising and administering elections.

Article 2

Persons with Montenegrin citizenship who are included in the voters' register in accordance with the law regulating the voters' register (hereinafter referred to as voter) shall elect councillors and members of parliament (hereinafter referred to as MPs) and shall be entitled to be elected as councillors and MPs, on the basis of their universal and equal suffrage, in free and direct elections, by secret ballot, in accordance with this law.

No one may, on whatever grounds, call for voters' responsibility for voting, or ask them to say who they have voted for or why they have not voted.

After the voting is completed, public opinion poll may be carried out with regard to voting of voters who are willing to be subject to the same.

Public opinion polling may not be carried out at the polling station or within 100 meter radius from the polling station.

Article 3

Thirty (30) councillors plus an additional councillor per every 5,000 voters shall be elected in the Assembly of Municipality, the Royal Capital and the Capital City (hereinafter referred to as Municipal Assembly).

The number of councillors shall be established by the Municipal Assembly by a special decision no later than the day of calling for the elections.

Article 4

A councillor and/or MP shall be elected in the constituency based on a list submitted by a political party (political party candidate list), coalition of political parties (coalition candidate list) or group of citizens (candidate list of the group of citizens) (hereinafter referred to as candidate list).

Seats of councillors and/or MPs shall be distributed in proportion to the number of votes.

Article 5

The term of office of the councillor and/or MPs shall last for four (4) years.

In accordance with this Law, the term of office of the councillor and/or MP may be terminated earlier.

Councillor and/or MP shall make decisions and shall vote according to their own conviction.

Councillor and/or MP cannot be recalled.

Article 6

Voters shall have the right to be informed on the election programs and activities of submitters of candidate lists, as well as on the candidates from the candidate lists, via media outlets.

In order to enable suffrage referred to in paragraph 1 of this Article, the media shall be obliged to implement consistently the principles of equality of all submitters of the candidate lists and the candidates from these lists.

The election promotion via media and public gatherings shall cease 24 hours prior to the Election Day.

Article 7

The election administration bodies shall be polling boards and election commissions.

Article 8

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

Article 9

The funds for administering the elections of councillors shall be provided from the municipal budget and the funds for the election of MPs shall be provided from the state budget.

All actions, acts, submissions and other documents referring to administering the elections and termination of the terms of office of councillors and MPs shall be tax exempt.

II. SUFFRAGE

Article 10

Suffrage, for the purpose of this Law, shall include the rights of the voters: to elect and be elected; to nominate and be nominated; to make decisions on the nominated candidates and the candidate lists; to ask questions to candidates publicly; to be timely, truthfully, completely and objectively informed about the programs and activities of the submitters of the candidate lists, as well as to exercise other rights provided by this Law.

Article 11

A voter who has turned 18 years of age, with permanent residence in Montenegro for no less than two years prior to the Election Day, is entitled to elect and to be elected as an MP.

A voter who has turned 18 years of age, with permanent residence in Montenegro for no less than two years and permanent residence in the municipality, or city municipality as a constituency, is entitled to elect and to be elected as a councillor.

III. CONSTITUENCIES

Article 12

The election of councillors shall be conducted in the municipality as a single constituency.

The election of MPs shall be conducted in Montenegro as a single constituency.

IV. CALLING FOR THE ELECTIONS

Article 13

The election of councillors or MPs shall be called by a decision passed by the authority administering calling for election.

The deadlines for conducting election procedures prescribed by election legislation shall be established and published by the State Election Commission and Municipal Election Commissions within 72 hours from the day elections are called.

The Election Day is a non-working day (Sunday).

The decision on calling for the elections shall be published in the Official Gazette of Montenegro and for councillors in the Official Gazette of Montenegro – municipal regulations as well.

Article 14

The election of councillors and MPs shall be held no less than 15 days prior to the termination of the election period of councillors and/or MPs, whose term of office is still valid.

No less than 60 and no more than one 100 days shall pass between the day of calling for elections of councillors and/or MPs and the Election Day.

The term of office of councillors and/or MPs of the previous convocation shall be terminated on the day of verification of the term of office of the councillors and/or MPs of the new convocation.

The term of office shall be verified within 30 days following the Election Day, when the Chairperson of the relevant parliament sitting shall make a statement and announce that by submission of the report on the election results by the competent election commission, the term of office for newly elected councillors, or MPs have been verified.

Article 15

In the event of the dissolution of the Parliament of Montenegro (hereinafter referred to as Parliament) or adopting of the decision on shortening of the term of office, the President of Montenegro shall call for the elections on the day following the day of the dissolution, that is, the day following the day the decision of shortening of the term of office came into force.

In the case of termination of the term of office of the Municipal Assembly, the Assembly of the Royal Capital or the Assembly of the Capital City before the expiration of period for which it has been elected for, the President of Montenegro shall call for the elections on the day following the day of the dissolution, that is, the day following the day the decision of shortening of the term of office came into force.

The provisions of Article 14 (2), (3) and (4) of this Law shall be applied in cases referred to in paragraphs 1 and 2 of this Article.

Article 16

Shall be deleted. (Law on Amendments to the Law on Election of Councillors and Members of Parliament, Official Gazette of Montenegro No 46/11)

V. ELECTION ADMINISTRATION BODIES

Article 17

The election administration bodies shall perform their duties in conformity with the law.

The election administration bodies shall be accountable to the authority that appointed them.

The state bodies, local self-government bodies, other bodies and organisations shall be obliged to provide professional and technical assistance to the election administration bodies and shall provide them with the data necessary for their work.

Article 18

The election administration bodies shall operate in their permanent composition (appointed members) and their extended composition (authorised members).

Any submitter of the confirmed and proclaimed candidate list shall have the right to appoint an authorised representative to the election administration bodies.

Two or more submitters of the candidate list may appoint a joint authorised representative to the election administration body.

Article 19

Election commissions shall be appointed after the constitution of newly elected assembly for the four years' term of office, while polling boards shall be appointed for each election of councillors or MPs.

Article 20

Only the persons with suffrage may be appointed as the president, secretary, appointed members, authorised representatives and their deputies to the election management bodies.

A candidate from the candidate list may not be a member of election commissions and his or her term of office shall cease in such an authority upon acceptance of the candidate nomination for a councillor or MP.

Article 21

The election administration bodies shall render decisions by the majority of votes of their members.

Article 22

The work of the election administration bodies shall be public.

The members of the election administration bodies and other persons monitoring the work of the election administration bodies shall be obliged to act in conformity with the Law and the Rules of Conduct established by the State Election Commission.

Should any of the persons monitoring the work of the election administration bodies break the Rules of Conduct at the polling station, or in any other way disrupt the work of the election administration bodies, the election administration body may remove them and make an entry of such decision in the Record of the Work of the Polling Board (hereinafter referred to as Record).

1. Election Commissions

Article 23

The election commissions shall be municipal commissions, Election Commission of the Capital City, Election Commission of the Royal Capital (hereinafter referred to as Municipal Election Commission) and the State Election Commission.

Article 24

Permanent composition of the Municipal Election Commission (hereinafter referred to as MEC) shall be appointed by the Municipal Assembly, at the proposal of the working body of the Municipal Assembly responsible for elections and appointments, out of candidates proposed by political parties, coalitions or groups of citizens, which have councillors in the Municipal Assembly.

Decision on appointment of the MEC shall be published in the Official Gazette of Montenegro – municipal regulations.

Article 25

MEC shall be composed of the President and four members of the permanent composition and one authorised representative of each submitter of the candidate list.

The political party candidate, i.e. submitter of the candidate list that won the highest number of councillor seats at previous elections, shall be appointed as the President of MEC.

If a coalition candidate list won the highest number of seats at previous elections, the candidate of the political party which won the highest number of councillor seats within the coalition shall be appointed as the President of MEC.

The Secretary of MEC shall be appointed on the proposal of the parliamentary opposition.

The opposition election list which won the highest number of councillor seats at previous elections shall appoint a candidate for the Secretary of MEC.

The Secretary is responsible for the implementation of administrative duties as stipulated by electoral legislation.

Two members of permanent composition of the MEC shall be appointed on the proposal of parliamentary opposition.

The representatives of opposition candidate list in the respective Municipal Assembly shall be appointed as members of the permanent composition of the MEC, in proportion to the number of seats won, and in case of the same number of seats won at previous elections the advantage shall be given to the candidate list with the highest number of votes.

If there is only one opposition candidate list in the respective Municipal Assembly, both members of the permanent composition of the MEC shall be appointed on the proposal of this opposition candidate list.

The President and members of the MEC in permanent composition shall have their deputies appointed.

Authorised representative of the submitter of a candidate list may have a deputy.

The President and members of the commission, as well as authorised representatives of submitters of candidate lists, in case of their absence or inability to attend, shall be replaced by their deputies in performing activities and tasks.

The President of the Commission, his or her Deputy and Secretary, as well as members of the permanent commission and their deputies, shall be law graduates.

Article 26

By the day of rendering the decision on the announcement of the candidate list, the MEC shall pass a decision to establish which of the submitters of the candidate lists fulfils the conditions for appointing their representatives to the extended composition of this body.

The MEC shall submit the decision on whether a submitter of the candidate list has or has not fulfilled the conditions for appointing its representative in the extended composition of the MEC to each of the submitters of candidate lists within the 24 hours of passing the decision.

The submitter of the candidate list shall appoint its authorised representative to the extended composition of the MEC and shall notify the MEC, and the MEC shall, no later than 24 hours from the delivery of notification, render a decision determining each of the persons by name which became its members.

The authorised representatives to the extended composition of the MEC and their deputies shall be appointed from among law graduates.

The authorised representatives participate in the work and render valid decisions 20 days prior to the Election Day.

The term of office of authorised representatives in the MEC shall terminate on the day of establishing the final election results.

Article 26a

In case the elections for councillors and MPs are conducted simultaneously, the submitter of the proclaimed candidate list for the election of MPs shall have the right to appoint an authorised representative in the extended composition of the municipal election administration bodies, even if he or she is not a submitter of the candidate list for the election of councillors.

Article 27

The MEC shall:

- 1) Make sure the elections are conducted in accordance with the law;
- 2) Provide the logistics for administering the election;
- 3) Set up the polling stations for the election of councillors and MPs;

4) Form Polling Boards (hereinafter referred to as PB) and appoint the President and members of the PB for the election of councillors and MPs; and organise their education (training) on procedures for the work of the PB;

5) Establish the number of ballots for respective polling stations, attest them, and together with the attested extract from the voters' register deliver them to the PB with the written record of the delivery;

6) Assess whether the candidate lists for the election of councillors and MPs have been made and submitted in accordance with this Law;

7) Confirm and proclaim the candidate lists for the election of councillors;

8) Publicise the number of voters in the municipality and by individual polling stations;

9) Establish the results of the election of councillors, as well as the number of votes for each of the candidate lists and determines the number of seats belonging to each of the candidate list for the election of councillors;

10) Issue certificate to the elected councillor;

11) Establish the overall results of the election of MPs in its territory and by each polling station and submit a report thereof to the State Election Commission (hereinafter referred to as SEC);

12) Publicly announces the results of the election of councillors;

13) Submit the report to the Municipal Assembly on the results of the election of councillors and filling vacant councillor seats;

14) Submit the data on the election of councillors to the bodies in charge of collection and processing of statistical data; and

15) Deleted. (Law on the Amendments to the Law on Election of Councillors and Members of the Parliament, Official Gazette of the Republic of Montenegro No 14/00).

Municipal election commission shall have its website to publish immediately its acts and information of significance for conducting elections, as well as preliminary and final voting results for every polling station.

Article 28

The MEC shall adopt the Rules of Procedure on its work.

The conditions for the work of the MEC shall be provided by the Municipal Assembly.

Article 29

State Election Commission in permanent composition shall be appointed by the Parliament, at the proposal of the working body of the Parliament responsible for elections and appointments, in accordance with this law.

Decision on appointment of the SEC shall be published in the Official Gazette of Montenegro.

State Election Commission is a legal entity.

Article 30

State Election Commission shall be composed of the President and ten members in the permanent composition and one authorised representative of each submitter of candidate lists.

The President of the SEC shall be appointed by the Parliament, at the proposal of the working body of the Parliament responsible for elections and appointments, after previously conducted open competition.

Four members of the permanent composition of the SEC shall be appointed at the proposal of the parliamentary majority.

Four members of the permanent composition of the SEC, out of which one is Secretary, shall be appointed at the proposal of the parliamentary opposition.

One member of the permanent composition of the SEC shall be appointed representative of political party, i.e. submitter of candidate list for authentic representation of members of a minority nation or minority national community which won the highest number of votes at previous elections, and his or her deputy shall be the representative of some other minority nation or minority national community.

One member of the permanent composition of the SEC is appointed by the Parliament, at the proposal of the working body of the Parliament responsible for elections and appointments, as a

representative of the civil society, non-governmental sector and universities, with expertise in the area of election legislation, after previously conducted open competition.

The permanent member described in paragraph 6 of this Article may not be the person appointed if he or she performed duty of the member of political party in the last ten (10) years.

The permanent member described in paragraph 6 of this Article shall be the person who published scientific articles and papers on electoral process, who has achieved public recognition in this area and who participated in domestic or international observation of the electoral process.

In the process of determining proposal, the working body of the Parliament responsible for elections and appointments shall be aware of recommendations of the organisations which dealt with creating electoral legislation and monitoring of the electoral processes in the last five (5) years.

The members of the permanent composition upon proposal of the parliamentary majority and/or the opposition shall be appointed representatives of candidate lists in proportion to the number of seats won, and in case of the same number of mandates won at previous elections the advantage shall be given to the party with the highest number of votes.

In case there is only one candidate list or one opposition candidate list in the Parliament, which constitutes parliamentary majority, all four members of the permanent composition of the SEC shall be appointed at the proposal of this candidate list.

Members of the permanent composition of the SEC appointed at the proposal of the parliamentary majority and/or parliamentary opposition shall have their deputies appointed.

In case of absence, the President of the SEC shall be replaced by the member of the permanent composition of the SEC, whom he designates.

Authorised representative of the submitter of a candidate list may have a deputy.

In case of absence or disability to attend, the President and members of the SEC, as well as authorised representatives of submitters of candidate lists shall be replaced by their deputies in performing activities and tasks related to the SEC.

Members of the SEC, their deputies and authorised representatives of submitters of candidate lists of the Commission shall be appointed from among law graduates.

The President of the SEC shall be law graduate and shall have at least ten (10) years of work experience in this field, and may not be the member of political party body in the last three (3) years.

Article 31

On the day of rendering the decision on the announcement of the candidate list, the SEC shall pass a decision establishing which of the submitters of the candidate list fulfils the conditions for appointing their representatives in the extended composition of this body.

The decision on whether a submitter of the candidate list has or has not fulfilled the conditions for appointing a representative in the extended composition the SEC shall deliver to the submitters within the 24 hours from the moment of rendering of such decision.

The submitter of the candidate list shall appoint its authorised representative in the extended composition of the SEC and shall notify the SEC thereof that shall, within the 24 hours from the delivery of the notification, render a decision stating persons by name who become its members.

Authorised representatives shall participate in the work and render valid decisions 20 days prior to the Election Day.

The term of office of authorised representatives in the SEC shall terminate on the day of establishing the final election results.

Article 32

The SEC shall:

- 1) Take care of legal conducting of the elections and uniformed implementation of the provisions of this Law;
- 2) Monitor the implementation and give opinions regarding the implementation of this Law;
- 3) Co-ordinate the work of MECs, issue instructions with regard to the implementation of this Law, and supervise their work;
- 4) Set down unified standards for the election material;

- 5) Prescribe forms for the implementation of election procedures provided by this Law;
 - 6) Determine the manner of announcement of the candidate lists;
 - 7) Determine the manner of handling and keeping of the election material;
 - 8) Assess whether the candidate lists for the election of MPs have been compiled and submitted in accordance with this Law;
 - 9) Render a decision on announcement of candidate lists for the election of MPs;
 - 10) Publicly announce the total number of voters and their number by municipalities and by polling stations;
 - 11) Establish the results of the election of MPs and the number of votes for each of the candidate list and determine the number of seats belonging to each of the candidate lists for the election of MPs;
 - 12) Publicly announce the overall results of the election of MPs, as well as the results by each polling station in Montenegro;
 - 13) Submit the report to the Parliament of the Montenegro on the results of the election of MPs and about filling vacant MP seats;
 - 14) Issue certificate to the elected MPs;
 - 15) Submit data on the election of MPs to the bodies in charge of the collection and processing of statistical data;
 - 15a) Pass the Rules of Procedure;
 - 16) Perform other activities determined by this Law.
- The SEC shall have its website to immediately publish its acts and information of significance for conducting elections, as well as preliminary and final voting results for every polling station.

Article 33

The SEC shall take over responsibilities within the competence of the MEC in case the MEC fails to carry out its duties regarding the election of MPs in accordance with this Law.

Article 33a

The President and Secretary of the SEC shall perform their duties professionally.
Decision on remuneration for the President and Secretary of the SEC shall be adopted by the committee of the Parliament responsible for administrative issues.

Article 34

The SEC shall form SEC Service Staff (hereinafter referred to as Staff) to perform professional and administrative operations.

The Secretary of the SEC shall manage the Staff.

The act on internal organisation and job scheme for the Staff shall be adopted by the Commission, at proposal of the Secretary of the SEC and with the consent of the responsible working body of the Parliament.

Regulations related to senior and lower level civil servants shall be applied to the status and other rights of Staff.

The Parliament shall provide the conditions for the work of the SEC and the Staff.

The funding for the work of the SEC shall be provided within the state budget.

2. Polling Board

Article 35

Polling Board (hereinafter referred to as PB) shall be composed of the president and four members in the permanent composition and one authorised representative of each submitter of candidate lists.

Each political party represented in relevant parliament shall be entitled to the number of presidents of PB commensurate with proportional representation of councillor seats in the parliament, while polling stations where an individual political party would propose the candidate for president of the PB shall be determined by the MEC by drawing lots.

Two members of the permanent composition of the PB shall be appointed based on the proposal of the political party or coalition with majority in relevant municipal assembly.

One representative of each of the two opposition political parties in relevant parliament, which won the highest number of seats or highest number of votes in case of the equal number of seats, must be appointed in the permanent composition of the PB.

If there is only one opposition political party in the relevant municipal assembly, two representatives of this party shall be appointed in the permanent composition of the PB.

The PB shall be appointed for every polling station, no later than ten (10) days prior to the Election Day.

By way of exception, upon the reasoned request of a political party or group of citizens who has acquired the right to propose representatives in the permanent composition of the PB, the composition of the polling board may be changed after the expiration of the deadline referred to in paragraph 6 of this Article, and no later than 12 hours prior to the opening of the polling stations.

The president and members of the PB, as well as authorised representatives of submitters of candidate lists, in case of their absence or disability to attend, shall be replaced by their deputies in performing activities and tasks related to the PB.

Article 35a

The MEC shall pass a decision specifying which political parties are entitled to propose representatives in the permanent composition of the PB no later than 15 days prior to the Election Day.

The MEC shall deliver the decision referred to in paragraph 1 of this Article to all submitters of verified candidate lists within 24 hours from the hour of its rendering.

Right to complaint or appeal against the decision referred to in paragraph 1 of this Article is admissible, in accordance with the procedure for protection of suffrage established by this Law.

Article 36

On the day of rendering the decision on announcement of the candidate list, the MEC shall determine by a decision which of the submitters of the candidate lists have fulfilled the conditions for appointing their representatives in the extended composition of the PBs.

The MEC shall submit to the submitters of candidate lists the decision on whether they have or have not fulfilled the conditions for appointing the representatives in the extended composition of the PB within 24 hours from the hour of determining polling stations.

The submitter of the candidate list shall appoint its authorised representative in the extended composition of the PB and shall notify the MEC thereof, and the MEC shall, no later than 24 hours from the moment of the delivery of such notification, render a decision stating the names of persons becoming the members of the extended composition of the PB.

The authorised representative shall participate in the work and decide with full authority five (5) days before the scheduled Election Day.

Article 36a

In case of simultaneous elections for councillors and MPs, PBs formed to conduct elections for councillors shall perform tasks of PB for election of MPs.

Article 37

The Polling Board shall directly administer the voting at the polling station.

The Polling Board shall be in charge of keeping the order at the polling station during the voting.

The Polling Board shall appoint, out of its members, four trustees with the duty to administer voting outside of the polling station.

More detailed rules on the activities of the PB shall be set down by the SEC.

VI. PROPOSING AND DETERMINING THE ELECTORAL LISTS

1. Candidacy

Article 38

The political parties registered in Montenegro, independently or as a coalition, as well as the groups of voters, shall nominate the candidates for their candidate list based on prescribed number of voters' signatures.

Submitters of candidate lists referred to in paragraph 1 of this Article shall propose the candidate lists on terms determined by this Law.

Article 39

A person may be nominated as a candidate for the election of councillors on a single candidate list and in a single constituency.

A person may be a candidate for the MP on a single candidate list.

A candidate list may include at least two-thirds (2/3), and at most as many candidates as are being elected.

Notwithstanding paragraph 3 of this Article, a candidate list for election of MPs submitted by group of citizens or political parties representing a minority nation or a minority national community may include no less than 1/3 and no more than the total number of candidates for the elections.

The submitter of the candidate list shall determine the order of the candidates on the list.

Article 39a

To uphold the principle of gender equality, there shall be no less than 30% of candidates of the underrepresented gender in the candidate list.

On the candidate list, among every four candidates in the order on the list, (the first four positions, the next four, and so on), there shall be at least one candidate from the underrepresented gender.

A candidate list that does not meet the requirements set forth in paragraphs 1 and 2 of this Article shall be considered deficient for the declaration of the candidate list, and the submitter of the list shall be invited to correct the deficiencies in accordance with this law.

The submitter of the candidate list that fails to correct the deficiencies set forth in paragraph 3 of this Article, shall be denied the announcement of the candidate list by the election commission in accordance with this Law.

Article 40

The submitter of the candidate list may withdraw the list no later than the day the consolidated electoral list is determined.

By the withdrawal of the candidate list, the position of the authorised representative of the submitter of the candidate list in all the election administration bodies shall be terminated, as well as all rights pertaining to him or her according to the provisions of this Law.

A candidate may withdraw his or her candidacy no later than the date set for rendering of the decision on announcement of the candidate list.

Article 41

If upon rendering the decision on announcement of the candidate list the candidate is stripped of his or her Montenegrin citizenship, residency, or if he or she deceases, the submitter of the candidate list shall lose the right to nominate another candidate.

The position of the candidate on the candidate list referred to in paragraph 1 of this Article shall be taken over by the candidate who is next in line on the candidate list.

The changes in paragraphs 1 and 2 of this Article shall not have an effect on fulfilment of conditions laid down in Articles 39 and 39a of this Law.

2. The Title, Confirmation and Announcement of the Candidate List

Article 42

The title of the candidate list shall be determined according to the name of the political party submitting the candidate list.

If two or more political parties or a group of citizens submit a joint candidate list (coalition), the name and other rights and responsibilities of the submitters of the joint candidate list shall be specified by the agreement, which shall be submitted to the relevant election commission together with the joint candidate list.

Together with the title of the candidate list of the group of citizens, the submitter shall also submit a more specific label of the list.

With his or her written consent, the submitter may also include the name and surname of the leader of the list in the title of the list referred to in paragraphs 1 to 3 of this Article.

The person designated as the holder of the candidate list does not have to be a candidate on the list.

Article 43

The candidate list for the election of councillors and/or MPs shall be deemed confirmed if supported by at least 0.8% of the voters out of the total number of voters in the constituency, based on the data on the number of the voters from the elections preceding the decision on calling for the elections, regardless whether the last elections were the presidential or the parliamentary elections.

Notwithstanding paragraph 1 of this Article, for the political parties or the groups of citizens representing the minority nation or a minority national community in Montenegro, the candidate list for the election of councillors shall be deemed confirmed if supported by the signatures of at least 150 voters, while the candidate list for the election of MPs shall be deemed confirmed if supported by the signatures of at least 1,000 voters, and they shall exercise the right referred to in Article 94 (2) of this Law. In municipalities where the councillor's seat in previous elections was equal to or less than 150 votes, the candidate list for the election of councillors shall be deemed confirmed if the signature support is given by the number of voters lower by one vote than the number of votes valid for one councillor's seat in the municipal assembly in the previous elections.

Candidate list for election of MPs representing a minority nation or minority national community with the share in the total population of Montenegro up to 2%, according to the results of the latest census, shall be deemed confirmed if supported by the signatures of at least 300 voters.

The voters signing the lists for the election of councillors must have a permanent residence on the territory of the respective municipality.

The voters signing the lists for the election of MPs must have a permanent residence on the territory of Montenegro.

The SEC shall prescribe the procedure and organisation for obtaining voter signatures in support of the candidate list.

Article 44

The voter may support with his or her signature only one candidate list for the election of councillors and only one candidate list for the election of MPs.

Article 45

Shall be deleted. (Law on the Amendments to the Law on Election of Councillors and Members of Parliament, Official Gazette of the Republic of Montenegro No 14/00)

Article 46

The candidate list for the election of councillors shall be submitted to the MEC, and the candidate list for the election of MPs shall be submitted to the SEC, as early as 20 days from the day of calling for the election, and no later than 25 days prior to the Election Day.

Together with the candidate list, the following documents shall be submitted to the election commission:

- 1) A written statement of the candidate of his or her acceptance of the candidacy;
- 2) The certificate of suffrage for each candidate on the candidate list;
- 3) The certificate of permanent residence of each candidate;
- 4) The list of voters' signatures in support to the candidate list;
- 5) A written consent of the holder of the list, if his or her name is included in the title of the candidate list;
- 6) The decision of the responsible body of the political party that has verified the candidate list;
- 7) Election application form;
- 8) Founding and program document.

Notwithstanding paragraph 2 of this Article, group of citizens shall submit candidate list and a statement verified by the responsible authority on the decision to participate in the elections with the program objectives of the candidate list, the authorised person for representation before the responsible authorities, as well as other mutual rights and obligations.

The candidate list, together with the documentation, shall be submitted directly to the responsible election commission.

Election application form referred to in paragraph 2 item 7 of this Article shall be established by the SEC.

Article 47

Immediately upon the receipt of the candidate list, the responsible election commission shall determine whether the list has been submitted in the prescribed deadline, and whether it has been composed in conformity with the provisions of this Law.

If the responsible election commission establishes that the candidate list had not been submitted in time, it shall render a decision on rejecting the candidate list.

If the responsible election commission establishes that the candidate list has certain deficiencies, it shall render, within the 48 hours from the receipt of the candidate list, a decision requesting the submitter of the candidate list to eliminate deficiencies within the 48 hours from the delivery of the decision. The decision shall point out to the actions that are to be taken in order to eliminate those deficiencies.

If the responsible election commission establishes that the deficiencies in the candidate list have either not been eliminated or have not been eliminated within the prescribed period, it shall render a decision on refusing to announce such candidate list within the next 24 hours.

Article 47a

The SEC shall determine the fulfilment of the conditions for exercising the rights under paragraph 2 Article 94 of this law based on the electoral application, the title of the candidate list, or the founding document of the submitter of the electoral list.

Article 48

If the responsible election commission establishes that the submitted candidate lists have no deficiencies or that those have been eliminated, it shall render a decision confirming and announcing the candidate list.

The decision referred to in paragraph 1 of this Article that is passed by the SEC shall also include the statement on compliance with the requirements for exercising the right referred to in Article 94 paragraph 2 of this Law.

The decision referred to in paragraph 1 of this Article shall be, without delay, delivered to the submitter of the candidate list.

Article 48a

In accordance with this Law, verified and announced candidate lists shall participate on equal basis at all the polling stations in Montenegro, as a single constituency.

3. Consolidated Candidate List

Article 49

Upon the confirmation and announcement of submitted candidate lists, the responsible election commission shall determine the consolidated candidate list comprising all candidate lists with names of all the candidates.

The order on the consolidated candidate list shall be determined by the president of the election commission by drawing lots, in the presence of authorised submitters of announced candidate lists.

The responsible election commission shall publicise the consolidated candidate list no later than 15 days prior to the Election Day.

Article 49a

Shall be deleted. (Law on Amendments to the Law on Election of Councillors and Members of Parliament, Official Gazette of Montenegro No 46/11)

VII. REPRESENTATION OF THE SUBMITTERS OF THE CANDIDATE LISTS AND CANDIDATES FROM THE LISTS

Article 50

From the day of verifying the candidate list to the completion of the election propaganda (hereinafter referred to as election campaign), the submitters of candidate lists shall be entitled to inform the citizens about their candidates, programs and activities, through the national public broadcaster Radio and Television of Montenegro, as well as through regional and local public broadcasters, in the same daily timing and/or rubrics, on a daily basis, in equal duration and free of charge.

During the election campaign period, the submitters of candidate lists shall be entitled to marketing promotion of their candidates and programs and publishing of announcements of their promotional gatherings in the shows and/or rubrics and commercial advertising space of commercial public media, with relevant fee in accordance with the rules of the broadcaster.

Commercial broadcasters shall enable paid broadcasting to submitters of verified candidate lists under equal conditions.

No property (money, technical devices, premises, equipment, etc.) of state bodies, public companies, public institutions or funds, local self-government units, or companies under ownership interest of the state, may be used for presentation of candidate lists.

Article 50a

Public officials appointed or nominated by the Government of Montenegro or elected or appointed by the local self-government, senior and lower level civil servants may not take part in the election campaign, or express their stance with regard to elections in public, during working hours, i.e. while on duty.

Police officers and members of National Security Agency must not take part in the election campaign in any way.

Article 51

During the election campaign period, Radio and Television of Montenegro, regional and local public radio broadcasters shall provide appearance of all submitters of verified candidate lists, as well as

presentation and reasoning of their election programs, on daily basis, in equal duration and at the same time, fully free of charge and equally, within their political newscasts and in precisely defined political marketing blocks, which can be heard or seen on the entire territory of Montenegro and/or local self-government units.

Radio and Television of Montenegro, regional and local public broadcasters shall not be allowed, under any conditions, to enable the appearance and reasoning of election programs of submitters of candidate lists or their indirect advertising outside the time frame referred to in paragraph 1 of this Article.

Article 51a

During the election campaign period, state officials and local self-government officials shall make appearances as representatives of candidate lists and may, in their media presentations on public, commercial and non-profit electronic media promote election programs and candidate lists in the fashion and in the scope as prescribed by this Law regarding media presentation of representatives of candidate lists during the election campaign.

It shall be prohibited for the officials referred to in paragraph 1 of this Article to abuse their media appearances as state or other public officials during the election campaign, using them for the purpose of promoting or advertising the candidate list and/or its election program.

Article 52

Participants in the pre-election campaign shall honour the Constitution of Montenegro, laws and codex of professional ethics and shall be bind of fair behaviour, which excludes offends and slanders, breaking of the rules of decency or offending public moral.

Article 53

During the election campaign period, Radio and Television of Montenegro, regional and local public broadcasters shall provide space for announcements of all promotional gatherings of submitters of candidate lists, on a daily basis, in equal duration and at the same time, fully free of charge and equally, in commercial marketing blocks, which can be heard or seen on the entire territory of Montenegro and/or a local self-government unit.

Article 53a

During the election campaign period, Television of Montenegro and Radio of Montenegro shall provide each submitter of verified candidate list with free, equal and daily broadcasting of the following, within relevant commercial marketing blocks, on a TV channel, or within a Radio programme, which can be seen or heard on the entire territory of Montenegro:

- Political and propaganda TV-clips or audio-clips in all political marketing blocks, the duration of which is no less than 200 seconds a day, depending on the planned number of advertising blocks of political marketing;
- Three-minute coverage of promotional gatherings, twice a day, at the time immediately after the central evening informative TV and Radio shows.

The content production referred to in paragraph 1 indent 1 of this Article shall be the obligation of the submitter of candidate list who is being promoted.

During the election campaign period, regional and local public radio broadcasters shall provide each submitter of verified candidate list with free, equal and daily broadcasting space within commercial marketing blocks which can be seen or heard on the entire territory of the local self-government unit in the scope and fashion referred to in paragraphs 1 and 2 of this Article.

Article 54

The media outlets that are broadcasting the advertisements of the submitters of the candidate lists promoting the elections, electoral programs and candidates on commercial basis, shall denote on the particular advertisement it is the 'paid electoral advertisement'.

Article 55

Presentation of submitters of candidate lists through public broadcasting agencies, in accordance with this Law, shall be conducted based on rules to be passed by the relevant authority of the public broadcaster.

The public broadcaster shall pass and make available to the public the rules referred to in paragraph 1 of this Article no later than 10 days from the day the elections are called.

Article 56

During the election campaign period, Television of Montenegro and Radio of Montenegro shall organise and broadcast on a weekly at least two hour-and-a-half debates of submitters of verified candidate lists and candidates from such lists, broadcasted between 8 p.m. and 11 p.m., as agreed between the editorial team and submitters of candidate lists.

When organising and broadcasting shows referred to in paragraph 1 of this Article, Television of Montenegro shall provide a translation to sign language.

Editors and hosts of the shows referred to in paragraph 1 of this Article shall treat impartially and equally all the participants in the debates.

Article 57

Shall be deleted. (Law on Amendments to the Law on Election of Councillors and Members of Parliament, Official Gazette of Montenegro No 46/11)

Article 58

During the election campaign period, the submitters of the candidate lists and the candidates on these lists shall have the right, under the equal terms, to organise conferences and other public gatherings in order to present and promote their election programs, the candidate lists, as well as the candidates on those lists, in conformity with the regulations on public order and safety.

Article 59

Shall be deleted. (Law on Amendments to the Law on Election of Councillors and MPs, Official Gazette of Montenegro No 46/11)

Article 60

During the election campaign, the submitters of the candidate lists and the candidates on these lists shall be entitled to prepare election placards, posters, public notices, photographs, leaflets, promotional messages, etc. and display them publicly, with no prior permission needed, on the locations designated by a responsible municipal body.

Article 61

The election campaign organised via audio equipment shall be used at the time and in a manner that ensures citizens' right to personal peace is not disturbed, in conformity with the regulations of the public order and safety.

Article 62

During the election campaign period, all public and commercial media in Montenegro shall publish evaluations, conclusions and decisions of responsible authorities, which specify that a certain public medium has violated the provisions of this Law prescribing impartial, equal and objective provision of

information to citizens regarding programs and political party candidates, and other submitters of candidate lists.

Article 63

The public radiobroadcasting services shall be forbidden to publicise the results of polls, researches and analyses related to voters' preferences regarding the estimation of the election results 15 days prior to the Election Day.

On the Election Day, during the voting, the public radiobroadcasting services and other media shall not be allowed to publicise the estimations of the election results in their programmes.

Article 64

Presentation of submitters of candidate lists through commercial and non-profit broadcasters shall be carried out based on the rules to be adopted by the broadcaster with the aim to ensure fair editorial policy and equal presentation of submitters of verified candidate lists.

The commercial and non-profit broadcaster shall adopt the rules referred to in paragraph 1 of this Article and make them available to the public no later than ten (10) days from the day the elections are called.

Article 64a

The right of media coverage of the pre-election campaign shall come in force on the day of verification of the candidate list of the participants in the pre-election campaign and it shall cease 24 hours prior to the Election Day.

Article 64b

By means of a special decision, the Parliament shall establish a Committee for monitoring the implementation of the Law on the Election of Councillors and MPs in the part related to media (hereinafter referred to as Committee).

The Committee shall have 10 members and shall be composed on parity basis out of MPs of the parliamentary majority and parliamentary opposition. Chairperson and Deputy Chairperson of the Committee shall be appointed from out of the members of the Committee.

The Committee shall be established no later than 10 days from the day of calling of the elections for MPs.

Proposal for appointing the Chairperson, Deputy Chairperson and members of the Committee shall be submitted to the Parliament by the working body of the Parliament in charge of elections and appointments.

The Committee shall be responsible for monitoring and supervising the implementation of the provisions of this Law related to the obligations of the media in pre-election campaign, specifically:

1) Considering appeals in respect of media activities, and taking positions and passing conclusions in respect of these;

2) Warning media to act in accordance with this Law and eliminate potential irregularities;

3) Publishing its positions and conclusions publicly;

4) Informing the Agency for Electronic Media and responsible media authorities about the violation of the provisions of this Law by media, in order to undertake measures under their responsibility against the media acting contrary to the Law.

The Committee shall decide by majority vote of its members.

The Committee shall supervise media activities from the day it is established until the day final results are published.

Media shall publish immediately the report and conclusions of the Committee, which state that certain media acted contrary to this Law.

The Rules of Procedure of the Parliament of Montenegro shall be accordingly applied to issues of work of the Committee not regulated by this Article.

VII. CONDUCTING ELECTIONS

1. Polling Stations

Article 65

The voting for the election of councillors and MPs shall be conducted at the polling station.

The polling stations shall be set up by the MEC upon the proposal of the body in charge of maintaining of the voters' register no later than 20 days prior to the Election Day.

Polling stations must be arranged in a way that they provide enough space so that all members of the PB have a view and access to the ballot box and the election material at all times.

The MEC shall announce which of the polling stations have been determined and which voters shall vote at the particular polling station no later than 10 days prior to the Election Day.

Article 66

Polling stations shall be set up for maximum of 1,000 voters.

The SEC shall set down more detailed rules regarding the polling stations.

Article 67

A voter shall cast his or her vote at the polling station where he or she has been registered in the extract from the voters' register.

Notwithstanding the provisions referred to paragraph 1 of this Article, a voter may cast his or her homebound vote outside the polling station where he has been registered in the extract from the voters' register, on terms prescribed by this Law.

The procedure of voting outside the polling station, as well as the number of voters who have exercised their right to vote in this manner, shall be put into Record of the Work of the Polling Board.

The SEC shall set down more detailed rules regarding homebound voting.

Article 68

The ministry responsible for maintaining of the voters' register shall deliver the notice on election to the voters no later than five (5) days prior to the Election Day.

The ministry referred to in paragraph 1 of this Article shall deliver the notice on election to the voters by regular mail to their residential address.

The notice from paragraph 1 of this Article shall be in a form also available to voters with disabilities and contain: the date and time of holding the elections, the number and the address of the polling station where he or she votes, as well as the number under which he or she has been registered in the extract from the voters' register.

A voter with a disability must submit a request for notice to the ministry responsible for voters' register no later than 15 days prior to the Election Day. The request shall state in which form the notice is to be provided.

The notice from paragraph 1 of this Article shall not be condition for exercising the voting right.

Article 68a

Polling stations shall use electronic voter identification devices.

In order to cast their vote, the voter must be identified electronically.

A voter who rejects electronic identification shall not be allowed to vote by the polling board.

Electronic devices represent a compact hardware and software unit consisting of:

- electronic reader of machine-readable zone (MRZ) from ID card and passport;
- a computer with an excerpt from the voters' register for a specific polling station placed in its memory, including the last voters' photo from the registry of ID cards or passports;
- a printer that will print a certificate of successful identification of a voter.

The data to be placed in the device referred to in paragraph 4 of this Article shall be deleted within 30 days from the day of publishing the final election results.

Instructions on the manner of using electronic voter identification devices referred to in paragraph 1 of this Article shall be prescribed by the Ministry responsible for voters' register.

The ministry responsible for voters' register, for the purpose of electronic identification of voters at the polling station, shall make an electronic version of the excerpt from the voters' register for each polling station in the appropriate electronic medium within 72 hours from the date when the decision on the conclusion of the voters' register was adopted.

Procurement and maintenance of electronic voter identification devices shall be carried out by the authority responsible for keeping the voters' register.

The SEC shall control the process and use of electronic voter identification devices.

Article 68b

When arriving at the polling station, the voter shall hand over an ID card or passport to the president of the PB.

The president of the PB shall find the voter in an electronic and printed excerpt from the voters' register by using electronic identification, the voter shall sign at the designated place on the excerpt from the voters' register, after which the PB shall allow the voter to vote.

The electronic identification device will display voter's photo on the monitor and print a paper slip-certificate containing voter's name and surname, personal number and serial number identical to that in the printed voters' register. The president and member of the PB from the opposite political party (respecting the parity – governing party and the opposition) shall legibly sign the printed-paper slip-certificate in handwriting, which shall be stored along with the voting coupon.

If due to justifiable objective circumstances, such as interruption of power supply or system failure, electronic voter identification is disabled during the voting, the PB shall decide to continue voting through a visual identification system which implies that the president of the PB, shall confirm the identity of the voter by inspecting the identity card or passport, find the voter in the printed voters' registry, enables him or her to sign and send him or her to the voting booth.

When the voter casts its vote, the president and member of the PB referred to in paragraph 4 of this Article shall legibly sign the voting coupon in handwriting in the backside.

Article 69

Every voter shall vote in person.

During the elections, the voter shall be allowed to cast their vote only once.

Voting shall be performed on a certified ballot paper.

The voter shall confirm the receipt of the ballot paper by signing the extract from the voters' register.

No person shall be allowed to enter the polling station carrying arms or dangerous objects.

At the polling station and within the area of 100 metres from the polling station, it shall be forbidden to display political party symbols and other promotional material that may affect voters' decision.

If during the voting procedure the rules referred to in paragraphs 1 to 6 of this Article are violated, the PB may be dissolved. In the event of the dissolution of the PB, voting at that polling station shall be repeated.

A member of the PB that conducts the identification of the voters, as well as other members of the PB shall be forbidden to in any form, and particularly by loud pronouncing, disclose the name and surname of the voter, as well as their ordinal number in the voters' register.

Article 69a

The voting shall be carried out by secret ballot.

If the PB fails to arrange the polling station in the manner that ensures the secrecy of the vote (e.g., a voting booth), the PB shall be dissolved and voting at that polling station shall be repeated.

A voter shall vote on the ballot paper exclusively in the area designated for that purpose (screen/room divider/voting booth) so that no one is able to see who they have voted for.

In the event that a voter infringes the secrecy of the vote by casting their vote in public, outside of the area envisaged for voting or by showing their ballot paper in public to the PB by displaying who they have voted for, based on a decision of the PB and in the presence of its members, after separating the control coupon the president of the PB shall make such ballot paper invalid by crossing it out, folding it in a separate envelope and dropping it in the ballot box instead of the voter.

The manner of voting referred to in Paragraph 4 of this Article shall be put on Record of the Work of the Polling Boards by the president of the PB.

Detailed instructions on measures securing the secrecy of vote shall be defined by the SEC.

Article 70

Polling stations in the constituency shall be opened at 7 am and closed at 8 pm. During this interval, the polling stations must be open non-stop.

The voters who are present at the polling station at the time of its closing shall be allowed to cast their vote, and the PB shall previously determine the number and the identity of those voters.

Should the rules referred to in paragraphs 1 and 2 of this Article be infringed during the casting of votes, the PB shall be dissolved and voting at that polling station shall be repeated.

Article 71

Should the order at the polling station be disturbed, the PB may interrupt the voting until order has been restored. The reasons for interruption and its duration shall be put on Record of the Work of the Polling Board.

The police officer on duty or another person in uniform shall not be allowed to access the polling station while voting is taking place.

Notwithstanding paragraph 2 of this Article, the President of the PB, upon prior consent of the PB, may ask the police officer on duty to enter the polling station, only if order and safety at the polling station have been disturbed.

If the voting process has been interrupted for more than one hour, it shall be prolonged for the time of duration of the interruption.

Article 71a

The use of electronic devices for communication (telephones, mobile phones, laptop, tablet) shall not be allowed in the voting premises.

Members of the PB and persons who supervise the work of election administration bodies shall not be allowed to keep any kind of record at the polling station on voters who have voted, as well as to use copies of the voters' register or any other auxiliary record of voters.

In the event that a member of the PB or a person supervising the work of a body administering the elections proceeds contrary to the provisions of paragraphs 1 and 2 of this Article, the president of the PB shall give them a warning and, if after such warning the person continues to disturb the work, the president of the PB, based on a previous decision of the PB, shall remove them and shall put it on Record of the Work of the Polling Board. If the member of the PB has been removed from the premises, the president of the PB shall enable the presence of their deputy in order for the PB to proceed with its work.

Article 72

While the polling station is opened and voting is taking place, all members of the PB or their deputies must be present at the polling station.

Each polling station shall have a special room where it shall be possible to ensure the secrecy of voting.

The number of voters present at the polling station at the same time shall be equal to the number of polling booths.

All persons having no rights or duties related to the administering of elections determined by this Law shall be forbidden to retain their presence at the polling station.

Police officers must not vote, or enter polling stations in uniforms, unless requested by the PB president to prevent direct threats to public order and safety at a polling station.

An appeal against violation of the rules referred to in paragraphs 1 to 4 of this Article may be lodged to the MEC that shall then decide whether the voting at that polling station shall be repeated.

2. Election Material

Article 73

The ballot paper shall contain:

- 1) Indication of the constituency;
- 2) The ordinal number placed before each individual candidate list;
- 3) The titles of candidate list according to the order determined on the consolidated candidate list;
- 4) A remark stating that the voters shall cast their votes for only one candidate list, which shall be done by encircling either the ordinal number, the title of the list or the name and surname of the lead candidate.

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

Article 73a

The ballot paper shall be printed in a manner that it shall have two parts: a control slip, or stub, containing a unique serial number, and the ballot paper itself.

The unique serial number shall not be printed on the ballot paper.

The control slip, or stub, of the ballot paper and the ballot paper itself are separated by perforation.

The range of serial numbers on the control slip shall be equal to the number of voters registered in the voters' register, and the number of ballot papers shall be determined for each polling station in respective constituency according to the sequence of serial numbers on the control slip.

The control slip of the ballot paper shall not be wider than one half of the width of the ballot paper.

Ballot papers shall be printed on the specially protected 120-grams paper with the watermark.

Article 74

The responsible election commission shall determine closer the form and layout of the ballot papers, manner, place and control of printing and distribution of ballot papers, as well as the destruction of the matrices.

The template of the ballot paper should correspond to the form and appearance of the ballot paper.

The responsible election commission shall determine the number of ballot papers that must be identical to the number of voters registered in the voters' register, as well as the number of backup ballot papers.

The number of backup ballot papers shall not be more than 3% of the total number of voters in the corresponding constituency.

Serial numbers on the control slips of the backup ballot papers shall be determined in the range between the first next serial number after the total number of voters in the corresponding constituency, and the serial number which is identical to the sum of the total number of voters and the number of backup ballot papers in the corresponding constituency.

The colour of ballots shall be determined by the SEC for election of MPs, and MEC for election of councillors.

The ballot papers for the election of councillors shall be verified by the MEC, and the ballot papers for the election of MPs shall be verified by the SEC.

Article 75

The MEC shall prepare the equipment and materials for voting in a timely manner for each PB, including: the equipment specified in Article 68a, the required number of ballot papers, the required number of ballot paper templates, consolidated candidate lists, two extracts from the *voters' register* (one for homebound voting), ballot boxes for polling stations, mobile ballot boxes for the homebound voting, special and official envelopes for voting, as well as the form of the Record of the Work of Polling Boards.

In case several voting procedures take place at the same time, verified extracts from voters' register shall be issued in the number equivalent to the number of voting procedures.

The election material shall be taken over by the president of a PB no later than 48 hours prior to the Election Day.

The responsible municipal body shall be in charge of setting up the polling stations and shall provide the each PB with a necessary number of ballot boxes together with the instruments for sealing and tools for voting.

On Election Day, before the beginning of voting, the PB shall determine whether the election material prepared for the particular polling station has been completed and if it is in a proper state, whether the polling station has been set up in a way that ensures the secrecy of voting, and whether voting may start, and shall put it on Record of the Work of Polling Board.

Article 76

The consolidated candidate list, with the titles of the candidate lists and names of all the candidates, must be displayed during voting procedure in a visible place at the polling station.

The content, form and manner of display of the consolidated candidate list shall be prescribed by the SEC.

Article 77

The representatives of submitters of the candidate lists and the candidates for councillors and MPs shall have the right of insight into the election material, particularly into the extracts from the voters' register, the Record of the Work of the Polling Boards, the records of election commissions and ballot papers. The inspection of the election material shall be carried out in the offices of the SEC, as well as of those bodies keeping the election material.

Opening of the wrappings containing the election material and the envelopes with ballot papers shall be conducted by the MEC in its permanent composition, in the presence of an authorised representative of the submitter of the request for the inspection of the election material.

Upon the completion of the inspection of the election material, the election material shall be packed and sealed in the manner prescribed by Article 91 of this Law.

At the request of the submitter of the candidate list, the bodies keeping the election material shall allow the photocopying of the material at the expense of the party filling the request.

The insight into the election material may be carried out within seven (7) days of the Election Day.

The election commission shall allow to the submitter of the candidate list who filed a request, an insight into the election material within four (4) hours the latest from the moment the request was filed.

After the expiration of the term referred to in paragraph 5 of this Article, the insight into the election material and photocopying of the material may be carried out by a parliamentary party upon filing a request.

Article 78

The election material shall be kept for the period of at least four (4) years.
Notwithstanding paragraph 1 of this Article, the ballot papers shall be kept for 90 days or until the termination of the procedure on infringement of rights during the elections.
The SEC shall determine the manner of keeping and using the election material.

3. Voting

Article 78a

Prior to the opening of the polling station, the PB shall determine by drawing lots the permanent member of the PB who shall, in the presence of other members of the PB, make a visible damage to the stamp of the PB, 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 giving the ballot paper to the voter.

The member of the PB in its permanent composition who performs stamping of the ballot papers shall be determined by the PB by drawing lots.

The damaged seal of the PB shall not be stamped on the control slip of the ballot paper.

The ballot papers shall be lined up according to the sequence of serial numbers on the control slip and shall be, according to that sequence, issued to the voters during voting.

Article 79

The ballot box must not be transparent.

The PB shall check the ballot box in the presence of the voter who arrived first at the polling station. The result of this control shall be registered into the control sheet which shall be signed by both the members of the PB, and the voter who first arrived at the polling station.

The control sheet shall be placed in the ballot box which shall then be sealed in the presence of the first voter, and then this shall be put on Record of the Work of the Polling Board.

Upon the opening of the ballot box, it shall first be checked whether it contains a control sheet. If the ballot box does not contain the control sheet, the PB shall be dissolved and a new one shall be appointed, and voting at that polling station shall be repeated.

The form of the control sheet shall be prescribed by the SEC.

Article 80

Voters shall communicate their first and last name to the PB, and prove identity by ID card or passport.

The voter may not cast vote without presenting a proof of identity.

After having confirmed the identity of the voter, the president or a member of the PB shall encircle the ordinal number in front of voter's name in the extract from the voters' register, shall explain the voting procedure, and hand over the ballot paper.

Article 81

The members of the PB may not in any way influence the decision of the voter.

The members of the PB shall explain the voting procedure to the voter again, upon the request of the voter.

The members of the PB shall take special care that the voter shall not be disturbed by anyone while filling in the ballot paper and that the secrecy of voting is completely ensured.

If in the course of voting any of the rules referred to in paragraphs 1 to 3 of this Article is violated, the PB may be dissolved. In the event of the dissolution of the polling board, a new polling board shall be appointed, and voting at that polling station shall be repeated.

Article 82

A voter may cast its vote in favour of only one candidate list on the ballot paper.

The voting shall be performed by encircling the ordinal number before the title of the chosen candidate list, or by circling the title of the list, or by circling the name and surname of the leading candidate.

A voter shall fold the marked ballot papers in a manner that it cannot disclose for whom the voter voted for, and to leave free the control slip. The voter takes folded ballot paper in hand, to the ballot box and shall enable the member of the PB determined by drawing lots or, if needed, to the member determined by the PB, to remove the control slip from the ballot paper, at its perforated line. The voter shall then place the ballot paper into an appropriate ballot box and leave the polling station.

The member of the PB referred to in paragraph 3 of this Article shall line up the control slips separated from ballot papers according to the sequence of serial numbers and shall keep them in the manner prescribed by rules set down by the SEC.

Article 83

No amendments to the extracts from the voters' register shall be made from the day of composing of the certified extract from the voters' register for each polling station until the Election Day, as well as on the Election Day.

If any of the activities are performed contrary to the provision referred to in paragraph 1 of this Article, the PB shall be dissolved, and voting at that polling station shall be repeated.

Article 84

A voter who cannot cast its vote in person due to inaccessibility of the polling station, information and communication (disabled person) or illiteracy (illiterate), shall be entitled to bring another person with them who shall, on behalf of this person, and according to their instructions, mark the ballot, that is perform the voting procedure.

The responsible electoral commission shall provide at each polling station a suitable template that allows the voter with visual impairment to vote personally.

The voting referred to in paragraph 1 of this Article shall not be performed by a member of the PB or an authorised representative of the submitter of the candidate list.

The manner of voting referred to in paragraphs 1 and 2 of this Article shall be put on Record of the Work of the Polling Boards.

Article 85

A voter who cannot vote at the polling station at which they are registered in the excerpt from the voters' register, due to age, disability, hospital or home care, and wishes to vote, shall submit to the PB, on a prescribed form, a request for homebound voting.

A voter who wishes to perform homebound voting shall sign the form referred to in paragraph 1 of this Article personally.

The request for homebound voting shall be delivered to the PB at the polling station no later than 1 p.m. on the Election Day.

A request for homebound voting could be submitted to the PB at the polling station only by a person authorised for that by a signature of the applicant for homebound voting. A person may not submit to the PB more than one request for homebound voting, unless it does so for two or more voters who perform homebound voting and live in the same family household.

The authorisation to submit to the PB a request for homebound voting shall be an integral part of the form referred to in paragraph 1 of this Article.

The form referred to in paragraph 1 of this Article shall be prescribed by the SEC.

With the request for homebound voting and authorisation to submit a request to the PB, an ID card or passport of the voter who wishes to perform homebound voting shall also be submitted.

Article 85a

Upon receipt of the request for homebound voting, the PB shall check the identity of the person making the request for homebound voting, determine whether the person who wishes to perform homebound voting has been registered in the voters' register and assess the reasons for homebound voting.

If the PB does not allow a person to perform homebound voting, the reasons for it shall be included in the Record of the Work of the Polling Board.

The president of the PB shall perform electronic verification (identification) of the voter's ID card or passport, and the printed confirmation/certificates shall be kept with other documents necessary for homebound voting.

After performing the electronic verification (identification), the president of the PB shall hand over the voter's ID card or passport to the submitter of a request for homebound voting, who shall return the identification documents to the applicant for homebound voting without delay.

After it has been established that the conditions for homebound voting have been fulfilled, the PB shall deliver the following to the voter through four trustees from among deputy members of the PB: a certified ballot paper, a consolidated candidate list, a special envelope for the control slip, an excerpt from the voters' register, sealing and writing utensils.

Voting by letter could be monitored by accredited election observers at the polling station.

In the procedure for the homebound voting, a portable non-transparent ballot box shall be used, which is previously stamped at the polling station by the PB.

The shape and appearance of the ballot box referred to in paragraph 7 of this Article shall be prescribe the SEC.

Article 85b

After the voter's identity is verified, the trustee shall encircle its number in the excerpt from the voters' register, gives a ballot to the voter, which is confirmed by the voter's signature on the excerpt from the voters' register, after which the voter shall vote and fold the filled ballot, so that it cannot be seen how he or she voted, and in addition, the control slip remains free and shall be separated from the ballot by the trustee and placed in a special envelope for control coupons, after which the voter puts the folded ballot paper into a portable ballot box.

A voter who is not able to vote personally shall have the right to do so with the help of a person whom they designate, who is obliged to fill the ballot, or perform the voting in the manner in which the voter wishes.

The trustee shall sign by handwriting a certificate/confirmation, which shall then be stored together with the control slip.

The trustees shall hand over to the PB a portable ballot box with ballot papers, an excerpt from the voters' register, and the envelope with control slip to the member of the PB in charge of keeping control slips.

The PB shall open the portable ballot box after the closure of the polling station and establish the number of ballot papers contained in it in such a way that the secrecy of the voting is not violated.

After establishing that the homebound voting has been made in accordance with the rules, the PB shall mix the ballot papers contained in the ballot box for homebound voting with the ballot papers contained in the ballot box at the polling station, and only then shall start establishing voting results at the polling station.

The Record of the Work of the Polling Board shall include: the number of received requests for homebound voting, the number of voters allowed by the PB to perform homebound voting, and the number of voters who performed homebound voting.

Requests for homebound voting sent to the PB and the excerpt from the voters' register for homebound voting shall be placed by the PB in a special envelope, with a visible mark on its content and, after establishing voting results, shall be sealed and submitted to the MEC as an integral part of the election material.

Article 86

Shall be deleted. (Law on the Amendments to the Law on Election of Councillors and Representatives, Official Gazette of the Republic of Montenegro No 14/00)

Article 87

The voters who are in detention or serving prison sentence shall vote at a special polling station designated by the SEC in agreement with the administration body in charge of enforcing penal sanctions.

Extracts from the voters' register, the composition of the PB and the manner of voting of persons referred to in paragraph 1 of this Article shall be established by the SEC.

Persons working in the ministry responsible for judiciary affairs and persons working in the administrative body responsible for the enforcement of criminal sanctions cannot be part of the PB.

Voters referred to in paragraph 1 of this Article shall prove their identity in accordance with Article 80 of this Law.

Article 88

The voters, who at the time of holding of the election temporarily reside abroad, shall vote at the polling station in the area of their last permanent residence on the territory of Montenegro, before going abroad.

VIII. ESTABLISHING AND ANNOUNCING OF THE ELECTION RESULTS

1. Establishing the Election Results

Article 89

After the voting has been finished, the PB shall proceed to establish the election results at the polling station.

The PB shall establish the number of unused ballot papers and place them into a separate envelope which is then being sealed.

The PB shall then establish the number of control slips separated from the ballot papers and place them into a separate envelope which is then being sealed.

Based on the extract from the voters' register, the PB shall establish the number of the voters who have voted.

Upon the opening of the ballot box and checking of the control sheet, valid and invalid ballot papers shall be separated.

Prior to the opening of the ballot box, the PB shall put on record the data referred to in paragraphs 2, 3 and 4 of this Article.

The PB shall establish the number of invalid ballot papers, then the number of valid ballot papers, as well as the number of votes for each candidate list and shall put it on Record of the Work of the Polling Board.

The following ballot papers shall be deemed invalid: unmarked ballot paper, ballot paper marked in such a way that it is not clear which candidate list the voter has voted for, as well as the ballot paper in which more than one candidate list have been encircled.

If it is established that the number of ballot papers found in the ballot box is higher than the number of voters who casted their vote registered in the excerpt from the voters' register, or the number of ballot papers in the ballot box is higher than the number of control slips, or if it is confirmed there are two or more control slips with the same serial number or a serial number that does not belong to that particular polling station, the PB shall be dissolved and a new one shall be appointed, and the voting at that polling station shall be repeated. The election results at that polling station shall be established after the voting has been repeated.

Article 90

After the PB 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 invalid ballot papers; the number of valid ballot papers; the number of votes for each candidate list; the number of voters according to the extract from the voters' register; the number

of voters who voted according to the voters' register and the number of voters who performed homebound voting.

The remarks and opinions of the members of the PB shall also be entered in the Record, as well as all other facts of relevance to voting.

The Record of the Work of the Polling Board shall be signed by all of the members of the PB. Each member of the PB shall receive a copy of the Record of the Work of the Polling Board.

Article 91

The PB shall place unused, invalid and valid ballot papers in separate envelopes with the indication of its content, which shall be sealed and then, the entire election material (Record of the Work of the Polling Board, extract from the voters' register, ballot papers, control slips separated from the ballot papers, the stamp of the PB, as well as other remaining election material) shall be placed in another envelope and sealed.

Upon establishing the election results, the PB shall, without no further delay and no later than six (6) hours following the hour of closing of the polling station, deliver the election material referred to in paragraph 1 of this Article to the MEC.

Article 92

Upon the receipt of the election material from the polling stations, the MEC shall establish the following: the total number of voters registered in the voters' register; the number of voters who voted at polling stations; the number of voters who performed homebound voting; the total number of ballot papers received; the total number of invalid ballot papers; the number of valid ballot papers; the total number of votes for each candidate list for the elections.

Based on the voting results at all polling stations in the constituency, the MEC shall establish the preliminary results of the election of councillors within 12 hours of the receipt of reports from polling stations.

The MEC shall make a special report on the results of the election of MPs at polling stations established by the special decision of the Parliament.

The MEC shall establish the voting results for the MPs at polling stations within its area, within 12 hours of the receipt of records from the polling stations at the latest, and shall submit a report together with the Record of its work to the MEC.

The SEC shall establish the preliminary results of the election of MPs, within 12 hours of the delivery of the reports of the MECs.

2. Distribution of Seats

Article 93

The MEC for the election of councillors and/or the SEC for the election of MPs shall establish the total number of votes each candidate list has won and the number of seats belonging to each list.

Each candidate list shall be entitled to a number of seats proportionate to the number of votes it has won, in accordance with this Law.

Article 94

Candidate lists that have won no less than 3% of the total number of valid votes in the constituency shall take part in distribution of seats.

Notwithstanding paragraph 1 of this Article:

1) if none of candidate lists for election of a specific minority nation or minority national community MP, specified in the election application or the title of the candidate list meets the requirement referred to in paragraph 1 of this Article, and individually they gain no less than 0.7% of valid votes, they shall acquire the right to take part in distribution of seats as a single – collective candidate list with the total number of valid votes won, provided that adding up that ensures winning up to three mandates shall be recognised for distribution of seats;

2) in case none of the candidate lists for election of MPs of members of Croatian people meets the requirements referred to in paragraph 1 of this Article and item 1 of this paragraph, the most successful one with no less than 0.35% of valid votes shall acquire the right to one MP seat;

3) if none of candidate lists for election of a specific minority nation or minority national community councillor, specified in the election application or the title of the candidate list meets the requirement referred to in paragraph 1 of this Article, shall acquire the right to take part in distribution of seats individually with the number of valid votes won.

The right referred to in paragraph 2 item 1 of this Article shall be exercised by candidate lists representing a specific (the same) minority nation or a specific (the same) minority national community with the share up to 15% in the total population in the electoral unit, according to the data from the latest census of population.

The right referred to in paragraph 2 item 3 of this Article shall be exercised by candidate lists representing a specific (the same) minority nation or a specific (the same) minority national community with the share up to 15% on the national level and 1.5% to 15% share of the total population in the municipality's territory, territory of the Capital City and Royal Capital, according to the data from the latest census of population.

The participation of a candidate list of a specific minority nation or minority national community in the pre-election coalition with candidate lists of another minority nation or minority national community or candidate lists of political parties or groups of citizens not exercising the right referred to in paragraph 2 of this Article shall not deny the right referred to in paragraph 2 of this Article to other submitters of candidate lists of such minority nation or minority national community.

Article 94a

Shall be deleted. (Law on the Amendments to the Law on Election of Councillors and Representatives, Official Gazette of Montenegro No 46/11)

Article 95

The number of seats won by the respective candidate list shall be established by dividing the total number of votes each candidate list in the constituency has won by 1, 2, etc., inclusive with the number which corresponds to the number of councillors or MPs that are elected in the constituency. The quotients thus calculated shall be sorted by size, taking into account as many large quotients as councillors and MPs being elected.

An individual candidate list shall gain the number of seats that equals the quotients belonging to it.

Distribution of seats won by a collective candidate list to the submitters of candidate lists which comprise that collective candidate list shall be carried out in the way that the total number of votes won by an individual candidate list comprising the collective candidate list is divided by 1, 2, etc., ending with the number of mandates won by the collective candidate list. The quotients thus calculated shall be classified by size, taking into account as many of the highest quotients as is the number of mandates won by the collective candidate list.

If two or more candidate lists gain the same quotients based on which they would be distributed one seat, it shall be established by drawing lots which candidate list shall be awarded this seat.

Article 96

The seats that a candidate list has acquired shall be distributed to candidates according to the order from the candidate list.

Article 97

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

Article 98

The MEC shall establish the final results of the election of councillors within the 12 hours of expiry of the deadline for filing complaints and appeals, that is, the expiry of the deadline for the decision upon these complaints and appeals to become final and enforceable.

The SEC shall establish the final results of the election of MPs within the 12 hours of expiry of the deadline for filing complaints and appeals, that is, the expiry of the deadline for the decision upon these complaints and appeals to become final and enforceable.

3. Announcing the Election Results

Article 99

The MEC for the election of councillors and the SEC for the election of MPs shall announce the final election results including the following:

- 1) The number of voters registered in the voters' register;
- 2) The number of voters who voted at the polling station;
- 3) The number of voters who voted outside of the polling station;
- 4) The number of voters who voted;
- 5) The number of ballot papers received;
- 6) The number of unused ballot papers;
- 7) The number of used ballot papers;
- 8) The number of invalid ballot papers;
- 9) The number of valid ballot papers;
- 10) The number of votes won by the respective candidate lists;
- 11) The number of mandates won by the respective candidate lists.

The final results of the election of MPs shall be published in the Official Gazette of Montenegro, and of the election of councillors in the Official Gazette of Montenegro – municipal regulations no later than 15 days from the Election Day.

Article 100

On the day of verification of seats, the MEC, that is, the SEC, shall issue the elected councillor, that is, MP, a certificate of their election as a councillor, and/or election as a MP.

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

1. Termination of the Term of Office

Article 101

The term of office of councillor and/or MP shall be terminated before its expiry in the following cases:

- 1) By resigning;
- 2) If they have been convicted, by a final 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;
- 3) If they have been stripped of their business capacity by a final binding court decision;
- 4) If they take over a position that is incompatible with the position of councillor and/or MP, in conformity with the Constitution and this Law;
- 5) By revoking Montenegrin citizenship;
- 6) In the event of death;

7) Shall be deleted. (Decision of the Constitutional Court of Montenegro U No 14/04 of 18 June 2004, Official Gazette of the Republic of Montenegro No 45/04)

8) Shall be deleted. (Decision of the Constitutional Court U-I No 2/16 of 29 November 2017, Official Gazette of Montenegro No 10/18).

The term of office of councillor and/or MP shall be terminated by the day of occurrence of any of the events referred to in paragraph 1 of this Article.

The termination of the term of office shall be stated by the responsible assembly at its first sitting following the receipt of notification of reasons for the termination of the term of office of a councillor and/or MP.

A councillor and/or MP whose term of office has been terminated pursuant to paragraph 1, item 4 of this Article, may remain on the candidate list and may gain the term of office of a councillor or MP again, in accordance with this Law.

2. Repeated Elections

Article 102

The repeated elections shall be conducted if the responsible election commission annuls the elections at the respective polling station.

In the case referred to in paragraph 1 of this Article, the voting shall be repeated at the respective polling station only.

The repeated elections shall be conducted in the manner and according to the procedure for the administering the elections provided by this Law, in compliance with the deadlines referred to in Article 98 of this Law.

The repeated elections shall be called for by the responsible election commission.

In case of repeating the elections, the final results shall be established upon finishing the repeated voting.

Article 103

The repeat elections shall be conducted no later than seven (7) days from the date the elections have been annulled.

The candidate list cannot be changed in the event of repeated elections.

3. Filling Vacant Seats of Councillors and MPs

Article 104

If the term of office of a councillor and/or MP has been terminated for reasons stated in Article 101 of this Law, the seat shall be awarded to a new councillor and/or MP, in the manner set down by this Article.

If the same or larger number of candidates than the number of councillors and/or MPs whose term of office has been terminated remains on the candidate list from which a councillor and/or an MP has been elected, the next according to the order on the candidate list shall be elected.

Notwithstanding paragraph 2 of this Article, if the term of office of a councillor or MP of the underrepresented gender is terminated, the next to be elected from the candidate list shall be of the underrepresented gender.

If there are no remaining candidates of the underrepresented gender on the candidate list from which the councillor or MP was elected, the next candidate in order on the list shall be selected.

If the term of office of a councillor or MP elected from a coalition candidate list ends for reasons specified in Article 101 of this Law, the next candidate in order from the constituent party of the list to which they belong shall be selected as councillor or MP.

If the candidate list from which a councillor and/or MP has been elected has no other candidates, the candidates from the list having the next largest quotient shall be deemed elected a councillor and/or MP.

The term of office of a new councillor and/or MP shall last until the expiry of the term of office of a councillor and/or MP whose term of office has been terminated.

The candidates referred to in paragraphs 2 and 3 of this Article shall, prior to the confirmation of their term of office, present a written consent that they accept the term of office.

4. Early Elections

Article 105

Early elections for councillors or MPs shall be called and held in case the Parliament is dissolved or a decision is made on shortening the term of office of the Parliament.

The early elections shall be called and conducted in the manner and according to the procedure for administering the elections set down by this Law.

X. PROTECTION OF SUFFRAGE

Article 106

The election administration bodies shall notify the voters during the election procedure of their electoral rights and the manner of protection of these rights.

Article 107

Every voter, candidate and submitter of the candidate list shall have the right to lodge an appeal to the responsible election commission for reasons of infringement of the electoral rights during the election.

The appeal referred to in paragraph 1 of this Article shall be lodged within the 72 hours from the hour of rendering the decision or performing an action.

The appeal referred to in paragraph 1 of this Article shall be lodged to the responsible election commission directly.

Article 108

An appeal against a decision, act or omission of the PB shall be lodged to the MEC.

An appeal against a decision, act or omission of the MEC shall be lodged to the SEC.

Article 109

The responsible election commission shall render a decision within the 24 hours from the hour of receipt of the appeal and shall deliver it to the submitter of the appeal.

If the responsible election commission finds the appeal justified, it shall annul the decision or the act.

If the responsible election commission fails to render a decision upon the appeal within the deadlines set down by this Law, the complaint shall be adopted.

Article 110

An appeal against the decision of the responsible election commission on rejecting or refusing the appeal may be lodged to the SEC.

An appeal against the decision of the SEC on rejecting or refusing the appeal may be lodged to the Constitutional Court.

Article 111

All the procedures regarding the distribution of decisions, conclusions, as well as other acts, statements, documents, petitions and other shall be regulated in accordance with the rules regulating the distribution in the administrative procedure, unless prescribed otherwise by this Law.

Xa. ELECTION OBSERVERS

Article 111a

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

Article 111b

Local non-governmental organisations interested in observing the elections, shall submit the application to the SEC which shall, within the 48 hours from the receipt of application, issue the official authorisations or render a decision rejecting the issuing of authorisations.

The application referred to in paragraph 1 of this Article shall include the name of the organisation, the proof of registry, the number and composition of the observing representatives.

The applications shall be lodged no later than five (5) days prior to the elections.

Article 111c

European Union, other international organisations, international non-governmental organisations and authorised representatives of foreign states may observe the conduct of elections which includes the work of the election administration bodies and other state bodies, covering the election campaign by the media, exercising suffrage and other related political rights and civil rights in the election process.

The observation period shall start by the day of calling for the elections and it shall finish after announcement of the final election results.

Observers referred to in paragraph 1 of this Article shall report on the course of the election process in accordance with their regular procedures.

Article 111d

Foreign observers referred to in Article 111c of this Law, interested in observing the elections, shall lodge an application for observing the elections to the ministry responsible for foreign affairs no later than ten (10) days prior to the Election Day.

The application referred to in paragraph 1 of this Article shall include the name of the country of the observer, the title of the organisation, the proof of registry, the number and composition of the representatives and time/duration of their stay.

The ministry responsible for foreign affairs shall, on the day following the receipt of the application, forward the application to the SEC.

The SEC shall, within the 48 hours from the receipt of the application, issue the official authorisations or render a decision rejecting the issuing of authorisations.

Article 111e

To the persons referred to in Articles 111a and 111c of this Law, the SEC shall issue the identification cards bearing the name and surname of the observer, the name of the country of the observer and the title of the organisation and/or institution of the observer.

The person to whom the identification card is issued shall be obliged to carry it in a conspicuous manner.

Article 111f

The election administration bodies shall provide undisturbed observing of the elections and the work of election administration bodies to foreign and local observers.

The PB shall put the presence of observers at the polling station on Record.

Article 111g

Upon the proposal of the election administration bodies, the SEC shall deprive the authorisation or identification card to any person who fails to observe by the rules of maintaining the order at polling stations, or rules of work of the election administration bodies.

Article 111h

Authorised representatives of local organisations registered for public opinion poll may conduct a public opinion poll after the voting has been completed, in accordance with this Law.

The organisation referred to in paragraph 1 of this Article shall submit a request to the SEC, which within 48 hours from the receipt of the request shall issue official authorisations or render a decision rejecting the issuing of authorisations.

The request referred to in paragraph 2 of this Article shall contain: name of the organisation, proof of registry for the activity of conducting public opinion polls, number and persons conducting the poll.

The application shall be submitted no later than five (5) days before the Election Day.

XI. ELECTION ADMINISTRATION AND ELECTION CAMPAIGN EXPENSES

Article 112

Resources required for the work of election administration bodies, the election material and other expenses for administering the elections shall be provided by the Municipal Assembly for the election of councillors, and by the Parliament for the election of MPs. The request for allocation of these resources, together with the specification of the total expenses, shall be submitted by the responsible election commission.

The SEC shall establish the criteria and standards and shall allocate the resources to the MECs for performing necessary activities in administering the election of MPs.

The SEC shall determine the method and conduct oversight of the use of funds referred to in paragraph 2 of this article.

Funds paid as compensation for the work of individuals in election administration bodies shall be exempt from taxes and contributions.

Article 113

Shall be deleted. (Law on the Amendments to the Law on Election of Councillors and Member of Parliament, Official Gazette of Montenegro No 14/14)

Article 114

State and local administration bodies shall provide their premises, instruments, equipment and other facilities available for conducting the election campaign and shall provide equal conditions for their usage to all the submitters of candidate lists.

Within the ten (10) days of calling for the elections, the bodies referred to in paragraph 1 of this Article shall define, by an agreement with the submitters of the candidate lists, the conditions and manner of using the facilities referred to in paragraph 1 of this Article.

XII. PENAL PROVISIONS

Article 115

A person committing a criminal offence of ordering the use or using the army, military bodies, internal affairs bodies, judicial or state bodies and the assets of these bodies for the purposes of presentation, popularisation or disadvantaging of a certain candidate list, as well as the employees in these bodies and other persons working for these bodies or cooperating with them, if they follow such orders shall be punished with a prison sentence of up to three (3) years.

If the criminal act referred to in paragraph 1 of this Article has been committed by the President of Montenegro, the President of the Parliament, 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 the head of state prosecution shall be punished with a prison sentence of up to five (5) years.

Article 116

A fine of EUR 500 to 2,000 shall be imposed to any person committing any of the following acts:

- 1) Accepting the candidacy contrary to the provisions of Article 39 of this Law,
- 2) Signing when nominating a candidate contrary to the provision of Article 44 of this Law;
- 3) Acting contrary to provisions of Articles 50a and 51a of this Law;
- 4) Coming to the polling station armed or carrying dangerous instruments (Article 69 (5));
- 5) Disturbing the election process at the polling station, which resulted in the interruption of the voting procedure (Article 71 (1));
- 6) Remaining at the polling station in spite of the warning of the president of the PB (Article 72);
- 7) Acting contrary to the provision of Articles 77 of this Law;
- 8) Disturbing the observation of electoral process (Article 111f).

In addition to the fine for the offense under paragraph 1 item 2 of this Article, the offender shall also be subject to the legal measure of public announcement of the decision.

In addition to the fine for the offense under paragraph 1 item 4 of this Article, the offender shall also be subjected to the protective measure of confiscation of weapons or dangerous tools.

Article 117

A fine of EUR 2,000 to 20,000 shall be imposed on a legal entity committing any of the following acts:

- 1) Conducting public opinion polls contrary to the provision of Article 2 (4) of this Law;
- 2) Conducting election propaganda contrary to the provision of Article 6 (3) of this Law;
- 3) Acting contrary to provisions of Articles 51, 53, 53a, 56 and 62 of this Law;
- 4) Acting contrary to the provisions of Article 63 of this Law.

A fine of EUR 500 to 2,000 shall be imposed on a legal entity for committing acts referred to in paragraph 1 of this Article.

A fine of EUR 250 to 2,000 shall be imposed on an individual for committing acts referred to in paragraph 1 item 1 of this Article.

XIII. TRANSITIONAL AND FINAL PROVISIONS

Article 118

The first next elections for MPs in the Parliament of Montenegro shall be conducted in Montenegro as a single constituency in which five (5) MPs of the total number of MPs shall be elected at the polling stations set up by the special decision of the Parliament.

The verified and proclaimed candidate lists shall participate on equal terms at all polling stations in Montenegro as a single constituency.

In the polling stations established by a special decision of the Parliament, only candidate lists that have received at least 3% of the votes from the total number of voters who voted in these polling stations shall participate in the distribution of seats.

The candidate list who has fulfilled the conditions for participating in the distribution of seats at the polling stations set up by the special decision of the Parliament, shall be added the votes of the voters

the list has won at other polling stations in Montenegro in final distribution of seats, on condition that it does not participate in distribution of seats at those polling stations.

The votes won by a candidate list, which having in mind the number of the votes won, does not participate in distribution of seats at polling stations set up by the special decision of the Parliament, shall be added the votes the list has won at other polling station in Montenegro, on condition that it participates in distribution of seats on those polling stations.

The distribution of seats referred to in paragraph 1 of this Article shall be conducted in accordance with Article 95 of this Law.

Article 119

For the elections referred to in Article 118 of this Law, the MEC shall make a special report on elections of MPs at polling stations set up by the Parliament.

Article 120

The ultra-violet light machine from the Article 118 of this Law shall be used at the first next parliamentary elections.

The manner of using of the spray referred to in paragraph 1 of this Article shall be established by the SEC.

Article 120a

The ultra-violet light machines shall be used at the elections of councillors in municipal assemblies of Podgorica and Herceg Novi that shall be held on 11 June 2000.

The manner of using the spray referred to in paragraph 1 of this Article shall be established by the SEC.

Article 121

Municipal assemblies shall appoint the MECs no later than 20 days from the date this Law enters into force.

The SEC shall be appointed within the deadline referred to in paragraph 1 of this Article.

Article 122

The SEC shall render regulations and forms for the implementation of this Law no later than 20 days from the day of its appointment.

Article 123

The municipal assembly shall harmonise its regulations on elections with the provisions of this Law no later than 45 days from the date this Law enters into force.

Article 124

By the day of this Law coming into force, the Law on Election of Councillors and Members of Parliament (Official Gazette of the Republic of Montenegro No 49/92, 16/95 and 21/96) shall cease to be valid.

Article 125

This Law shall enter into force the day following the day of its publishing in the Official Gazette of Montenegro.