

THE LAW ON ELECTION OF THE PRESIDENT OF MONTENEGRO

I. BASIC PROVISIONS

Article 1

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.

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

Article 2

The Speaker of the Parliament of Montenegro shall call for election of the President not later than 120 days before the expiry of the term of office of the incumbent President.

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

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

Article 3

The procedure for election of the President shall be carried out by the State Election Commission, Municipal Election Commissions and Election Boards, in charge for election of councillors and members of the Parliament.

II. NOMINATION OF CANDIDATES

Article 4

The candidate for president can be nominated by a political party or a group of citizens, on the basis of signatures of at least 1,5% of the total electorate using as reference the number of voters from the elections that preceded the Decision on Calling of the Elections.

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's signature for the support to the candidate shall be given in the Municipal Election Commission, before two members of the Commission, on the prescribed form.~~

~~The form from the paragraph 1 hereof shall contain: the name and surname of the candidate, date of birth, occupation, unique citizen's identification number or serial number of the Identity Card and the place of permanent residence of the candidate and the supporting voter.~~

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, not later than 20 days prior to the date set for holding of the elections.

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

- 1) The candidate's written statement whereby he or she accepts the candidacy;
- 2) Certificate of the Candidate's right to vote;
- 3) Candidate's Permanent Residence Certificate;
- 4) 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 from the expiry of the deadline stated in the Article 6, paragraph 1, of this Law.

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

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

Article 8

The State Election Commission shall, immediately after the determining of the List of Candidates, and not later than 15 days before the day set for holding of 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.

In case a candidate passes away in the period between the publication of the List and the day set for holding of 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 THE PRESIDENT

Article 9

The provisions of the Law on Election of Councillors and Members of the Parliament referring to the right to elect and be elected, determining and announcing of the List of Candidates; presentation of candidates, the way of organising the elections; form and content of the ballot,

voting at polling stations and outside of them, and protection of the right of suffrage, shall be applied to the election of the President, if not otherwise stipulated by this Law.

Article 10

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

The ballot shall contain: indication stating the voting for the President; the name and surname of the candidates in the sequence determined as per the List of Candidates; the name of the political party or parties which have nominated the candidate, and if the candidate is nominated by a group of citizens, indication “independent candidate” should be stated, containing the name and surname of the candidate.

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

The ballots shall be notarised 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 considered invalid:

- unfilled ballots;
- filled in a way 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 Election Board shall determine the polling results and submit the respective report along with the record of work, to the Municipal Election Commission, within the term of 12 hours from closing of 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 along with the record of work, to the State Election Commission, within the term of 12 hours from submittal of reports from the polling stations.

Article 14

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

Article 15

The State Election Commission shall determine the final presidential elections results within the term of 12 hours after the expiry of the deadline predicted for submittal of grievances or complaints, respectively after the decisions rendered in regard of the grievance or complaint has become final and enforceable.

Article 16

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

Article 17

In case none of the candidates obtain the number of votes predicted by the Article 16 of this Law, the second round shall be organised 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 into the second round, the right to enter into the second round shall acquire the next candidate with the highest number of votes obtained in the first round of the elections.

In the case that only one candidate remains in the second round due to withdrawal of other candidates, such a candidate shall be deemed elected.

Article 19

In case the candidate entitled to enter the second round passes away before the day of holding of the second round, the election procedure shall be repeated in its entirety and the decision on calling of the elections shall be passed within 14 days from the day of demise of the candidate.

Article 20

The State Election Commission shall publish the final presidential elections results in the “Official Gazette of Montenegro” and in the media.

Article 21

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

~~The candidates for President who win at least 5% of valid votes shall have the right to an equal reimbursement of election campaign costs.~~

~~The amount of the reimbursement referred to in the Paragraph 2 of this Article, shall be determined by the Parliament of Montenegro upon the obtained notion of the State Election Commission, latest on the date of calling of the elections.~~

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 purpose of 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 eighth day of its publication in the »Official Gazette of Montenegro«.