

**INTERIM REPORT No. 2
14-20 September 2010**

24 September 2010

I. EXECUTIVE SUMMARY

- Overall, election preparations are proceeding in an orderly fashion. Persistent concerns continue to be raised by OSCE/ODIHR interlocutors, however, about media bias, insufficient campaign finance regulations and potential ballot manipulation at polling station level.
- In a step to enhance the transparency of the electoral process, the Central Election Commission (CEC) plans to publish the number of invalid ballots per polling station on its website, in addition to the regular practice of posting the results by candidate. However, other information, including the number of signatures on the extract of the Central Voter Register (CVR) and the number of received, used and spoilt ballot papers will not be published on its website.
- As previously noted, observers from domestic organizations, political parties, coalitions or candidates, and media representatives do not attend CEC sessions.
- The Municipal Election Commissions (MECs) generally appear to be well organized. Several MECs stated that municipal authorities have not transferred sufficient funds from the allocated budget. Distribution of election materials is underway. The CEC and MECs initiated tests of the new network system for collecting preliminary election results; the evaluation of these tests is yet to be completed.
- According to the CEC, 35 per cent of residents from the self-governing district of Brčko do not have passive and active suffrage rights for entity and state races. This is due to the fact that they are not included in the CVR, as they have not expressed an entity “voting option” for the upcoming or any previous elections. This issue has raised controversy and several political parties have forewarned that these voters are effectively being disenfranchised and that legal action is likely to follow.
- During the reporting period, the election campaign gained momentum. The campaign atmosphere is free from tension, with no incidents reported, although a few candidates have sporadically used strong language against their opponents. Campaign issues still largely focus on constitutional reform, reflecting the ethnic political divide. Economic issues, social development and EU integration are less prominent.
- The national public media have provided political subjects with free airtime, as legally required. However, the extensive media coverage of the election is dominated by populist rhetoric and is short of in-depth analysis of campaign platforms. Media do not often challenge contestants on substantive issues.
- Generally, OSCE/ODIHR EOM interlocutors have criticized media’s biased approach in covering the election campaign. The OSCE/ODIHR EOM has noted that some

candidates in official positions receive preferential media treatment. Female candidates do not receive equitable media coverage.

- “Get-out-the-vote” campaign spots produced by domestic and international organizations are being aired on national and some local media. Voter education material produced by the CEC is extensively aired by broadcast media.
- In general, the CEC and MECs have demonstrated professionalism in handling the limited number of election-related complaints.

II. ELECTION ADMINISTRATION

During the reporting period, the CEC held only one formal session, which was observed by the OSCE/ODIHR EOM. No observers from domestic organizations, political parties, coalitions or candidates and no media representatives attended this session.

In line with the law,¹ the CEC is planning to publish disaggregated election results by polling station on its website. In a step to increase the transparency of the electoral process, the CEC also plans to publish the number of invalid ballots per polling station.² However, other information, including the number of signatures on the extract of the CVR and the number of received, used and spoiled ballot papers will not be posted on the CEC website.³

So far, the OSCE/ODIHR EOM observers have met 109 of the 142 MECs. The MECs generally appear to be well organized. However, several MECs⁴ stated that the municipal authorities have not yet transferred sufficient funds from their allocated budgets.⁵ This may affect the timeliness of electoral preparations. The distribution of sensitive election materials, such as CVR extracts, ballot papers, and PSC forms to MECs is underway.

Some MECs noted to OSCE/ODIHR EOM observers difficulties in the electronic network connection with the CEC. In case of a poor network connection, the CEC has foreseen processing election results at a neighboring MEC. On 20 September, the CEC and MECs initiated tests of the new network system for collecting preliminary election results; the evaluation of these tests is yet to be completed.⁶

Training sessions for Polling Station Committee (PSC) members observed by the OSCE/ODIHR EOM were well organized and attended, but varied in quality, duration and interactivity. As a positive development, the CEC prepared PSC manuals and distributed them at training sessions. Some MECs expressed their dissatisfaction over a perceived lack of election experience on the part of a number of PSC members that may create difficulties on election day; extensive and complicated counting procedures for four different races are to be conducted in each PSC.

¹ See article 5.29.2 of BiH Election Law.

² In 2006 general elections, the percentage of invalid ballots ranged from 4.72 for Republika Srpska National Assembly to 7.43 for Federation Bosnia and Herzegovina (FBiH) ballot for BiH House of Representatives.

³ Summary Protocols of Results are to be posted in each polling station after the completion of the vote count. Observers may request copies of summary result protocols in polling stations where they observed the counting, as well as during tabulation in the MECs.

⁴ This includes, for example, Bijeljina, Bosanska Krupa, Sanski Most and Srebrenica.

⁵ See articles 1.2a.3 and 1.2a.6 of the BiH Election Law.

⁶ The test consisted of MECs entering a ten per cent sample of the polling station result protocols from 2006 general elections.

III. VOTER REGISTRATION

Voters and heads of various institutions had to submit applications for voting by mobile ballot box by 18 September.⁷ Voters in hospitals and prisons (living temporarily in different municipalities) as well as internally displaced persons who will not be able to vote by absentee ballot can cast ballots for the electoral races contested in the municipality of their permanent residence. According to the CEC, MECs appointed some 350 special PSCs to service these requests.⁸

According to the CEC, 29,054 residents of Brčko district (35 per cent) do not have passive and active suffrage rights for entity and state races. This is due to the fact that they are not included in the CVR as they have not expressed an entity “voting option” for the upcoming or previous elections.⁹ For these elections, the CEC set an early deadline of 19 July 2010, 75 days prior to election day;¹⁰ in 2006, voters could express their voting option on election day.

This issue has raised controversy and interlocutors from some political parties forewarned that these Brčko voters are effectively being disenfranchised and that legal action could be expected. The CEC declared that the deadline was introduced in order to prevent impersonation or other fraud (i.e., using names of individuals not residing in Brčko or otherwise inactive).

On 20 September, the CEC announced the start of a system allowing voters to check by SMS in which polling station they are registered.

It has been brought to the attention of the OSCE/ODIHR EOM that despite the efforts to provide Roma with personal documents¹¹ there is an unknown number of Roma voters without IDs.¹²

IV. ELECTION CAMPAIGN AND FINANCING

During the reporting period, the campaign gained momentum. It was visible across the country in billboards, posters, public rallies, door-to-door canvassing, as well as in media (including TV debates). The visibility of campaign materials has increased but they are much more present in urban areas than in the countryside.

The candidates of the main political parties campaigned vigorously and travelled extensively through the country. Some parties, especially smaller ones, expressed a preference for smaller-scale, less costly public meetings, where candidates can have direct contact with

⁷ These are voters homebound due to old age, illness or disability, and voters in prisons, pre-trial detention centres or health institutions.

⁸ The total number of the requests is unknown, as the CEC does not aggregate these figures from the MECs.

⁹ According to article 18.2 of the BiH Election Law, the voters in Brčko vote for electoral races of RS, FBiH and BiH according to their chosen entity citizenship (legally termed as “voting option”). The FBiH and RS residents do not have to make this option as they reside in either one of the entities.

¹⁰ See the Rulebook on Maintaining the CVR, Articles 26.3 and 5.1.b.

¹¹ E.g., in the first half of 2009 a non-governmental organization (NGO) *Vaša Prava* carried out the European Commission and the UNHCR funded project called “Prevention of Statelessness and Obtaining Personal Documents for Vulnerable Roma”.

¹² According to the 1991 Census, Roma population comprised some 9,000 persons. It is a widely shared view that their actual number is significantly higher.

voters. A few political parties agreed to co-ordinate their activities during this campaign by organizing joint public rallies.¹³

Campaign issues still largely focus on constitutional reform issues underlying ethnic political divisions. As a result of the ethnic and political stalemate, economic and social issues, as well as the issue of European integration, have been less prominent.

The campaign atmosphere is free from tension, with only one incident reported.¹⁴ There has been an increase in personal accusations and usage of profane language among a few candidates. Political parties, coalitions and independent candidates seemed generally able to conduct their campaign activities without hindrance either from the authorities or from other parties. As of 20 September, the OSCE/ODIHR EOM observed 14 major rallies conducted by the leaders of key political parties, such as the Party for BiH (SBiH), the Social Democratic Party of BiH (SDP), the Alliance of Independent Social Democrats (SNSD), the Party for Democratic Action (SDA) and the Serb Democratic Party (SDS).

In their contacts with the OSCE/ODIHR EOM, political parties expressed few complaints regarding the conduct of the campaign, both at central and regional levels; they have mostly dealt with defaced or torn down billboards. Individual cases of campaign posters on public buildings continue to be observed, but remain isolated.

OSCE/ODIHR EOM interlocutors, however, persistently complained about biased media coverage. Several political parties have repeatedly expressed concerns regarding lack of equitable access to the media for opposition or smaller parties. The OSCE/ODIHR EOM noted that candidates in official positions had preference in media coverage.

Most parties expressed a general confidence in the election administration, but overall concerns about possible election day irregularities, including vote buying, biased PSCs which could favor certain candidates during counting, and deliberate invalidation of ballots.

A number of political subjects expressed dissatisfaction with campaign financing regulations and a lack of transparency. In their view, these regulations are overly restrictive with regard to spending limits, and discriminate against parties not represented in BiH legislative bodies.

V. MEDIA

So far, the national public media have provided political subjects with free airtime in direct access programs¹⁵ as legally required. Three national public TV channels along with some local and/or private ones cover campaign activities in election programs named “Election Chronicles”. So far, political subjects were given access to some 20 debates in the public media. Absence of some key candidates in the debates has been diminishing their informative value. The extensive media coverage of the election is so far dominated by populist rhetoric and is short of in-depth analyses of campaign platforms. Overall, media do not challenge contestants on issues of substance. Some major parties have used paid advertising.

The broadcast media give very limited coverage of campaign activities in their news programs. Public media news, however, continue to provide extensive coverage of state

¹³ The SDS (Serb Democratic Party), Party of Democratic Progress (PDP) and the Serb Radical Party (SRS).

¹⁴ On the night of 19 September, in Orašje, gunshots were fired at the homes of two HDZ 1990 officials (one of them a federal minister and candidate for FBiH HoR) as well as the local offices of HDZ 1990.

¹⁵ Direct access programs are free of charge spots of three to five minutes per political subject.

officials who are also candidates in the upcoming elections, often in a manner favorable to a candidate. Representatives of public broadcasters met by the OSCE/ODIHR EOM confirmed the advantage of incumbency to be one of key challenges in the campaign period.

As indicated by the OSCE/ODIHR EOM's preliminary media monitoring results, the state public TV channel BHT1 has been providing a generally neutral portrayal of political actors. The FBiH public broadcaster (FTV) news almost exclusively covered activities of governing structures on state and entities levels using, however, a more critical tone of the coverage. "Election chronicles" on FTV covered campaign activities of some 25 contesting subjects. The RS public broadcaster (RTRS) also presented about 25 contesting subjects in its "election chronicles". SNSD and SZDS have been allotted significantly more time than other political subjects. RTRS gave most of their news coverage to RS officials; the coverage tone was neutral or positive.

There has been limited or little election coverage on OBN, TV Pink BiH and NTV *Hayat* Sarajevo (albeit, with limited BiH coverage). Private TV channel BN from the RS provided extensive coverage of elections and campaign developments in its news and "election chronicles", using a neutral or critical tone towards the RS governing structures. Activities of SDS, SNSD, SNS, DNS and PDP received a majority of the coverage in the "election chronicle" on this channel. Initial media monitoring results show that SBiH, HDZ 1990, SDP and SDA are getting much greater coverage than other political subjects in the news and election chronicles of TV1 (FBiH cable TV, which launched its broadcasts only few days prior to the campaign).

Print media are not legally obliged to give impartial or balanced coverage. Overall, they present a variety of views and some clearly favor particular political options. For instance, *Dnevni Avaz*, the highest circulation daily newspaper owned by the president of SBB, demonstrated clear bias in favor of this party. *Glas Srpske* and *Nezavisne Novine*, both based in the RS, favored SNSD and the RS government in their coverage.

As noted above, a number of OSCE/ODIHR EOM interlocutors, both from media and political parties, complained about media bias. Concerns were raised about financial support of some five million BAM, which the RS government allocated in July 2010 to public and private RS media. This was reportedly done on a selective basis prior to the elections, and interlocutors alleged abuse of public funding in favor of governing political subjects that may benefit from favorable media coverage in exchange for such financial grants. SDA, HDZ and HDZ 1990 complained to the OSCE/ODIHR EOM about lack of coverage in FBiH media, both broadcast and print.

So far, the Communication and Regulatory Agency (CRA) received eight official complaints. Two of these related to unequal coverage of contestants and were rejected.

Concerns were expressed about unequal media coverage of female candidates. The OSCE/ODIHR EOM monitoring unit observed that female candidates, while representing 37 per cent of candidates, received ten times less coverage in election programs so far.

"Get-out-the-vote" campaign spots produced by domestic and international organizations are being aired on national and some local media.¹⁶ There is also a voter education campaign on how to properly fill in different types of ballots produced by the CEC which is extensively

¹⁶ Including Transparency International, National Endowment for Democracy, Norwegian Ministry of Foreign Affairs, Centre for Civil Initiatives, Youth Information Agency, NATO and Democratic Youth Movement.

aired on the national public and private broadcast media. Other voting procedures, however, are not covered by the program.

VI. COMPLAINTS AND APPEALS

In general, the CEC is processing election-related complaints in a timely manner. It noted to the OSCE/ODIHR EOM, however, that the additional mandate of deciding on possible conflicts of interests of elected and appointed officials is a burden on the work of its legal department, particularly during an electoral period.¹⁷

Since the beginning of the electoral campaign, 15 complaints have been lodged directly with the CEC (in addition to the 20 submitted prior to 3 September). Of these, one was rejected as being without grounds and eight have been redirected to the relevant MECs as in their competence.

The CEC is investigating a complaint submitted by BHRT against a politician for insulting journalists and participants in a TV show. The CEC also issued a decision fining HDZ for violating paid advertisement regulations.¹⁸ The CEC sent a notification to one MEC for exceeding its competence and annulled its decision.¹⁹

The prosecutor of Brčko District opened a pre-investigation on the ground that a political party is alleged to have illegally registered RS-entity voting options for local residents without their knowledge.²⁰

MECs have generally demonstrated understanding and professionalism in handling complaints. They do not, however, log complaints in a systematic manner. As such, the CEC is not informed about MEC complaints unless they are appealed to the CEC.

To date, MECs reviewed 31 complaints on nominations of PSC members. Of these, 19 have been rejected as being without grounds, 1 was confirmed as grounded and 11 are still pending. Furthermore, out of the 20 adjudicated, 7 have been appealed to the CEC; 5 of those have been upheld by the CEC whereas the other 2 are still pending. Of the 5 upheld, 1 was appealed and is pending before the BiH Court.

Four other complaints have been lodged directly to MECs. Of those and the eight redirected by the CEC, five have been rejected for untimely filing or as without grounds. The rest are pending.

VII. OSCE/ODIHR EOM ACTIVITIES

During the reporting period, the OSCE/ODIHR EOM continued its regular activities, meeting with state and entity-level officials, political parties and candidates, the election administration, media representatives and civil society. The Head of the OSCE/ODIHR EOM, Ambassador Daan Everts, also met with the Parliamentary Assembly of Council of Europe's pre-electoral mission to BiH, headed by Mr. Tiny Kox.

¹⁷ As mandated by the 2003 Law on Conflict of Interests in Government Institutions of BiH.

¹⁸ As provided by article 16.14 of BiH Election Law. The fine was 1,000 BAM (approximately 500 EUR).

¹⁹ This was MEC Grahovo. Article 6.6 of the BiH Election Law provides that CEC has first instance competence over violations of Chapter 16 of the BiH Election Law (regulating media coverage). The CEC decided that the MEC decision on violations of article 16.14 is null and void.

²⁰ There was a complaint from SDA to Brčko District Court against SDP.

On 16 September, the mission briefed representatives from the diplomatic community and international organizations accredited in BiH. Long-term observers continue to observe electoral preparations and the campaign in the regions and are preparing for the deployment of short-term observers.