

Pursuant to Article 82 paragraph 1 item 3 and Article 91 paragraph 1 of the Constitution of Montenegro, and Article 33 paragraph 5 of the Rules of Procedure of the Parliament of Montenegro, the 26<sup>th</sup> Parliament of Montenegro, at the Third Sitting of the Second Ordinary (Autumn) Session in 2018, on 30 October 2018, adopted the following

**D E C I S I O N**  
**ON FORMING THE COMMITTEE ON FURTHER REFORM OF ELECTORAL  
AND OTHER LEGISLATION**

**Article 1**

With this Decision, the Committee on Further Reform of Electoral and Other Legislation shall be formed (hereinafter: the Committee), as a temporary working body.

**Article 2**

The Committee shall be formed for the following purposes:

- 1) optimisation of the overall environment for the holding of next election cycles;
- 2) implementation of OSCE/ODIHR recommendations on the occasion of 2016 parliamentary elections and 2018 presidential elections;
- 3) implementation of recommendations from the European Commission Progress Report;
- 4) strengthening public confidence in the electoral process.

**Article 3**

All terms used in this Decision for natural persons denoting male gender shall also stand for the same terms denoting female gender.

**Article 4**

In order to fulfil the objectives referred to in Article 2 of this Decision, the Committee shall have the following tasks:

- 1) further reform and amendments to electoral legislation, which shall imply:
  - implementation of OSCE/ODIHR mission recommendations contained in 2016 and 2018 reports – analysis and proposal for the method of implementation;
  - defining proposals for amendments to the Law on Election of Councillors and MPs;
  - strengthening the overall capacities, professionalism and transparency of bodies significant for electoral processes, including the State Election Commission and the Agency for Prevention of Corruption, whose goal is, inter alia, to strengthen public confidence in their work;
  - putting together the Proposal for amendments to the Law on Voters' Register;
  - putting together the Proposal for amendments to the Law on Financing of Political Entities and Election Campaigns;
  - putting together the Proposal for amendments to the Law on Registers of Temporary and Permanent Residence;

- analysis of the application of the Law on Identity Card and the Law on Montenegrin Citizenship, with the possible putting together of proposals for amendments to laws, if they prove to be useful or necessary.
- 2) further improvement and alteration of the general, ambient conditions for administering elections, which shall imply:
  - defining the law, the plan and the date for holding local elections in all units of local self-government in one day; defining the date (month, year) for holding local elections;
  - confirmation of the date for holding parliamentary elections;
  - consideration of the Draft Law on Media, with the analysis of the media law package with possible amendments;
  - consideration of the Draft Law on National Public Broadcaster of Radio and Television of Montenegro, where, together with other amendments, the manner of election of the Council of RTCG and the election of the new Council of RTCG in the Parliament of Montenegro (hereinafter: the Parliament) shall be defined separately, in accordance with the newly adopted law within an appropriate period, with the harmonisation of regulations with international standards;
  - detailed analysis of the application of the electoral and other legal framework of importance to the electoral process and the environment with the defining of proposal for solutions, if necessary, including the highest legal act, the Constitution;
  - defining the Proposal for the Code of Ethical Conduct in election campaigns.
- 3) consideration of solutions regarding the election of members of the Judicial Council from among the respectable lawyers.

## **Article 5**

The Committee shall have 14 members, seven members elected from among MPs of the parliamentary majority and seven members elected from among MPs of the parliamentary opposition.

Composition of the Committee, including the Chairperson and Deputy Chairperson, shall be constituted in a way that each MP group shall have at least one member in the Committee, while the remaining part shall be distributed in proportion to the number of MPs in the Group.

Exceptionally, MP group which is represented in the Committee with two or more members, shall have the right to cede its right to another MP group for additional member in the Committee.

Chairperson of the Committee shall be elected from the largest MP group of the parliamentary majority and Deputy Chairperson of the Committee shall be elected from the largest MP group of the parliamentary opposition.

Chairperson of the Committee, Deputy Chairperson and members of the Committee shall be elected by the Parliament, upon the proposal of the Administrative Committee.

Member of the Committee who due to absence or inability does not attend the meeting, may be substituted by the member of the Group as designated by the Group, who shall have the right to vote.

### **Article 6**

Representatives of NGO sector and academia may also take part in the work of the Committee, in the capacity as an associated member, without the right to vote.

Status of an associated member can be obtained by no more than three members of NGO sector, and/or no more than two members of academia.

Status of an associated member can be obtained by representatives of NGOs and representatives of academia provided that in the past three years they have actively acted in relation to the subject matter of the Committee, contributed to the previous election reforms and achieved public recognition in the areas of work of the Committee.

### **Article 7**

Expert associates from MP groups may attend meetings of the Committee, whereby each MP group may delegate one representative who will, without the right to participate actively, attend the meetings on behalf of the Group.

### **Article 8**

Representatives of the following may take part in the work of the Committee, if invited, without the right to vote:

- 1) Government, ministries and other state authorities, organisations and institutions;
  - 2) civil society (non-governmental organisations, universities/faculties and the media);
  - 3) international organisations and institutions;
- as well as
- 4) experts, consultants, scientific and professional workers in the field of the Committee's subject matter;
  - 5) representatives of scientific, professional institutions and other legal entities;
  - 6) other entities or representatives of entities relevant to the subject matter of the Committee.

### **Article 9**

In the course of establishing proposals for amendments to laws and other acts, as well as all other solutions regarding the aim and tasks of the Committee, the Committee shall decide by consensus.

Exceptionally, in the event that principle of consensual decision-making cannot be achieved, and there exists a support of the Committee members which guarantees the achieving of two-third majority in plenum, such proposal may be established regardless of the lack of consensus.

### **Article 10**

The Committee shall prepare proposals for amendments to laws and other acts, as well as proposals for all other solutions regarding the aim and tasks of the Committee, and submit them to the Parliament for adoption no later than 30 September 2019.

**Article 11**

The Committee shall propose to the Collegium of the President of the Parliament a model for implementation and oversight of the agreed solutions.

**Article 12**

Funds for the work of the Committee and engagement of institutions and experts shall be provided by the Parliament of Montenegro.

**Article 13**

Secretariat of the Committee shall perform professional, administrative and technical tasks for the Committee's work.

**Article 14**

The Rules of Procedure of the Parliament of Montenegro shall be applied to the issues not regulated by this Decision.

**Article 15**

This Decision shall enter into force on the day of its publication in the Official Gazette of Montenegro.

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Podgorica, 30 October 2018

26<sup>th</sup> PARLIAMENT OF MONTENEGRO

P R E S I D E N T

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