



Election guide



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Election guide

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Introduction

This guide is primarily intended for voters, entities participating in the election process, observers, the media, but also for everyone else who is interested in learning more about the election process in Montenegro.

This is the first guide on elections in which an overview of all relevant issues of the Montenegrin electoral legislation in force is provided, and which also offers to stakeholders a practical aspect when it comes to their rights and obligations in the election process.

The guide is informative and it provides answers to questions without interpreting the meaning of individual provisions. The reason for taking this approach is to make the guide more concise and relieved of legal finesse that are not in the focus of interest of those to whom it is intended. At the same time, condensed and concrete answers were given to all key questions regulated by positive regulations, which relate to the election procedure.

The guide is divided into three sections. The first refers to the elections of members of Parliament and councillors, the second to the presidential elections, while the third section refers to the rights defined by the Law on electoral register. Since during the election of the President of Montenegro, the provisions of the Law on election of councillors and members of Parliament are applied accordingly, the second part of the Guide provides an overview of only those provisions that are regulated differently in comparison to elections of councillors and members of Parliament.

The first part of the guide is thematically divided into four units in order to find answers to questions more easily. Thus, the first unit refers to the rights and obligations of voters in the election process, the second to the rights and obligations of political entities interested in participating in the elections, while the third unit provides answers related to representation in the media. The last unit deals with issues relevant to the work of domestic and international observers.

Voting shall be conducted on the basis of universal and equal voting right, at free and direct elections, by secret ballot.

01 Elections of members of Parliament and councillors

I.1. VOTERS

Who has the right to vote?

Montenegrin nationals who are included on the electoral register in accordance with the law governing the electoral register shall vote for councillors and members of parliament.

What are the basic principles of exercising voting right in the Montenegrin electoral system?

Voting shall be conducted on the basis of universal and equal voting right, at free and direct elections, by secret ballot.

What are the conditions for a person to be entitled to vote for and stand as a candidate in election of members of parliament?

A voter who has turned 18 years of age and permanent residence in Montenegro for no less than two years prior

to the election day, shall be entitled to vote for and stand as a candidate in election of members of Parliament.

What are the conditions for a person to be entitled to vote for and stand as a candidate in election of councillor?

A voter who has turned 18 years of age, permanent residence in Montenegro for no less than two years and permanent residence in a municipality which is an electoral district, shall have the right to vote for and stand as a candidate in election of councillors.

What is meant by voting right?

Voting right, within the meaning of this Law, shall include the rights of voters: to vote for and stand as a candidate in election; to nominate and be nominated; to make decisions on the nominated candidates and candidate lists; to ask candidates questions publicly; to be informed in a timely, truthful, complete and objective manner about the programmes and activities of candidate list submitting entities, as well as to exercise other rights provided by the Law on Election of Councillors and Members of Parliament.

Can a voter be held accountable for voting?

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

When the elections shall be held?

Election day shall always be on Sunday, except in the case of repeating elections at a certain polling station, when they can be held on a working day.

When do polling stations open and close?

Polling stations in the electoral district shall be opened at 7:00h and closed at 20:00h.

How do voters get informed about holding elections?

The Ministry in charge of electoral registers shall deliver poll card to voters at the latest seven days before the date of the election. However, delivery of the poll card shall not be a condition for exercising voting right.

What does the poll cards contain?

The poll card shall be in the format accessible to disabled voters and contain: the polling day and polling hours, number and address of the polling station at which to vote and the number under which the voter is included into the extract from the vote register.

Is there any other manner for the voter to be informed about the polling station at which s/he votes?

Voter can check where s/he is voting by making a call to a phone number 19820, which is active during the election period, or by entering personal data on the website www.biraci.me.

Where does the voter vote?

Voters shall cast their votes at polling stations in which they have been included into the extract from the electoral register.

The voter wishing to vote via a letter shall submit an application to vote by post to the polling board, using the prescribed form personally signed.

Can a voter vote outside of the polling station?

Voters who are unable, due to old age, disability, inpatient or outpatient medical treatment, to vote at the polling station where their names are on the extract from the electoral register can vote outside of the polling station.

What is the procedure for voting by post?

The voter wishing to vote via a letter shall submit an application to vote by post to the polling board, using the prescribed form personally signed. The application to vote by post shall be submitted to the polling board at the polling station at the latest until 13:00h on polling day only by the person authorised by the signature of the postal voting applicant to do so. One person may not submit to the polling board more than one application to vote by post, except where he is doing so for two or more voters voting by post and living in the same household. ID card or passport of the voter wishing to vote by post shall be submitted to the polling board together with the application to vote by post and the authorisation to deliver the application to vote by post to the polling board.

Can a voter vote abroad, that is, in Montenegrin diplomatic and consular representations?

Montenegrin legislation does not envisage the possibility of voting abroad.

How does the voting procedure work at the polling station?

Voter shall state name and surname to the polling board and prove identity via a biometric ID card or passport. Voter may not vote without presenting evidence of his/her identity.

The polling board presiding officer shall find the voter, through electronic identification, in the electronic and printed extract from the electoral register, the voter shall place his signature

on the place designated for that purpose in the extract from the electoral register, thus confirming receipt of ballot paper, after which the polling board allows the voter to vote. Having ascertained the identity of a voter, polling board presiding officer or member shall circle the ordinal number in the extract from the electoral register, explain to him how to vote and hand over the ballot paper.

At the request of the voter, polling board members shall re-explain the manner of voting to them.

A voter can vote only once during an election.

Does the voter have to vote personally?

Each voter shall cast his vote personally. A voter who cannot cast his vote in person because of polling station, information and communication inaccessibility (person with disability) or due to illiteracy (illiterate person) shall be entitled to do so with the assistance of an aid designated by him/her, who shall mark the ballot, that is, cast the vote as instructed by the voter.

The casting of vote on behalf of the voter may not be performed by polling board members, nor by authorised representatives of candidate list submitting entities.

How do you vote correctly at a polling station?

After receiving the stamped ballot paper, the voter goes to the area designated for voting and votes secretly so that no one can see s/he voted.

Voter may vote only for one candidate list from the ballot paper. Votes shall be cast by circling the ordinal number in front of the title of the candidate list for which the vote is cast, or by circling the title of the list or the name and surname of the leader of the list.

Voter shall personally fold the ballot paper that has been filled in so that no one can see how s/he voted, while leaving the counterfoil unobstructed, and thereafter, while holding in their hands

the folded ballot paper, they shall go to the ballot box and enable the polling board member chosen by drawing lots to detach the counterfoil from the ballot paper along the line of perforations. Voter shall thereafter put the ballot paper in the appropriate ballot box and leave the polling station.

What is the procedure if a voter breaches the secrecy of the ballot?

If the voter breaches the secrecy of the ballot by voting publicly, outside the area designated for voting, or if s/he, after voting in the area designated for voting, publicly displays his/her ballot paper to the polling board so that they can see how s/he voted, on the basis of a prior polling board decision, the polling board presiding officer shall, in the presence of the polling board, detach the counterfoil and make such ballot paper invalid by crossing it over, placing it in a special envelope and inserting it into the ballot box in lieu of the voter.

Can a voter vote after 20:00 or after the closure of the polling stations?

These voters shall be allowed to vote if they found themselves at the polling station at the moment of its close. Polling board shall previously ascertain their number and identities.

How can a voter support the candidate list in the candidacy process?

Voters may support only one candidate list with their signatures for election of councillors and only one candidate list for election of members of parliament.

How are voting rights protected?

Each voter shall be entitled to lodge an objection due to a voting right breach during the election process.

To whom the objection/appeal should be submitted?

The objection against the decision, action or omission made by the polling board shall be submitted to the municipal election commission.

The objection against the decision, action or omission of the municipal election commission shall be submitted to the State Election Commission.

An appeal may be brought to the Constitutional Court of Montenegro against the decision of the State Election Commission.

Against what kind of decisions can a voter lodge an objection/appeal?

An objection may be lodged to the State Election Commission against the decision of the municipal election commission rejecting or refusing the objection.

An appeal may be brought to the Constitutional Court of Montenegro against the decision of the State Election Commission rejecting or refusing the objection.

An objection or an appeal cannot be filed against the decision by which the objection is accepted.

What is the deadline for objection/appeal?

The objection shall be submitted within 72 hours of the hour when the decision was passed or action taken respectively.

The objection shall be submitted within 48 hours of the hour when the decision of the State Election Commission was delivered.



48h

Deadline for submitting an objection to the Constitutional Court from the moment when the decision of the SEC was delivered.



I.2. POLITICAL ENTITIES AND GROUPS OF VOTERS

In which manner can political entities participate in the bodies in charge of the elections?

Political entities can nominate members of election management bodies (State Election Commission, municipal commissions, polling boards) who, depending on the election results, i.e. the fact whether the candidate list has been validated, have the right to participate in election management bodies in permanent or extended composition.

Which political subjects have the right to be permanent members of the State Election Commission?

The State Election Commission (SEC) is the central institution of the election process which is permanently composed of the chairperson and 10 members.

Nine members of the SEC are representatives of political parties represented in the Parliament of Montenegro according to the results of the election. Four shall be appointed from among parliamentary majority, four from among parliamentary opposition, while one representative of a political party or candidate list submitting entity for authentic representation of members of national minorities or minority ethnic communities which received the highest number of votes in previous elections shall also be appointed. One member of the SEC composition shall be appointed from among the representatives of civil society, non-governmental sector and university.

How long is the term of office of permanent members of the SEC and when shall they be elected?

The permanent members of the SEC shall be elected after the parliamentary elections, and their term of office shall last for four years.

The only stipulated condition for a person to be a member of the permanent and expanded SEC composition as representative of political entities is that the person must be lawyer.

Which political entities have the right to be members of the extended SEC composition?

The candidate list submitting entity confirmed by the SEC shall appoint his representative to extended composition, on which SEC issue a conclusion within 24 hours of such conclusion's issuance.

When does the term of office of members of the extended SEC composition start and end?

Authorised representatives shall participate in work and render valid decisions 20 days prior to the election day. Their term of office shall terminate on the day when final election results are ascertained.

What are the conditions for a person to be a member of the permanent and expanded SEC composition as representative of political entities?

The only stipulated condition is that the person must be lawyer.

Which political entities have the right to be members of permanent composition of the municipal election commission?

The permanent composition of the municipal election commission shall include a chairperson and four members and one empowered representative of each candidate list submitting entity. The candidate of a political party, i.e. candidate list submitting entity which won the highest number of councillor seats in the previous elections shall be appointed chairperson. If a coalition candidate list won the highest number of seats in the previous elections, as a rule, the candidate of the political party which won the highest number of councillor seats within the coalition shall be appointed chairperson of municipal election commission. Two members of the permanent composition of the municipal election commission shall be appointed at the proposal of parliamentary opposition, proportionally to the number of mandates won in the previous elections, in proportion to the number of seats won at previous elections, while in the case of the same number of seats, advantage shall be given to the candidate list which received the highest number of votes.

The president and permanent composition members of the municipal election commission shall have their deputies appointed.

What if there is only one opposition candidate list in the municipal assembly?

If there is only one opposition candidate list in the relevant municipal assembly, both members of the permanent composition of the municipal election commission shall be appointed at the proposal of that opposition candidate list.

Who is appointed as the secretary of the municipal election commission?

As a rule, the candidate proposed by the opposition candidate list which won the highest number of councillor seats in the previous elections shall be appointed secretary of municipal election commission.

Does the secretary of the municipal election commission can take the vote, i.e. make decision at the sessions of the municipal election commission?

Secretary of municipal election commission shall be in charge of administrative duties provided for in electoral legislation and has no right to make decisions.

Which political entities can be members of the municipal election commission extended composition?

All candidate list submitting entities whose electoral list is confirmed by the municipal electoral commission can appoint its empowered representative to the municipal election commission extended composition, which the municipal election commission determines and delivers within 24 hours.

How many members does the polling board have?

Composition of polling boards shall include the presiding officer and four members of permanent composition and one empowered representative of each candidate list submitting entity.



Who has the right to propose representatives to the permanent composition of polling boards?

Each political party represented in the relevant assembly shall be entitled to the number of polling board presiding officers proportionate to the proportional representation of councillor seats in assembly, while the polling stations at which individual political parties would propose representatives for polling board presiding officers shall be determined by the municipal election commission by drawing lots.

Two members shall be appointed to the permanent polling board composition at the proposal of a political party or coalition that has majority in the relevant municipal assembly.

One representative of the two opposition political parties in the relevant assembly respectively which won the highest number of seats in the previous elections shall be appointed to the permanent composition of the polling board, and in case the number of seats was the same, the criterion shall be the highest received number of votes.

If there is only one opposition political party in the relevant municipal assembly, two representatives of that party shall be appointed to the permanent polling board composition.

When shall the polling board be appointed?

Polling Boards shall be appointed for each polling station, at the latest 10 days before the election day. As an exception, at the substantiated request of a political party or group of voters which acquired the right

to propose representatives to the permanent polling board composition, the polling board composition may also be changed after the expiry of the term, and at the latest 12 hours before the polling stations are opened.

Who has the right to appoint a member of the permanent polling board composition?

On the date of issuing the decision publishing a candidate list, the municipal election commission shall issue a conclusion determining which candidate lists submitting entity meets the requirements for nominating its representative to the extended polling board composition. The municipal election commission shall submit to the candidate list submitting entity the conclusion on fulfilment/non-fulfilment of requirements for nominating representatives of candidate lists submitting entities to the extended polling board composition, within 24 hours of designation of the polling station.

The candidate list submitting entity shall appoint its empowered representative to the extended polling board composition and notify the municipal election commission thereon, which shall, at the latest 24 hours of the delivery of notification, issue a conclusion determining by name each of the persons that are to enter the extended polling board composition.

When does a member of the polling board start participating in work and render decisions?

Empowered representatives shall participate in work and render valid decisions five days prior to the election day.

Which documents do political parties submit to the competent election commission in order for the list to be confirmed?

The following documents shall be submitted to the election commission together with the candidate list:

- 1) written candidate statement accepting the candidacy;
- 2) certificate of voting right for each candidate from the candidate list;
- 3) certificate of the place of permanent residence for each candidate;

- 4) list of voters supporting the candidate list, with their signatures;
- 5) written assent of the leader of the list, if that is included in the title of the list;
- 6) decision of the competent body of the political party validating the candidate list;
- 7) application to contest elections;
- 8) the founding and programme acts.

What is the difference when it comes to groups of voters in relation to the required documentation?

Given that groups of voters do not have to have a statute and a formal programme act, they shall also submit with the candidate list a statement stamped by the competent body of the decision to contest elections, including the programme objectives of that candidate list, person authorised for representation before the competent bodies, as well as other mutual rights and obligations.

Along with the name of the candidate list of the group of voters, a closer designation of that list shall be submitted.

What are the deadlines for submitting the candidate list?

Candidate lists for election of councillors shall be submitted to the municipal election commission, and for election of members of parliament to the SEC, at the earliest 20 days of the day when the election is called, and at the latest 25 days before the election day.

What if the election list was submitted late?

If candidate list was not submitted in a timely manner, it shall issue a decision dismissing the candidate list.

What if the documentation is incomplete, that is, the election list contains shortcomings?

If the competent election commission finds that the candidate list contains certain shortcomings, it shall pass, within 48 hours of receipt of the candidate list, a conclusion ordering the list submitting entity to eliminate those



0,8%

Minimum percentage of signatures of voters' support in the electoral unit required to determine the electoral list for the election of councillors

shortcomings, at the latest within 48 hours of the conclusion's delivery. The conclusion shall indicate to the submitting entity the actions it needs to perform in view of eliminating shortcomings.

What if the candidate list submitting entity does not eliminate the shortcomings within the prescribed period?

If the competent election commission finds that the candidate list shortcomings have not been eliminated or that they have not been eliminated within the prescribed time-limit, it shall pass, during the next 24 hours, a decision rejecting to publish that candidate list.

What is the required number of signatures of voters' support for the electoral list?

The electoral list for the election of councillors, i.e. members of Parliament, can be determined if at least 0.8% of voters from the number of voters in the electoral unit support it with their signatures, according to the data on the number of voters from the elections that preceded the decision to call the elections, regardless if it is about the elections for the President of Montenegro or the elections for the Parliament.

What is the required number of signatures for parties and voter groups which represent a minority nation or a minority ethnic community?

Candidate lists for election of councillors of political parties or groups of voters which represent a minority nation or a minority ethnic community may be accepted if supported by the signatures of at least 150 voters, that is, for election of members of parliament it may be accepted if supported by the signatures of at least 1,000 voters.

In municipalities in which the seat of a councillor in previous elections was equal or less than 150 votes, candidate lists for election of councillors may be accepted if supported by the number of signatures of voters which is less by one compared to the number of votes equal to one councillor seat in the previous elections for the relevant municipal assembly.

A candidate list for election of members of parliament which represents a minority nation or a minority ethnic community which constitutes up to 2% of the Montenegrin population according to the last census results may be accepted if supported by the signatures of at least 300 voters.

Who can give a support by the signature and are there any limitations?

Support by the signature can be given by all persons who have the right to vote. The limitations refer to the fact that voters who sign lists for election of councillors shall have their place of permanent residence in the territory of the relevant municipality, while voters who sign lists for election of members of parliament shall have their place of permanent residence in the territory of Montenegro.

Who proposes the candidates on the candidate list and determines their order?

Closed electoral lists are in force in Montenegro, which means that voters decide for a list, not for individual candidates. Therefore, political parties, separately or as a coalition, as well as groups of voters, propose candidates for their candidate list, and determine their order of candidates on the list.

What are the conditions for a person to be a candidate on the candidate list?

A voter who has turned 18 years of age, has permanent residence in Montenegro for no less than two years prior to the election day, shall be entitled to vote for and stand as a candidate in election of members of parliament.

A voter who has turned 18 years of age, has permanent residence in Montenegro for no less than two years and permanent residence in a municipality, or a borough which is an electoral district, shall have the right to vote for and stand as a candidate in election of councillors.

What are the limitations prescribed when it comes to candidacy on the candidate list?

A person may be candidate for a councillor only on one candidate list and only in one electoral district.

A person may be candidate for an MP only on one candidate list.

How many candidates on the list are proposed by candidate list submitting entity?

A single candidate list shall contain at least 2/3 candidates and at the most as many candidates as are being elected. As an exception, there may be at least 1/3 and at the most as many candidates as are being elected on the candidate list for election of members of parliament submitted by groups of voters or political parties which represent a minority nation or a minority ethnic community.

What are the conditions for submitting a list related to exercising the gender equality principle?

The law prescribes that 30% of candidates on the candidate list shall be from the underrepresented sex.

Apart from this provision, the legislator prescribed an additional protective norm, stipulating that among each four candidates in the candidate list order (the first four places, the second four places and so on until the end of the list) there shall be at least one candidate who is a member of the underrepresented sex.

What if the candidate list does not meet the prescribed conditions related to the representation of women?

In that case, the competent election commission shall pass a

Candidate may abandon his/her candidacy until the day when the decision to publish the candidate list has been issued.

conclusion ordering the list submitting entity to eliminate those shortcomings at the latest within 48 hours of the conclusion's delivery. If list submitting entity does not eliminate shortcomings, election commission shall reject to publish that candidate list.

Until when can the candidate lists submitting entities withdraw the list?

Candidate lists submitting entities may withdraw the lists at the latest until the day when the general candidate list is accepted.

What are the consequences of the withdrawal of the list in relation to the representatives in election management bodies?

Withdrawal of a candidate list shall terminate the office of the empowered representative of the list submitting entity in all election management bodies, as well as all the rights that pertain to him in that capacity under the provisions of this Law.

What is the deadline for abandoning candidate's candidacy?

Candidate may abandon his/her candidacy until the day when the decision to publish the candidate list has been issued.

What if the candidate loses Montenegrin citizenship, is deleted from the register of residence, i.e if s/he dies after the decision to publish the candidate list has been issued?

In that case the candidate list submitting entity shall lose its right to propose a new candidate,

and the position on the electoral list shall be taken by the successive candidate on the candidate list.

How do the constituents of the coalition election list regulate mutual rights?

If two or more political parties or groups of voters submit a coalition candidate list, the title and other rights and obligations of coalition candidate list submitting entities shall be determined in an agreement which is submitted to the competent election commission together with the coalition candidate list.

Does the leader of the candidate list have to be on the list?

The person designated as the leader of the candidate list need not be a candidate on the list. Candidate list submitting entity may also include the name and surname of the leader of the candidate list, with his written assent.



How are voting rights protected?

The candidate list submitting entities and the candidate from the list shall be entitled to lodge an objection to the competent election commission due to a voting right breach during the election process.

To whom the objection/appeal should be submitted?

The objection against the decision, action or omission made by the polling board shall be submitted to the municipal election commission.

The objection against the decision, action or omission of the municipal election commission shall be submitted to the SEC.

An appeal may be brought to the Constitutional Court of Montenegro against the decision of the SEC.

To which decisions can the candidate list submitting entities and the candidate submit an objection/appeal?

An objection may be lodged to the SEC against the decision of the municipal election commission rejecting or refusing the objection.

An appeal may be brought to the Constitutional Court of Montenegro against the decision of the SEC rejecting or refusing the objection.

An objection or an appeal cannot be filed against the decision by which the objection is accepted.

What is the deadline for submitting an objections/appeal?

The objection shall be submitted within 72 hours of the hour when the decision was passed or action taken respectively.

The appeal shall be submitted to the Constitutional Court within 48 hours of the hour when the decision of the SEC was delivered.

I.3. - PRESENTATION OF CANDIDATE LIST SUBMITTING ENTITIES AND CANDIDATES FROM CANDIDATE LISTS

When does the right to present candidate list submitting entities begin and in which media?

As of the date of candidate list validation, until completion of the election campaign, candidate list submitting entities shall be entitled to inform citizens of their candidates, programmes and activities on a daily basis, in equal duration and free of charge, through the national public broadcaster Radio and Television of Montenegro, as well as through regional and local public broadcasters, within the same daily timeslots and topical coverage of news-stories.

What are the rights of candidate list submitting entities when it comes to commercial broadcasters?

Throughout election campaigns, candidate list submitting entities shall be entitled to promote their candidates and programmes and to announce their promotion rallies in shows, during topical coverage of news-stories and through advertisements of commercial broadcasters, for a fee and in accordance with the rules adopted by the broadcaster. Commercial broadcasters shall enable paid advertising to validated candidate list submitting entities, under equal conditions.

What are the limitations regarding the presentation of candidate list submitting entities?

Assets (money, technical devices, premises, equipment, and the like) of state bodies, public companies, public institutions and funds, local government units, or companies in which the state has an ownership stake may not be used for candidate list presentation purposes.

Public officials appointed by the Government of Montenegro or

elected or appointed by the local government, civil servants and state employees may not take part in election campaigns, and neither publicly express their positions regarding elections, during working hours, i.e. while on duty. Police officers and members of the National Security Agency may not participate in election campaigns in any manner.

In which timeslots and in what time duration do the candidate list submitting entities have the right to be presented on RTCG?

During the election campaign, Television of Montenegro and Radio of Montenegro are obligated to ensure to validated candidate list submitting entities free of charge broadcasting time in an equal and daily manner, within the appropriate commercial marketing blocks on the TV channel or radio channel for: - political advertising TV and audio video clips in all political marketing blocks, to the extent not less than 200 seconds per day, depending on the planned number of political marketing advertising blocks; - 3-minute reports from promotional rallies twice a day, in timeslots following the central evening news on TV and radio channels. Production of contents shall be an obligation of the candidate list submitting entity which is being promoted.

During election campaigns, Television of Montenegro and Radio of Montenegro are obligated to organise and broadcast at least two one-and-a-half-hour shows per week within the political information programme, in which the validated candidate list submitting entities and candidates from those lists will have a head-to-head debate, in the timeslot from 20 to 23 hours, as agreed by the editorial board and candidate list submitting entities.

What is the role of the parliamentary committee in charge of monitoring enforcement of the part of the Law which concerns the media?

The Committee shall be competent to monitor and oversee the enforcement of provisions of this Law which concerns obligations of the media during the pre-election campaign, especially to:

- 1) consider objections to the actions of media outlets and take positions thereon and issue conclusions;
- 2) warn media to act in accordance with this Law and to eliminate potential irregularities;
- 3) publish its positions and conclusions;
- 4) inform the Electronic Media Agency and the competent media bodies about breaches of the provisions of this Law by the media outlets in view of undertaking measures falling within their competence towards the media outlet acting contrary to law.

Who has the right to be member of the Committee?

The Committee shall have 10 members and it shall be composed on a parity basis from the members of parliamentary majority and parliamentary opposition. The chair and deputy chair of the Committee shall be appointed from among Committee members. The Committee shall be established at the latest 10 days of the day when the election of members of parliament is called. The proposal to appoint the chair, deputy chair and members of the Committee shall be submitted to the Parliament by the Parliament working body in charge of elections and appointments.

The legislator defined that authorized representatives of domestic non-governmental organizations may observe the course of elections and the work of election management bodies.

I.4. - ELECTION OBSERVERS

Who can be domestic election observers according to Montenegrin legislation?

The Law on Election of Councillors and Members of Parliament stipulates that domestic election observers may be authorized representatives of domestic non-governmental organizations that are registered to monitor the exercise of political freedoms and rights.

What does election monitoring mean?

The legislator defined that authorized representatives of domestic non-governmental organizations may observe the course of elections and the work of election management bodies.

To whom is submitted the election monitoring application?

Domestic non-governmental organizations interested in election monitoring submit an application to the SEC.

What must the election monitoring application contain when it comes to domestic election observers?

The application contains name of the organization, proof of entry into the register, number and composition of representatives.

What is the deadline for SEC decision on the application?

State Election Commission shall issue official authorisations or a decision rejecting to issue the authorisation within 48 hours of receipt of the application.

What is the deadline for submitting domestic observers' application for election observation?

Applications should be submitted no later than five days before the voting day.

Who can be foreign election observers?

European Union, other international organizations, international non-governmental organizations and authorized representatives of foreign countries.

What does the foreign observers' right to observe elections include?

Foreign observers may monitor the course of elections which includes the work of election management bodies and other state bodies, manner in which the media report on the pre-election campaign, exercise of voting right and other related political and civic rights in the election process.

What is the election observation period?

The observation period runs of the day when election is called and end when final election results are announced.

To whom do foreign election observers submit an application for election observation?

Interested foreign observers submit an application for election observation to the Ministry in charge of foreign affairs, which, submit the application to the SEC on the date following that when the application was received.

What is the deadline for submitting the application?

Foreign observers submit their application at the latest ten days before election day.

What must the application contain?

The application must contain the following elements: the name of the country from which the observer comes, the name of the organization, proof of registration in the register, the number and composition of representatives and the time of stay.

What is the deadline for issuing authorization for election observation by the SEC?

Within 48 hours from the day of application receipt, the SEC issues official authorizations for election observation, or rejects the issuance of authorizations with its decision.

What does identification card issued by the SEC contain?

The SEC issues an identification card to foreign observers shall include the name, surname, name of their country and the name of organisation or institution they pertain to.

Persons to whom identification cards were issued shall wear it in a visible place.

Can the authorizations for election observation once issued be revoked and why?

At the proposal of the election management body, the State Election Commission may revoke authorisation or identification card from the person to whom it was issued, if he does not adhere to polling station order maintenance rules and election management body's work rules.

02 Elections for the President of Montenegro

During Presidential elections in Montenegro, the provisions of the Law on the election of councilors and members of Parliament are applied accordingly relating to voting rights; validating and publishing candidate list; presentation of candidates; manner of election organisation; form and content of the ballot paper; voting at the polling station and outside the polling station and protection of voting rights.

Who has the right to be elected as the President of Montenegro?

A citizen of Montenegro who has turned 18 years of age and has permanent residence in Montenegro for no less than 10 years in the last 15 years prior to the election day, shall have the right right to be elected as president.

Who can propose a candidate for the president of Montenegro?

A candidate for president can be nominated by a political party or a group of citizens.

An individual political party or a group of citizens can nominate only one candidate.

How many supporting signatures are necessary for a valid candidacy?

The candidacy must be supported by signatures of at least 0.15% of

voters out of the total number of voters, counting according to the data on the number of voters in the elections which preceded the decision to call for elections.

How many candidates for the president of Montenegro can a voter support?

A voter may support only one candidate with his/her signature.

To whom is the candidate proposal for the president of Montenegro submitted and when?

The proposal of the candidate for president is submitted to the SEC no later than 20 days prior to the election day.

Which documents should be submitted?

The following documents shall be submitted together with the proposal:

- 1) written candidate statement accepting the candidacy;
- 2) certificate of candidate's voting right;
- 3) certificate of candidate's place of permanent residence;
- 4) certificate of citizenship;
- 5) voter signatures in support of a candidate.

What is the deadline for candidate's abandoning candidacy for the president?

Candidate may abandon his/her candidacy until the day when the candidate list has been issued.

What happens if one of the candidates dies in the period from the list issuance to the election day?

If one of the candidates dies in the period from the list issuance to the election day, the political party may propose a new candidate, in which case voter signatures in support of a candidate shall not be required, and the elections shall be postponed for 14 days.

What is correct manner for voters to vote for a candidate for the president of Montenegro?

A voter can vote for one candidate only.

Voting is done by circling the ordinal number in front of the candidate's name and surname or by circling his/her name and surname.

Which ballot shall be considered invalid?

Invalid ballot papers shall be:

- unfilled ballot papers;

If no candidate receives the required number of votes, a two-round election shall be held in 14 days.

- papers marked in a manner which prevents to ascertain which candidate received the vote;
- papers in which more than one candidate were circled;
- papers on which the name of a person who is not a candidate is written.

Which candidate shall be elected for the president of Montenegro?

The candidate who received more than half of the valid votes of the voters who voted shall be president. If no candidate receives the required number of votes, a two-round election shall be held in 14 days.

Who participates in the second-round election?

Two candidates who received the highest number of votes shall participate in the second election round, and the candidate who received the highest number of votes shall be elected.

What if both candidates receive an equal number of votes in the second election round?

If both candidates receive the same number of votes in the second election round, repeated voting between the two candidates shall be held within 7 days.

What if one of the two candidates who received highest number of votes in the first round withdraws from the election?

If one of the candidates with the highest number of votes in the first round withdraws from the election, the right to participate in the second election round shall be taken by the successive candidate according to the number of received votes in the first election round. If only one candidate remains in the second election round due to the withdrawal of other candidates, that candidate shall be considered as elected.

What if one of the candidates who have the right to participate in the second election round dies before the election day?

If one of the candidates who have the right to participate in the second election round dies before the election day, the entire election procedure shall be repeated, and the decision to call the election shall be made within 14 days of the candidate's death.

03 Rights arising under the Law on electoral registers

Can a voter submit a request for a change to the electoral register?

A voter can submit a request for a change to the electoral register to the body in charge of keeping the electoral register - Ministry of the Interior (MI).

Changes on electoral register at voter's request shall be made on the basis of data or public documents submitted by the applicant, i.e. data from electronic registers or records kept according to law.

When a voter can request a change to electoral register?

A voter can request a change to the electoral register, if:

- 1) not registered into the electoral register;
- 2) the information in the electoral register is incorrect or incomplete;
- 3) data on the polling station where the voter cast its votes have not been entered or have been entered incorrectly.

Voter shall submit evidence related to the subject of the request together with request to make a certain change into electoral register.

During the election campaign, the request referred to in paragraph 1 of this Article can be submitted to the Ministry at the latest 15 days prior to the election day.

The decision must be made by the Ministry within 48 hours of receiving the request, and it is delivered to the applicant without delay.

What if the MI determines that the requests are founded?

The Ministry shall issue a decision making a corresponding change in the original register and automatically enter that change in the electoral register or correct the data on the polling station where the voter cast its vote and make another change into the electoral register and the corresponding original register to which the change refers.

What is the deadline for MI decision?

The decision must be made by the Ministry within 48 hours of receiving the request, and it is delivered to the applicant without delay.

MI shall issue a decision within 48 hours of receipt of the request and deliver without delay.

What if the MIA rejects the voter's request?

A lawsuit may be filed to the Administrative Court against the decision within 48 hours of the date the decision has been delivered. The Administrative Court decides on the lawsuit within 24 hours of the receipt of the lawsuit.

Examination shall be done in official premises of the authority in whose possession the official documentation is .

Who has the right to examination of the electoral register?

At the request of the parliamentary party, submitting entity of a validated candidate list and the non-governmental organization authorized by the competent authority to monitor the election, Ministry shall entitle electronic examination of electoral register, as well as the changes made in it.

What does examination of the changes mean and how is access enabled?

Examination of the changes implies insight into the decisions on the basis of which they were made. At the request of the mentioned stakeholders, the Ministry shall entitle electronic examination of electoral register and data via a computer using an advanced electronic certificate for the use of the software solution

for the period from date the decision to call for elections has been issued to the day when final election results are ascertained.

What is meant by official documentation relevant to changes in the electoral register and who has the right to access it?

At the request of the authorized representative of parliamentary party, authorized representative of the submitting entity of a validated candidate list and authorized representative of the non-governmental organization authorized by the competent authority to monitor the election, the Ministry shall entitle examination of official documentation on the basis of which the change in the electoral register is made (citizenship, identity cards of citizens, deregistration and registration of place of residence, civil registration number, civil registry of births and deaths).

The Ministry shall entitle examination of official documentation on the basis of which changes are made in the electoral

register to parliamentary party in the period of time that is not covered by the election campaign.

Where is the examination done?

Examination shall be done in official premises of the authority in whose possession the official documentation is .

What are the obligations of stakeholders who are entitle examination of the electoral register?

The parliamentary party, submitting entity of a validated candidate list and non-governmental organization authorized by the competent authority to monitor the election are obliged to designate a maximum of three persons who are authorized and accountable for access to the information system in which the electoral register is kept, and notify the Ministry about it.

Is there an obligation of the MI to enable examination of the elecral register outside the election campaign period?

At the request of the parliamentary party to exercise this right, Ministry shall entitle examination even during the period that is not covered by the election campaign.

What is the deadline for the MI to issue the documents necessary for exercising voting right?

The Ministry is obliged to issue the documents necessary for exercising voting right within five days of the submission of the request for their issuance.

The deadline refers to requests submitted as of the date the election is called until the date of the election.

