

The consolidated text of the Law on Election of the President of Montenegro includes the following regulations:

1. Law on Election of the President of Montenegro ('Official Gazette of Montenegro', No. 017/07 of 31 December 2007),
2. Law on Financing of Campaign for the Election of the President of Montenegro, Mayors ('Official Gazette of Montenegro', No. 008/09 of 4 February 2009),
3. 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),
4. Decision of the Constitutional Court of Montenegro U-I No. 28/17, of 28 September 2018 ('Official Gazette of Montenegro', No. 073/18 of 19 November 2018), containing the date of their entry into force.

LAW ON ELECTION OF THE PRESIDENT OF MONTENEGRO

('Official Gazette of Montenegro', No. 017/07 of 31 December 2007, 008/09 of 04.02.2009, 012/16 of 23.02.2016, 073/18 of 19.11.2018)

I. BASIC PROVISIONS

Article 1

The right to be elected the president is held by a citizen of Montenegro who has reached 18 years of age, having a place of permanent residence in Montenegro in the period of at least 10 years in the last 15 years before holding the elections.

The President of Montenegro (hereinafter referred to as the President) shall be elected through general elections, directly and through secret voting, for the period of five years.

Article 2

The President of the Parliament of the Republic of Montenegro shall call for the election for the President no later than 120 days prior to the expiration of office of the incumbent President.

The day of holding the election shall be scheduled by the Decision on Calling the Election.

The election shall be held not less than 60 and not later than 90 days from the date of calling the elections.

Article 3

The State Election Commission, Municipal Election Commissions and Polling Boards competent for elections of councilors and members of parliament shall implement the procedure for election of the President.

II. NOMINATION OF CANDIDATES

Article 4

The candidate for President may be nominated by a political party or a group of citizens, based on the signatures of at least 1.5% of the voters from the total electorate, using as reference the electorate from the elections that preceded the Decision on Calling the Election.

A single political party or a group of citizens may nominate one candidate only.

Two or more political parties may nominate a joint candidate.

Article 5

A voter may, by the way of his/her signature, support one candidate for President only.

Article 6

The nomination of the candidate for President shall be submitted to the State Election Commission, no later than 20 days prior to the date set for holding the elections.

In addition to the nomination referred to in paragraph 1 of this Article, the following shall be submitted:

- 1) The candidate's written statement on accepting the candidacy;
- 2) Certificate of the Candidate's right to vote;
- 3) Candidate's Permanent Residence Certificate;
- 4) Candidate's Citizenship Certificate;
- 5) Voters' signatures for the support to the candidate.

Article 7

The State Election Commission shall determine the List of Candidates for President within the term of 48 hours as of the expiry of the time limit referred to in Article 6, paragraph 1 of this Law.

A candidate may withdraw candidacy not later than the list of candidates is determined.

The consecutive order on the list of candidates shall be determined by the State Election Commission by way of drawing lots, in the presence of authorised representatives of submitters of candidates' nominations.

Article 8

The State Election Commission shall, immediately upon determining the List of Candidates and not later than 15 days prior to the day set for holding the elections, publish the List of Candidates in the 'Official Gazette of Montenegro', in all daily newspapers published in Montenegro and on the Radio and Television of Montenegro.

Should a candidate pass away in the period between the publication of the List and the day set for holding the elections, the political party may nominate a new candidate without satisfying voters' signatures requirement. In such an event, the elections shall be postponed for 14 days.

III. ELECTION OF PRESIDENT

Article 9

Provisions of the Law on Election of Councilors and Members of Parliament referring to the right to elect and be elected, determining and announcing the List of Candidates; presentation of candidates; the manner of organisation of elections; form and content of the ballot; voting at polling stations and outside of them and protection of the voters' right, shall accordingly apply to the election of the President if not otherwise provided herein.

Article 10

Voting for the election of the President shall be carried out by a ballot.

The ballot shall contain: designation stating the voting for the President; the name and surname of the candidates in the same consecutive order that they appear on the List of Candidates; the title of the political party or parties which have nominated the candidate, and if the candidate is nominated by the group of citizens, a designation 'independent candidate' shall be included with the name and surname of the candidate .

An ordinal number shall be placed at the beginning of each candidate's name.

Ballots shall be authenticated by the stamp of the State Election Commission.

Article 11

A voter may vote for one candidate only.

The voting shall be carried out by encircling the ordinal number placed at the beginning of the name of the candidate being voted for, or by encircling his name and surname.

Article 12

The following ballots shall be deemed invalid:

- Unfilled ballots;
- Filled in the manner failing to determine with certainty which candidate has been voted for;
- Ballots containing vote for two or more candidates;
- Ballots containing added name of a person who is not a candidate.

Article 13

Upon the completion of the voting, the Polling Board shall determine the polling results at the polling stations and submit the respective report, along with the record of work, to the Municipal Election Commission, no later than 12 hours as of closing the polling stations.

The Municipal Election Commission shall determine the results of voting for the territory of the municipality, and shall submit the respective report, together with the record of work, to the State Election Commission, within 12 hours as of the submittal of reports from the polling stations.

Article 14

The State Election Commission shall determine the preliminary presidential election results within the term of 12 hours as of the submittal of reports of the Municipal Election Commissions.

Article 15

The State Election Commission shall determine the final presidential election results within the term of 12 hours upon the expiry of the time limit for filling a grievance or a complaint, respectively after the decisions rendered in regard of the grievance or complaint has become final and enforceable.

Article 16

The candidate who receives more than a half of the valid votes of voters who have voted shall be elected the President.

Article 17

Should none of the candidates obtain such number of votes as envisaged in Article 16, paragraph 1, the second round shall be held in 14 days.

Two candidates who received the highest number of votes shall participate in the second round.

In the second round, the winner shall be the candidate who wins the majority of votes.

Should both candidates win an equal number of votes in the second round, the voting shall be repeated between these two candidates within the term of 7 days.

Article 18

Should any of the candidates referred to in Article 17 paragraph 2 of this Law decline to enter the second round, the right to enter the second round shall acquire the next candidate with the highest number of votes received in the first round of the election.

Should only one candidate remain in the second round due to the withdrawal of other candidates, such candidate shall be deemed elected.

Article 19

Should any of the candidates entitled to enter the second round pass away before the term set for holding the second round, the election procedure shall be repeated in its entirety and the decision on calling the elections shall be passed within the term of 14 days as of the day of demise of the candidate.

Article 20

The State Election Commission shall publish the final presidential election results in the 'Official Gazette of the Republic of Montenegro' and in the media.

Article 21

The funds for covering the costs of the presidential election shall be provided for in the budget of Montenegro.

IV. PENAL PROVISIONS

Article 22

The candidate for President of Montenegro may not use the facilities, financial resources, vehicles, technical means and other state property for the electoral campaign.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 23

By this Law's entry into force the Law on Election of the President of the Republic ('Official Gazette of the RoM', No. 11/03) shall cease to be valid.

Article 24

The present Law shall enter into force on the day following the day of its publication in the 'Official Gazette of the RoM'.