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## **ON THE REFERENDUM AND THE PEOPLE'S INITIATIVE<sup>1</sup>**

### **I. BASIC PROVISIONS**

#### **The Scope of the Law**

##### Article 1

This law shall regulate the manner of conducting a referendum and the manner of exercising a people's initiative.

#### **The Principle of the Rule of Law**

##### Article 2

The referendum shall be conducted, and the people's initiative shall be exercised in compliance with the legal system of the Republic of Serbia.

The referendum shall be conducted and people's initiative exercised with the respect for human rights and freedoms guaranteed by the Constitution, particularly freedom of opinion and expression, freedom of the media, freedom of movement, freedom of assembly, freedom of association and the right to information.

#### **The Right to Vote and the Right to Participate**

##### Article 3

The right to vote in a referendum and the right to participate in a people's initiative shall be enjoyed by citizens who, in compliance with the election regulations, have the right to vote and permanent residence or, in case of internally displaced persons, temporary residence, in the territory on which the referendum is called, and are registered in the electoral roll.

Provisions of the law governing Single Electoral Roll shall apply mutatis mutandis to the exercise of the rights referred to in paragraph 1 of this Article, including the possibility of filing an application seeking to enter a note into the electoral roll stating that a citizen shall vote in his/her place of temporary residence abroad, or in his/her chosen place of temporary residence in the country.

#### **Prohibition of holding a referendum and exercising a people's initiative**

##### Article 4

A referendum cannot be conducted, and a people's initiative cannot be exercised during a state of emergency and war.

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<sup>1</sup> ("Official Gazette of RS", nos. 111/21 and 119/21)

## **Freedom to Vote and Freedom to Participate**

### Article 5

Citizens shall be free to vote in a referendum and free to decide on their participation in a people's initiative.

No one may hold a citizen to account for voting or non-voting in a referendum, or for participating or non-participating in a people's initiative.

## **The Manner of Voting and Participating**

### Article 6

Citizens shall vote in a referendum in person and by secret ballot.

Citizens shall participate in a people's initiative by signing the appropriate proposal.

## **Certification of Signatures**

### Article 7

Signatures shall be certified by the municipal/city administration.

No fee is payable for signature certification.

Electronic signatures shall not be subject to certification, in compliance with the regulation governing the electronic people's initiative.

## **Protection of Rights**

### Article 8

Citizens, authorized proponents and other authorized entities shall have the right to redress for irregularities in the process of conducting a referendum and/or exercising a people's initiative, in compliance with this Law.

No fees shall be charged on complaints and appeals filed by citizens and authorized proponents for redress, and/or because of the irregularities in the process of conducting a referendum and exercising a people's initiative.

## **Personal data protection**

### Article 9

Personal data collected in the process of conducting a referendum and exercising a people's initiative may not be used for other purposes and shall enjoy protection in accordance with this Law and the law governing the protection of personal data.

## **II. REFERENDUM**

### **1. Common Provisions**

#### **Notion and Types of Referendum**

##### Article 10

A referendum shall be a form of citizens' direct voting on issues determined by the Constitution, law and statutes of autonomous province or local self-government unit (mandatory referendum), as well as on the issues falling within the competence of the National Assembly, assembly of the autonomous province or assembly of the local self-government unit (hereinafter: assembly) determined pursuant to the relevant assembly's decision made at the request of the majority of MPs to the National Assembly, deputies at the assembly of the autonomous province, or councillors at the assembly of local self-government unit, or at the request of a certain number of voters (optional referendum).

Provisions of this Law related to local self-government units shall apply *mutatis mutandis* to carrying out referendums and people's initiatives in city municipalities.

A referendum shall be called for the purpose of citizens' voting on the proposal of an act, on the endorsement of an act adopted, or on an issue of general importance.

In terms of the legal effect of the related decision, a referendum may be binding or consultative.

In terms of the territory where it is conducted, a referendum may be national (on the entire territory or on a part of the territory of the Republic of Serbia), provincial (on the entire territory or on a part of the territory of the autonomous province), or local (on the entire territory or on a part of the territory of local self-government unit). National referendums shall be called by the National Assembly, provincial referendums shall be called by the assembly of the autonomous province, and local referendums shall be called by the assembly of the local self-government unit.

Relative to time of adoption of an act that is the subject of citizens' voting, referendums may be preceding or subsequent.

In terms of the type of act that is the subject of the citizens' vote, the referendum may be constitutional, legislative (if it refers to a law or other general act passed by the National Assembly, the Assembly of the Autonomous Province or the Assembly of a local self-government unit), or administrative.

#### **Adoption and Legal Effect of a Decision in a Binding Referendum**

##### Article 11

In a binding referendum, a decision shall be adopted if the majority of citizens who participated in the referendum in the territory on which the referendum was called have voted for it.

The decision referred to in paragraph 1 of this Article shall have legal effect from the day of declaration of the overall results of the referendum.

## **Establishment of Opinion in a Consultative Referendum**

### Article 12

In a consultative referendum, the opinion of citizens shall be established by the vote of the majority of citizens who participated in the referendum, and it shall not be legally binding.

## **Mandatory Referendum**

### Article 13

The assembly shall render a decision on calling a referendum on an issue determined by the Constitution or the law, and/or the statutes of the autonomous province or local self-government unit as an issue on which decision shall be made by citizens in a referendum.

When stipulated that citizens shall vote on the endorsement of an act adopted in the assembly in a referendum referred to in paragraph 1 of this Article, the assembly shall render a decision on calling a referendum concurrently with the adoption of the act in question.

If stipulated by the Constitution or the law that the assembly's decision shall be preceded by a referendum, the assembly shall render a decision on calling a referendum, if possible, at the same session when establishing proposal of the decision on an issue referred to in paragraph 1 of this Article, and no later than 30 days from the day of establishing such proposal.

In accordance with the Constitution, a referendum is mandatory for changing the Constitution and for establishing, abolishing and changing the borders of the territory of an autonomous province or a local self-government unit.

## **Referendum at the Request of MPs to the National Assembly, Deputies at the Assembly of the Autonomous Province or Councillors at the Assembly of the Local Self-Government Unit**

### Article 14

A request for calling a referendum on an issue falling within the competence of the assembly may be submitted by a majority of all MPs to the National Assembly, Deputies at the Assembly of the Autonomous Province and Councillors at the Assembly of the Local Self-Government Unit.

The request referred to in paragraph 1 of this Article shall mandatory state whether calling of a binding or consultative referendum is requested. A statement of the referendum question along with the answers offered must be included in such request.

The assembly shall render a decision on calling a referendum concurrently with the adoption of the request for calling a referendum referred to in paragraph 1 of this Article.

In the referendum referred to in paragraph 1 of this Article, citizens shall vote beforehand on a matter to be regulated by an act of the assembly, or shall vote on the endorsement of an act adopted by the assembly, before its promulgation.

The decision to call a referendum shall specify the type of voting in terms of paragraph 4 of this Article.

## **Referendum at the Request of Citizens**

### Article 15

The National Assembly shall call a referendum at the request of voters whose minimum number is determined by the Constitution or the law.

The Assembly of the Autonomous Province shall call a referendum at the request of at least 30,000 voters who have a permanent residence on the territory of the Autonomous Province.

The assembly of the local self-government unit shall call a referendum at the request of at least 10% of voters who have a permanent residence on the territory of the local self-government unit.

The request referred to in paragraph 1 - 3 of this Article shall specify whether calling of a referendum is requested for voting beforehand on a matter to be regulated by an act of the assembly, or for proposing adoption / amendment or repealing of an act, and whether the referendum shall be binding or consultative. A statement of the referendum question along with the answers offered must be included in such request.

The request of voters referred to in paragraph 1-3 of this Article shall be deemed to be a people's initiative launched in terms of Article 68 of this Law, for the purpose of conducting a referendum, supported by the signatures of the required number of voters, which is related to a matter that may be decided in a referendum, and which is drafted in compliance with the conditions for the submission of the people's initiative laid down in this Law.

In addition to the conditions referred to in paragraph 2 - 5 of this Article, the request for a referendum in the territory of the autonomous province or local self-government unit shall also meet the conditions laid down in the statutes of the autonomous province or local self-government unit.

Decision on calling a referendum referred to in paragraph 1 - 3 of this Article shall be rendered concurrently with the adoption of the request for calling a referendum.

At the referendum referred to in paragraph 1 - 3 of this Article, citizens shall vote beforehand on a matter to be regulated by an act of the assembly, or vote on the endorsement of an act whose adoption is proposed by the voters' request, or on the full, or partial, repeal of an act adopted by the assembly.

## **Position of the assembly**

### Article 16

When the assembly calls a referendum at the request of voters, it may establish a position on the matter being decided in the referendum, and inform citizens of its position on its official web site or via media.

The position of the assembly on the matter being decided in the referendum shall be adopted at the same time when rendering a decision to call a referendum.

## **Consultative Referendum**

### Article 17

The assembly may call a referendum on a matter of broader significance falling within its competence to obtain citizens' opinion on the decision to be taken on that

matter (consultative referendum).

The assembly that has called a consultative referendum shall give a special statement on the acceptance or non-acceptance of obtained citizens' opinion when making a decision.

### **Decision on Calling a Referendum**

#### Article 18

The decision on calling a referendum shall obligatory include the following: designation of the territory on which the referendum is called; the name of the act and/or question on which citizens will vote in the referendum with the answers offered; the date when the referendum will be held; the time of voting in the referendum and the type of the referendum that is called. The act on which citizens will vote in the referendum and the explanation thereof, or the explanation of the question on which citizens will vote in the referendum shall be an integral part of the decision on calling a referendum.

The decision on calling a referendum shall be published in the Official Gazette of the Republic of Serbia, and/or in the official gazette of the autonomous province or local self-government unit.

The referendum may be held no earlier than 45 days and no later than 60 days from the day the referendum is called.

In case of calling a referendum on Constitutional amendments, the referendum may be held no earlier than 45 days from the day of calling a referendum, and no later than 60 days from the day of adopting the Act on amendments to the Constitution.

### **The Authorities Responsible for Conducting the Referendum**

#### Article 19

The authorities responsible for conducting the referendum shall be the competent electoral commission and the polling board.

The authorities responsible for conducting the referendum shall be independent in their work and shall act in compliance with the Constitution, law and regulations adopted based on law.

The Republic Electoral Commission shall be responsible for conducting national referendum, the provincial electoral commission for conducting the provincial referendum, and the city/municipal electoral commission for conducting the referendum in the local self-government units (hereinafter: competent commission).

When a referendum is called for the territory of the Republic or the Autonomous Province, or for a part thereof, the electoral commission of the local self-government unit (hereinafter: sub-commission) shall perform the tasks determined by this Law.

In the city of Belgrade, the tasks of the sub-commission shall be performed by the electoral commissions of the city municipalities.

If there is no electoral commission in a local self-government unit on the day the decision on calling a national or provincial referendum enters into force, the Republic Electoral Commission and/or the provincial electoral commission, based on its decision, shall establish a sub-commission responsible for the territory of that local self-government unit within seven days of the entry into force of the decision on calling a

referendum.

The sub-commission established by the Republic Electoral Commission and/or the provincial electoral commission shall have a president, four members and their deputies, appointed at the proposal of parliamentary groups proportionately to their representation in the National Assembly / Assembly of the Autonomous Province on the day the decision on calling a referendum enters into force.

When establishing a sub-commission, the Republic Electoral Commission and/or the provincial electoral commission, at the proposal of the head of the administrative district, shall appoint the secretary and deputy secretary of the sub-commission, who shall participate in its work without the right to decide. Secretary and deputy secretary of the sub-commission in the territory of the City of Belgrade shall be nominated by the head of the city administration of the City of Belgrade.

The Republic Electoral Commission and/or provincial electoral commission may entrust the sub-commission established by its decision with the competence for several neighbouring local self-government units in which there are no local electoral commissions.

### **Representative of the Authorized Proponent in the Authority Responsible for Conducting the Referendum**

#### Article 20

MPs to the National Assembly, voters and other submitters of the proposal based on which the decision on calling a referendum was made (hereinafter: the authorized proponent) may appoint their representatives (a member and a deputy member) to the competent electoral commission and polling boards.

### **Competent Commission**

#### Article 21

The competent commission shall perform the following tasks:

- 1) take care of the lawful conduct of the referendum;
- 2) issue instructions for the conduct of the referendum;
- 3) take care of providing materials for conducting the referendum;
- 4) prescribe the forms for conducting the referendum;
- 5) designate polling stations;
- 6) establish polling boards;
- 7) establish and proclaim referendum results;
- 8) perform other tasks specified by this Law and the decision on calling a referendum.

referendum.

The sub-commission shall perform technical preparations for conducting national and/or provincial referendum, designate polling stations, establish voting results on the basis of materials received from all polling stations and deliver them to the Republic and/or provincial electoral commission, and perform other tasks specified by this Law and the decision on calling a referendum.

By way of derogation from paragraph 2 of this Article, when a national referendum is conducted, the Republic Electoral Commission shall designate polling stations abroad and polling stations within the penal institutions.

In addition to the tasks referred to in paragraph 1 of this Article, the Republic Electoral Commission and/or Provincial Electoral Commission shall issue instructions for work to sub-commissions, coordinate and supervise their work with regard to the enforcement of the provisions of this Law.

## **Polling Boards**

### Article 22

Polling boards shall manage the voting process at polling stations, ensure the regularity and secrecy of voting and establish the results of voting at polling stations, in accordance with the instructions of the competent commission.

The polling board shall have a president, a deputy president, four members and four deputy members.

Polling boards abroad and polling boards within the penal institutions shall have a president, a deputy president, two members and two deputy members.

Presidents, deputy presidents, members and deputy members of polling boards (hereinafter: polling board members), except for polling boards abroad and polling boards within the penal institutions, shall be appointed at the proposal of parliamentary/councillors' groups represented in the assembly on the day of calling a referendum.

When appointing members of polling boards, care shall be taken to ensure proportionate representation of government and opposition, i.e. parliamentary/councillors' groups referred to in paragraph 4 of this Article in the polling boards that corresponds to their representation in the assembly.

Proportionate representation referred to in paragraph 5 of this Article shall be ensured in relation to the total number of member positions in all polling boards in the territory on which a referendum is called.

Members of polling boards at polling stations abroad and polling stations within the penal institutions shall be appointed in accordance with the law governing elections for MPs to the National Assembly.

When nominating candidates for members of polling boards, the parliamentary and councillors' group should give priority to persons who have undergone Republic Electoral Commission's training for work in the polling boards and who have experience in conducting elections. The parliamentary and councillors' group should also take care of gender-balanced representation and need to include persons with disabilities in the conduct of the election process.

Nominations for members of the polling boards shall be submitted to the competent commission no later than ten days before the day scheduled for holding the referendum.

Should any parliamentary or councillors' group fail to submit a nomination of candidates for polling board member in due time, the competent commission shall appoint a person nominated by the head of the municipal/city administration as a member of the polling board.

Polling board members shall be appointed no later than seven days before the day scheduled for holding the referendum.

The replacement of a polling board member shall be performed by the competent commission at the request of the authorized nominator no later than three days before the day scheduled for the referendum.



Exceptionally, the competent commission, i.e. a member of the commission authorized by it, may replace a member who cannot be on the polling board due to restrictions stipulated by the law governing election of MPs, at the latest by the opening of the polling station for voting.

### **Complaint against the Decision on the Appointment of Polling Boards**

#### Article 23

Against a decision dismissing or rejecting nomination for the polling board member/deputy member, a nominator may file a complaint with the competent commission within 48 hours of its rendering.

Against a decision on the appointment of the polling board, a nominator of polling board members / deputy members may file a complaint with the competent commission within 48 hours of its rendering.

The deadline for filing a complaint for failure to make a decision on the nomination of members/deputy members to the polling board within the statutory deadline shall start running from the moment when the deadline by which the competent commission was obliged to decide on the nomination has expired.

Provisions of this Law on the protection of rights shall apply *mutatis mutandis* to actions taken with respect to a complaint referred to in paragraph 1 and 2 of this Article.

### **Polling Stations**

#### Article 24

Polling stations shall be designated and organised in accordance with the regulations governing elections for MPs to the National Assembly.

The decision on calling a referendum, with the text of the relevant act and/or explanation of the matter to be decided on in the referendum shall be mandatory displayed at the polling station.

### **Day and Time of Conducting the Referendum**

#### Article 25

A referendum shall be held over one day, as a rule on Sunday.

The time of voting in the referendum shall be determined in such a way as to enable all citizens eligible to vote in a referendum to vote.

Voting shall be concluded by the expiry of the time allotted for voting, and citizens present at the polling station at the time of its closure shall be allowed to vote.

If all the citizens registered in the excerpt from the electoral roll have cast their votes at a polling station, the voting shall be concluded there before the time allotted for voting has expired, but the results of voting at such polling station may not be publicly announced or displayed at the polling station before the expiry of the time allotted for voting.

## **Informing citizens about the conduct of a referendum**

### Article 26

Within 20 days from the day of calling a referendum, the competent commission shall adopt an act under which it shall provide citizens objective information on the matter, or the act to be decided on in the referendum, and publish it on the official web site, in the media, including particularly in the republic and provincial public service media, and deliver it to citizens to their residence addresses.

Information referred to in paragraph 1 of this Article should faithfully and equally reflect the views of the parties that advocate different answers to the referendum question, and be available in all languages that are in official use in the area in which the referendum is called.

Public service media shall be obliged to provide equal access to the parties that advocate different answers to the referendum question, as well as to enable equal and correct provision of information. All media shall be obliged to ensure equal advertising conditions to parties that advocate different answers to the referendum question.

## **Referendum Campaign**

### Article 27

A referendum campaign comprises a set of activities carried out by the organizer of referendum campaign, starting from the day of calling a referendum and ending on the day of holding the referendum, aimed at publicly presenting referendum proposals and inviting citizens to vote for or against a proposed decision that is the subject to the referendum, which include: organizing and holding public meetings; promotion, production and distribution of advertising material, brochures, leaflets and publications; advertising; use of media, marketing, PR and consulting services.

For the purpose of conducting a referendum campaign, citizens may not be promised or given any material assets from private or public sources, nor may any form of intangible benefits be promised.

Informing citizens about a called referendum, or inviting them to participate in a referendum, shall not be deemed a referendum campaign in terms of this Law.

Performance of tasks falling within the competence of state and other authorities stipulated by this Law shall not be deemed a referendum campaign in terms of this Law.

Public officials may not, in that capacity, or in situations associated with the discharging of public office, conduct a referendum campaign, nor may they participate in the activities of the organizers of the referendum campaign as public officials.

## **Organizer of the Referendum Campaign**

### Article 28

Any domestic legal entity, two or more legal entities based on the agreement concluded, or a group of citizens, established by an agreement in accordance with the regulations governing elections for MPs to the National Assembly, may be the organizer of the referendum campaign.

The organizer of a referendum campaign may not be: a state body, bodies of

the autonomous province and local self-government units; public institution and public enterprise; companies and entrepreneurs engaged in services of general interest; institutions and companies with state capital share; other natural persons and legal entities discharging administrative authority; organizers of games of chance; importers, exporters and manufacturers of excise goods; legal entities and entrepreneurs with due, and unsettled, public revenue obligations; a foreign state; a foreign natural or legal person, except for a foreign natural person who has been granted permanent residence in accordance with the law governing conditions for the residence of foreigners in the Republic of Serbia; international political association.

### **The Manner of Financing a Referendum Campaign**

#### Article 29

To finance the costs of the referendum campaign, a campaign organizer may use own funds, or raise and use funds from other private sources.

The rules on financing the election campaign in accordance with the law governing the financing of political activities shall apply *mutatis mutandis* to the raising of funds and use of own funds referred to in paragraph 1 of this Article.

Natural and legal persons referred to in Article 28, paragraph 2 of this Law, except for foreign natural persons who have been granted permanent residence in accordance with the law governing conditions for the stay of foreigners in the Republic of Serbia, as well as anonymous donors shall be prohibited from financing costs of the referendum campaign.

Legal entities and groups of citizens whose names have not been published in accordance with Article 33, paragraph 5 of this Law shall be prohibited from providing advertising services that are considered a referendum campaign in terms of this Law.

Public officials, civil servants and officials in the autonomous province and the local self-government units shall be prohibited from using, for the purpose of carrying out the activities within the referendum campaign, budget funds that are at their disposal for the needs related to the discharge of their official duties.

The organizers of the referendum campaign shall be prohibited from using public resources in the campaign, including official premises, vehicles, web sites and furniture and fittings of state, provincial and local authorities, public institutions and public enterprises, except for those natural persons who, in the capacity of public officials, use public resources for personal safety protection, if such use of public resources is regulated by regulations governing the related area or by a decision of the services responsible for ensuring public officials' safety.

The organizer of the referendum campaign may use the premises and services of the bodies of the Republic of Serbia, the Autonomous Province and local self-government units, as well as other organizations founded by them, if such premises and services are available under equal conditions to all referendum campaign organizers, based on publicly available decision of those bodies and organizations.

### **Referendum Campaign Expenses**

#### Article 30

Referendum campaign expenses shall be the expenses of carrying out all the

activities referred to in Article 27, paragraph 1 of this Law.

Funds raised to finance the expenses of the referendum campaign may be used only for the activities referred to in paragraph 1 of this Article.

All media advertising shall be governed by the regulations and rules regulating media conduct in the election campaign.

### **Special Account for the Financing of Referendum Campaigns**

#### Article 31

For the purpose of raising funds for financing the referendum campaign referred to in Article 29, paragraph 1 of this Law, after a referendum has been called, the organizer of the referendum campaign shall open a special account that cannot be used for other purposes.

The account referred to in paragraph 1 of this Article shall be opened on behalf of two or more legal entities by one of those legal entities determined by the agreement referred to in Article 28, paragraph 1 of this Law.

The account referred to in paragraph 1 of this Article shall be opened on behalf of a group of citizens by a person determined by the agreement referred to in Article 28, paragraph 1 of this Law.

All funds intended for financing the referendum campaign shall be paid into the account referred to in paragraph 1 of this Article and all payments for the expenses of the referendum campaign shall be made from that account.

The organizer of the referendum campaign shall close the account referred to in paragraph 1 of this Article before submitting the report on the costs of the referendum campaign referred to in Article 32 of this Law.

### **Report on the Referendum Campaign Expenses**

#### Article 32

The organizer of the referendum campaign shall submit to the agency responsible for the prevention of corruption (hereinafter: the Agency) the report on the referendum campaign expenses, within 30 days from the day of announcing the final results of the referendum.

The report on the referendum campaign expenses shall be published on the Agency's website, within seven days from the day of receiving a report duly given in the prescribed form.

The content and manner of submission of the report on the referendum campaign expenses shall be regulated in more detail by the Director of the Agency.

In exercising control over the report on the expenses of the referendum campaign, the Agency shall have duties and powers provided for by the law governing the financing of political activities.

### **Authorized Person**

#### Article 33

Appropriate decision of the organizer of the referendum campaign, shall designate the authorized person who shall be responsible for the use of the funds for

financing the referendum campaign, submission of reports and contacts with the Agency.

Two or more legal entities and/or a group of citizens shall designate an authorized person referred to in paragraph 1 of this Article under the agreement on its establishment.

Within three days from the day of opening the account for financing the referendum campaign, the organizer of the referendum campaign shall submit to the Agency data on the person referred to in paragraph 1 of this Article.

In case of any change regarding the authorized person, the organizer of the referendum campaign shall inform the Agency thereof within three days from the day such change has arisen.

Within 48 hours of receiving information on the authorized person referred to in paragraph 1 of this Article, the Agency shall publish on its website the name of the organizer of the referendum campaign (name of legal entity, and/or the name of two or more legal entities or a group of citizens stipulated in the agreement referred to in Article 28, paragraph 1 of this Law).

### **Analogous Application**

#### Article 34

The provisions of this Law governing the referendum campaign shall apply *mutatis mutandis* to the organization of a campaign to support a people's initiative.

Matters that are not regulated by this Law and concern the referendum campaign shall be regulated by the analogous application of the provisions of the law governing the financing of political activities.

### **Publicity of Referendum Procedure**

#### Article 35

Carrying out of a referendum and work of the authorities responsible for conducting the referendum may be monitored by domestic and foreign observers, in accordance with the regulations governing monitoring of the election for MPs to the National Assembly, while also organizer of the referendum campaign shall be entitled to monitor the work of authorities responsible for conducting the referendum.

### **The Referendum Question**

#### Article 36

A question put to the vote in a referendum must be expressed clearly and unambiguously so that it can be answered by a single word: "for" or "against", or "yes" or "no", and must not be expressed in such a way to give priority to or suggest one of the possible answers.

Before making a decision on calling a referendum, the committee of the National Assembly competent for constitutional issues, i.e. the competent working body of the provincial assembly or the assembly of a local self-government unit, is obliged to obtain a positive opinion of the competent commission on the proposed referendum question with the offered answers.

In the case of a referendum at the request of voters, the opinion of the

competent commission referred to in paragraph 2 of this Article shall be obtained in the procedure of verifying a proposition to exercise a people's initiative.

The competent commission shall deliver its opinion within eight days from the day of receiving referendum question proposition.

If the competent commission does not deliver its opinion within the deadline referred to in paragraph 4 of this Article, it shall be considered that a positive opinion has been given.

### **Ballot papers**

#### Article 37

Ballot papers for voting in the referendum shall contain: designation of the type of referendum, the day of holding the referendum, the question on which citizens should vote in the referendum, the words "for" and "against", or "yes" and "no" printed side by side, instructions on the manner of voting and the imprint of the seal of the authority conducting the referendum.

Ballot papers shall be prepared by the competent commission, and shall be printed at the same location and under the control of three persons designated by the competent commission.

Ballot papers and other materials for voting in the national referendum shall be printed by the Public enterprise "Official Gazette".

### **Voting**

#### Article 38

Citizens who are registered in the excerpt from the electoral roll shall vote at the polling station where they are entered in the electoral roll, by circling one of the possible answers on the ballot paper.

Citizens who are not able to vote at the polling station, or to vote on their own, shall exercise their right to vote through the enforcement of the regulations governing the elections for MPs to the National Assembly.

During the voting referred to in paragraph 2 of this Article, all conditions for free voting of citizens and the publicity of the referendum procedure must be ensured, in accordance with this Law.

### **Voting in Extraordinary Situations**

#### Article 39

When, due to a natural disaster, epidemic or other reasons, voting at certain polling stations cannot be carried out according to the rules stipulated by this Law without endangering the safety and health of voters, the competent commission, after obtaining the opinion of competent state bodies, shall prescribe special rules under which polling boards shall be formed, election material delivered and voting conducted at those polling stations.

In no case may the competent commission form a polling board composed of less than three members, nor may it deviate from the rules prescribed for the elections for MPs, concerning: establishment of compliance and completeness of the election material,

actions taken when election material is incomplete or non-compliant, layout of the polling station, validation of the ballot box, voting at the polling station, providing instructions to voters, special arrangements for ensuring voting secrecy, and maintaining order at the polling station.

### **Determining Voting Results**

#### Article 40

Upon completion of voting, the polling board shall determine the results of voting at the polling station.

If the results of voting cannot be determined at the polling station without endangering the safety and health of polling board members and safety of the election material, the competent commission may prescribe to transfer election material to another place and establish results of voting there.

If the election material is moved, the polling board shall be obliged to seal the ballot box opening where ballot papers are inserted, and to put the unused ballot papers and the excerpt from the electoral roll list in special envelopes that shall be sealed.

An invalid ballot paper shall be the one on which both possible answers or none of the possible answers have been circled, or the one which is marked in such a way that it is impossible to determine with certainty how the citizen has voted.

The minutes drawn by the polling board shall include: the date and place of the voting; polling station; proposal put to referendum; names of polling board members; the number of citizens eligible to vote registered at the polling station; the number of citizens who cast their votes; the number of ballot papers received, not used and invalid, and the number of votes given for each of the possible answers.

The competent commission may prescribe other facts of importance for the course of voting and determining voting results, which shall be entered in the minutes of the work of the polling board.

The minutes shall be signed by all present members of the polling board and, together with other election materials, shall be delivered to the election commission of the local self-government unit i.e. sub-commission, within 12 hours from the closing of the polling station.

### **Establishment and Announcement of Referendum Results and Keeping of the Election Material**

#### Article 41

The overall results of the national and provincial referendums shall be established within 48 hours from the moment the competent commission has received all the voting results established by the sub-commissions.

The sub-commission shall establish voting results from all the polling stations within its territory within 48 hours from the closing of the polling stations and shall deliver them to the competent commission within 24 hours from the establishment of the voting results.

If a sub-commission fails to establish voting results in compliance with the provisions of this Law, the competent commission shall take over the entire voting material and establish results of voting in the territory of such sub-commission.

The overall results of a referendum in the local self-government unit shall be established within 48 hours from the closing of the polling stations.

Referendum results shall be published in the same manner in which the decision on calling a referendum has been published.

Ballot papers and excerpts from the electoral roll shall be kept for one year from the day of publishing the overall report on the referendum results.

Other election material and documentation related to the conduct of the referendum shall be kept in accordance with the regulations governing the keeping of archive and documentary material.

### **Enforcement of the Decision**

#### Article 42

If the citizens have taken a decision in the referendum to endorse an act, such act shall be considered adopted on the day of conducting the referendum and shall be proclaimed in accordance with the Constitution and law, and/or in accordance with the statutes of the autonomous province or local self-government unit, and if the citizens have not endorsed an act in the referendum, it shall be deemed that such act has not been adopted.

The procedure laid down in paragraph 1 of this Article shall also be followed when in the referendum an act whose adoption was proposed by the voters' request has been endorsed.

When citizens have voted beforehand on a certain issue in a referendum, the authority responsible for adopting the act which regulates that issue shall be obliged to adopt such act in accordance with the results of the referendum within 120 days from the date of conducting the referendum.

When citizens in a referendum have voted in favour of amendment or repeal of an act passed by the assembly, the assembly shall task the competent working body to draft a proposal of the appropriate legal act and shall decide on such act within 120 days from the date of conducting the referendum.

Provisions of paragraph 4 of this Article shall not apply to the procedure for endorsement of Constitutional amendments.

### **Bindingness of the Decision**

#### Article 43

The assembly may adopt an act contrary to the act or matter endorsed in the referendum or change the essence of the act or matter endorsed in the referendum by amendments to the act only four years after the date of conducting the referendum, and subject to holding a consultative referendum on the related issue.

Bindingness of the decision referred to in paragraph 1 of this Article shall not exist in the case of conducting a consultative referendum

### **Re-calling a Referendum**

#### Article 44

If citizens have voted against endorsing an act or issue submitted to the



referendum, such act or issue may not be put again to the vote in a referendum within a period shorter than four years from the day of conducting the referendum.

### **Financing the Implementation of Referendum**

#### Article 45

Financial resources for the implementation of the national referendum shall be provided from the republic budget, and for the implementation of the provincial referendum or the referendum in the local self-government unit from the provincial budget i.e. the budget of the local self-government unit.

## **2. National Referendum**

### **Subject of Decision Making**

#### Article 46

The National Assembly shall call a referendum on the territory of the Republic of Serbia when the citizens should decide:

- 1) on issues determined by the Constitution;
- 2) on issues falling within the competence of the National Assembly upon the request of the majority of all Members of Parliament;
- 3) on issues falling within the competence of the National Assembly upon the request of at least 100,000 voters.

### **Referendum on Amending the Constitution**

#### Article 47

When stipulated by the Constitution that the National Assembly shall be obliged to put forward the act on amending the Constitution in the national referendum to have it endorsed, the National Assembly shall render a decision on calling a referendum concurrently with the adoption of that act.

When the Constitution does not envisage obligation to have an act on amending the Constitution endorsed in the national referendum, the National Assembly may concurrently with the adoption of such act, render a decision on calling a referendum in order to have it endorsed.

### **Issues in Respect of which a Referendum May not Be Called**

#### Article 48

The subject of the referendum may not include duties deriving from international contracts, laws pertaining to human and minority rights and freedoms, fiscal and other financial laws, the budget and financial statement, introduction of the state of emergency and amnesty, as well as issues pertaining to election competences of the National Assembly.

The subject of the referendum deciding on issues governed by an act of lower legal force than the law must be in conformity with the Constitution and the law.

## **Referendum on a Certain Part of the Territory**

### Article 49

The National Assembly may also call a referendum on a part of the territory of the Republic of Serbia (more than one local self-government units) if the issues to be decided on relate exclusively to that part of the territory.

In a national referendum called on a part of the territory of the Republic of Serbia only citizens with permanent residence and internally displaced persons with registered temporary residence in that part of the territory may vote.

A national referendum on a part of the territory of the Republic of Serbia may also be called in order to obtain citizens' opinion on the decision to be taken on the related issue, and its calling is mandatory before adopting a decision on the establishment, revocation or alteration of the territory of autonomous province or a local self-government unit.

## **National Referendum at the Request of Citizens**

### Article 50

When at least 100,000 voters have submitted a request for calling a referendum, the Speaker of the National Assembly shall proceed such request to the Members of Parliament, the Government and the committee of the National Assembly competent for constitutional issues (hereinafter: competent committee of the National Assembly).

## **Request submission and decision-making procedure**

### Article 51

The request for calling a referendum shall be submitted to the National Assembly in writing, along with the reasoning regarding the act and/or question submitted to the referendum.

The competent committee of the National Assembly shall determine whether the request referred to in paragraph 1 of this Article has been submitted by the constitutionally authorized proponent and in the prescribed form, as well as whether the subject matter falls within the competence of the National Assembly and whether it relates to issues covered by Article 48 of this Law which prescribes what cannot be the subject of a referendum.

The representative of the proponent shall be invited to attend the meeting of the competent committee of the National assembly.

If the representative referred to in paragraph 3 of this Article is not designated, the first signed Member of Parliament or voter shall be invited to the meeting of the competent committee of the National Assembly.

If it establishes that the prescribed conditions for approving the request have been fulfilled, the competent committee of the National Assembly shall submit to the National Assembly a proposal of a decision on calling a referendum, and if it establishes that the prescribed conditions for acting upon request have not been fulfilled, the competent committee of the National Assembly shall grant the proponent an additional 15-day time limit to remedy the deficiencies.

If the proponent fails to remedy the deficiencies within the time limit referred to in paragraph 5 of this Article, the National Assembly shall render a decision on the rejection of the request.

The National Assembly shall consider the request referred to in paragraph 1 of this Article no later than within six months from the day of its submission.

After the conclusion of the debate, the National Assembly shall decide on the request.

The procedure for calling a referendum in the event of amending the Constitution shall be regulated in more detail by the Rules of Procedure of the National Assembly.

If the National Assembly rejects the request for calling a referendum at the voters' request, the proponent may file an action with the Administrative Court if he considers that the National Assembly has acted wrongfully in deciding on the request to call a referendum.

The action shall be filed within fifteen days from the date of receiving National Assembly's decision or from the expiry of the time limit for taking a decision.

The Administrative Court shall rule on the action within 30 days from the day of receiving the action and its ruling on the action shall be final.

### **3. Provincial Referendum and Referendum in a Local Self-Government Unit**

#### **Subject of Provincial Referendum**

##### Article 52

In a referendum called on the territory of the autonomous province or part of its territory (provincial referendum), citizens shall decide on issues determined by the statutes of the autonomous province and on issues falling within the competence of the assembly of the autonomous province determined by the decision of the assembly of the autonomous province made upon the request of the majority of the total number of all deputies or upon request submitted by not less than 30,000 voters with permanent residency in the territory of the autonomous province.

Issues determined by the statutes of the autonomous province as the competence of the assembly of the autonomous province, with the exception of the issues determined under Article 48 of this Law, may be the subject of a provincial referendum.

#### **Provincial Referendum at the Request of Citizens**

##### Article 53

The request to call a referendum shall be submitted to the assembly of the autonomous province in writing, along with a reasoning regarding the act and/or question submitted to the referendum.

If the conditions prescribed by this Law have not been fulfilled, the assembly of the autonomous province shall grant the proponent an additional 15-day time limit to remedy the deficiencies.

If the proponent fails to remedy the deficiencies within the time limit referred to in paragraph 2 of this Article, the assembly of the provincial assembly shall render a

decision on the rejection of the request.

When a certain number of voters determined by the statutes of the autonomous province submit a request to call a referendum, and the assembly of the autonomous province considers that it involves an issue not falling within its competence or that it does not comply with Article 48 of this Law or the statutes of the autonomous province, the assembly shall make a decision rejecting such request, at its first subsequent session.

If the Assembly rejects the request for calling a referendum at the request of voters, the proponent may file an action with the Administrative Court if he considers that the Assembly has acted wrongfully in deciding on the request for calling a referendum.

The action shall be filed within 15 days from the date of receiving the decision of the assembly or from the expiry of the time limit for taking a decision.

The Administrative Court shall rule on the action within 30 days from the day of receiving the action, and its ruling on the action shall be final.

### **Subject of the Referendum in Local Self-Government Unit**

#### Article 54

In a referendum that is called on the territory of a local self-government unit or on a part of its territory (referendum in a local self-government unit), citizens shall vote on issues determined by the statutes of the local self-government unit and on issues falling within the competence of the assembly of the local self-government unit determined by the decision of that assembly made upon request of the majority of the total number of councillors or upon request submitted by not less than 10% of voters with the permanent residency in the territory of the local self-government unit.

Issues determined by the statutes of the local self-government unit as the competence of the assembly of the local self-government unit, with the exception of the issues determined under Article 48 of this Law, may be the subject of a referendum in the local self-government unit.

### **A Referendum in a Local Self-Government Unit at the Request of Citizens**

#### Article 55

The request to call a referendum shall be submitted to the assembly of the local self-government unit in writing, along with a reasoning regarding the act and/or question submitted to the referendum.

If the conditions prescribed by this Law have not been fulfilled, the assembly of the local self-government unit shall grant the proponent an additional 15-day time limit to remedy the deficiencies.

If the proponent fails to remedy the deficiencies within the time limit referred to in paragraph 2 of this Article, assembly of the local self-government unit shall render a decision rejecting the request.

When a certain number of voters determined by the law submit a request to call a referendum, and the assembly of the local self-government unit considers that it involves an issue not falling within its competence or that it is not in compliance with Article 48 of this Law or the statutes of the autonomous province or the statutes of local self-government unit, the assembly shall make a decision rejecting the request, at its first

subsequent session.

If the assembly rejects the request for calling a referendum at the request of voters, the proponent may file an action with the Administrative Court if he considers that the assembly has acted wrongfully in deciding on the request for calling a referendum.

The action shall be filed within 15 days from the date of receiving the decision of the assembly or from the expiry of the time limit for taking a decision.

The Administrative Court shall rule on the action within 30 days from the day of receiving the action and its ruling on the action shall be final.

### **III. PEOPLE'S INITIATIVE**

#### **Notion of People's Initiative**

##### Article 56

By a people's initiative, citizens propose the adoption, amendment, or repeal of the Constitution, laws, other regulations and general acts within the competence of the National Assembly, and/or of the statute, other regulations and general acts within the competence of the Assembly of the Autonomous Province and local self-government units, and submit other proposals in accordance with the Constitution and the law, and/or the statute of the autonomous province and local self-government unit.

#### **Forms of People's Initiative**

##### Article 57

People's initiative may be submitted in the form of:

- 1) a general proposal for adoption, amending or repeal of an appropriate act or resolving a certain issue, provided that it clearly shows the direction of changes, or solutions proposed (general initiative), or
- 2) a concrete proposal for adoption, amending or repeal of an appropriate act, with a drafted proposal of a legal act along with the reasoning (concretized initiative).

When the subject of a people's initiative is an act proposing amendment to a certain legal act, the amendments must be drafted so to be aligned with the part of the legal act that is not amended and remains in force, in such a manner that they together constitute a legally and logically harmonized whole.

A general and concretized proposal referred to in paragraph 1 of this Article may also be submitted for the purpose of conducting a referendum.

#### **Initiative Board**

##### Article 58

In order to carry out a people's initiative, citizens shall set up an initiative board of at least three members eligible to vote.

The initiative board may establish special boards for the collection of signatures at individual locations.

## **Notice of Proposal**

### Article 59

The initiative board shall formulate the proposal in one of the forms stipulated in Article 57 of this Law, sign and submit it to the assembly responsible for adoption of the act, or resolving the issue, for notification and verification of the proposal.

The proposal may be submitted in written or in electronic form.

If the proposal is submitted for the purpose of conducting a referendum, the proposal must also state the proposal of the referendum question with the offered answers.

The proposal submitted in electronic form must be signed by qualified electronic signature of the members of the initiative board, i.e. in accordance with the regulation governing the electronic people's initiative.

Proposal must contain personal data of the members of the initiative board (name and surname, residence, address) which are published after the verification of the proposal.

The proposal shall be registered in the records of the received proposals and a confirmation of receipt shall be issued to the initiative board.

From the moment of submission of the proposal, the proposal may not be amended or modified, except for remedying deficiencies within the proposal verification procedure.

## **Verification of the Proposal**

### Article 60

The Speaker of the assembly to which the initiative board has submitted the proposal shall establish whether the proposal has been formulated in accordance with Articles 48, 57 and 59 of this Law and whether it pertains to matters falling within the competence of the assembly, and if so, shall notify the initiative board thereof within 15 days (verification of the proposal).

If the proposal is submitted for the purpose of conducting a referendum, the Speaker of the Assembly shall submit it to the competent commission for opinion on the proposal of the referendum question in accordance with the provisions of Article 36 of this Law.

If the conditions prescribed by this Law have not been fulfilled, the Speaker of the assembly shall grant the initiative board an additional 15-day time limit to remedy the deficiencies.

If the initiative board remains with the submitted proposal and the Speaker of the assembly considers that the submitted proposal is not formulated in accordance with Articles 48, 57 and 59 of this Law or does not pertain to matters falling within the competence of the assembly, the Speaker shall put that proposal on the agenda of the first subsequent session of the assembly and notify the initiative board thereof.

The representative of the proponent shall attend the session of the assembly at which the proposal is being considered.

If the proponent's representative is not designated, the first signed member of the initiative board shall be invited to the assembly session.

The assembly may decide to verify or reject the submitted proposal, and the

Speaker of the assembly shall notify the initiative board of the assembly's decision within seven days from the day the decision was made.

If the Speaker of the assembly, i.e. the assembly does not act in accordance with paragraphs 1, 3 and 7 of this Article, it shall be considered that the proposal has been verified.

### **Collecting Signatures**

#### Article 61

The initiative board may start collecting signatures upon receiving notification from the Speaker of the assembly on the verification of the proposal, and shall end collection of signatures and submit a list of signatories to the assembly no later than 90 days from the date of receiving such notification.

In the event referred to in Article 60, paragraph 8 of this Law, time limit for collecting signatures shall start running from the expiry of the deadline for notifying initiative board on the verification of the proposal, i.e. from the conclusion of the session at which the assembly should have decided on the verification of the proposal.

If the initiative board does not submit the list of signatories to the assembly by the expiry of the deadline referred to in paragraph 1 and 2 of this Article, it shall be considered that the initiative has not been submitted.

### **The Manner of Collecting Signatures**

#### Article 62

The initiative board shall be obliged to display copy of the proposal for which the signatures are collected at the locations where signatures are collected.

Collecting of signatures must not significantly interfere with the regular use of the locations where signatures are collected, or violate rules of public order.

If the process of collecting signatures significantly interferes with the regular use of such locations or violates rules of public order, the competent organizational unit of the Ministry in charge of internal affairs may prohibit the further collection of signatures at such locations.

Signatures may also be given electronically, in accordance with the regulation governing electronic people's initiative.

For the purposes of carrying out a people's initiative, the internet address on the e-Government portal shall be registered as the place for collecting the signatures referred to in paragraph 4 of this Article.

### **Informing Citizens about the Initiative and the Campaign**

#### Article 63

The initiative board can run a campaign for the people's initiative and invite citizens to join the initiative, subject to respecting the principles of voluntariness and freedom of thought of every citizen.

Neither material assets from private or public sources, nor any form of intangible benefits may be promised or given to citizens in order that they join the people's initiative and for the purpose of collecting signatures.

## **Financing and Campaign Costs**

### Article 64

After receiving notification, or after the deadline for the notification referred to in Article 60 of this Law has expired, the initiative board may start raising funds to finance people's initiative campaign.

Fundraising for the financing of people's initiative campaign and expenses shall be governed by the provisions of At. 28 - 34 of this Law, save for the provisions of the law governing financing of political activities, related to the amount of donations.

## **The Contents of the List of Signatories**

### Article 65

Citizens' signatures shall be collected in the form of the List of people's initiative signatories, which shall contain:

- 1) name, surname and signatures of members of the initiative board, or the board responsible for collecting signatures;
- 2) an indication of the proposal for which signatures are collected with the assembly's register number;
- 3) ordinal number of the initiative signatory, his / her legibly written name and surname, place of permanent or temporary residence, address, unique identification citizen number, and signature;
- 4) date and place where signatures have been collected.

A citizen may be signed only once on the List of people's initiative signatories and signature given may not be withdrawn.

The personal data of the signatories of the people's initiative are available only to the bodies responsible for the implementation of the people's initiative and may not be published.

The list of signatories shall also be submitted to the Assembly on the form in electronic format specified by the regulation governing electronic people's initiative.

## **Sufficient Number of Signatures**

### Article 66

A sufficient number of signatures for people's initiative shall be the minimum number of signatures determined by the Constitution, law or the statutes of the autonomous province.

## **Verification of the Fulfilment of Conditions**

### Article 67

The competent body of the National Assembly, and/or the competent working body of the provincial assembly or assembly of the local self-government unit shall verify, within 30 days of submission of people's initiative with the List of signatories, whether list of signatories of the people's initiative has been drawn up in accordance with the provisions of this Law and whether a sufficient number of signatures has been collected, and shall inform the Speaker of the Assembly thereof.



The List of signatories shall be verified by the competent commission.

The List of signatories supporting people's initiative in electronic form shall be verified by comparing signatories' data with the data in the electoral roll.

Verification referred to in paragraph 3 of this Article shall be performed by the Ministry in charge for maintaining single electoral roll in case of the List of people's initiative signatories submitted to the National or Provincial Assembly, or by the competent body of the local self-government unit's administration in case of the List of people's initiative signatories submitted to the assembly of that self-government unit.

If establishing that the List has not been drawn up in accordance with the provisions of this Law or that a sufficient number of signatures has not been collected, the competent body of the National Assembly, and/or the competent working body of the provincial assembly or assembly of the local self-government shall notify the initiative board thereof within seven days, and shall set a time limit for remedying those deficiencies, which may not be shorter than 15 days.

If the initiative board fails to remedy the deficiencies within the time limit set, the assembly shall render a decision rejecting the people's initiative.

### **When an Initiative is Considered Launched**

#### Article 68

After it is established that the List of signatories of the people's initiative has been made in accordance with the provisions of this Law and that a sufficient number of signatures has been collected, the Speaker of the assembly shall inform the initiative board thereof within seven days.

With the delivery of the Speaker's notification to the initiative board, people's initiative shall be deemed launched.

If the Speaker of the Assembly fails to act in accordance with paragraph 1 of this Article, the initiative shall be deemed launched on the day of expiration of the deadline within which the competent committee of the National Assembly and/or the competent working body of the provincial assembly or assembly of local self-government unit should have established whether the List of signatories of the people's initiative has been made in compliance with the provisions of this law and whether a sufficient number of signatures has been collected.

### **Deciding on the Initiative**

#### Article 69

National Assembly shall decide on the proposal contained in the launched people's initiative at its first next sitting of the regular session, but not later than six months from the day people's initiative has been launched, in the manner and according to the procedure stipulated by the Constitution and the law or the Rules of Procedure of the Assembly.

Assembly of the autonomous province or local self-government unit shall decide on the proposal contained in the launched people's initiative at its first next meeting, but not later than 90 days from the day people's initiative has been launched, in the manner and according to the procedure stipulated by the Constitution and the law or the statutes of the autonomous province or local self-government unit, or the rules of

procedure of the assembly.

When the assembly approves a general initiative, it shall task the competent working body to prepare a draft of the appropriate legal act and shall decide on that act within 120 days from the day general initiative has been approved.

Representative of the initiative board shall have the right to participate in the drafting of the act referred to in paragraph 3 of this Article.

### **Notification of Non-Acceptance of the Initiative**

#### Article 70

When the assembly decides not to accept the proposal contained in the people's initiative, it shall be obliged to deliver a reasoned decision thereon to the initiative board and publish it on its website.

## **IV. PROTECTION OF RIGHTS**

### **Protection of rights before the Competent Commission**

#### Article 71

A citizen may file a complaint with the competent commission within 48 hours from the closing of the polling station where he is registered in the electoral roll, if the polling board had unreasonably prevented him/her from voting, or if his/her right to free and secret voting was violated at the polling station.

The authorised proponent, or his/her representative, and each MP/deputy/councillor, depending on the territory on which the referendum was called, shall have the right to file a complaint with the competent commission, within 48 hours from the moment a decision was adopted, or an action or omission of a competent commission, polling board or sub-commission took place, if he/she considers that they constitute irregularities in the conduct of the referendum.

In case of a referendum for amending the Constitution, also the authorised proponent of Constitutional amendments who had proposed Constitutional amendments in respect of which the referendum was called, shall have the right to file a complaint.

If 150,000 voters constitute the authorised proponent who had proposed Constitutional amendments, a complaint on behalf of the authorised proponent shall be filed by the initiative board, in accordance with this Law.

The competent commission shall decide on the complaint within 96 hours from the filing of the complaint.

The competent commission shall deliver decision on the complaint to the complainant in writing, directly or by mail, and shall publish it on its web site.

An appeal for failure to decide on complaint within the statutory deadline shall be submitted within 48 hours from the time when the decision on the complaint should have been made.

### **Cancelation and Repeat Vote**

#### Article 72

Should it establish that the irregularity that has occurred at one or more polling

stations has materially affected the results of the voting, the competent commission shall annul actions at those polling stations and set the time when they shall be repeated.

If an irregularity in the conduct of a referendum called on the territory of the Republic or the autonomous province has occurred due to actions of the sub-commission, the competent commission shall annul such sub-commission's actions and order that they be repeated.

### **Appeal against the Decision of the Competent Commission**

#### Article 73

Against a decision of the competent commission issued in respect of the complaint referred to in Article 71 of this Law, the complainant may file an appeal with the Administrative Court within 96 hours of receiving the related decision.

The Administrative Court shall rule on the appeal referred to in paragraph 1 of this Article within 96 hours of receipt of the appeal along with the case file, and its ruling shall be final and extraordinary legal remedies provided by the law governing the administrative dispute cannot be filed against it.

### **Action against the Decision of the Assembly**

#### Article 74

The initiative board, members of the National Assembly, deputies at the Assembly of the Autonomous Province, and councillors of the assemblies of the local self-government units may file an action with the Administrative Court if they consider that the assembly acted wrongfully when deciding under Article 60, paragraph 7 and Article 67, paragraph 6 of this Law.

The action shall be filed within 30 days from the day the decision of the assembly was adopted.

### **Deadline for Ruling on the Action**

#### Article 75

The Administrative Court shall rule on the action referred to in Article 74 of this Law within 30 days from the day of receiving of the action and its ruling shall be final and extraordinary legal remedies provided by the law governing the administrative dispute may not be filed against it.

### **Proceedings before the Administrative Court**

#### Article 76

The Administrative Court shall rule on the appeal or action filed in accordance with this Law by the analogous application of the provisions of the law governing the procedure in administrative disputes.

## V. REFERENDUM CAMPAIGN REDRESS MEASURES

### Offences by referendum campaign organizers

#### Article 77

Fine in the amount of RSD 200,000 to 2,000,000 shall be imposed on a referendum campaign organizer who:

1) acts contrary to the provisions governing the financing of the referendum campaign expenses (Article 29);

2) uses funds contrary to the purpose for which they were raised in accordance with this Law (Article 30, paragraph 2);

3) does not open and/or use a special account for the financing of the referendum campaign (Article 31);

4) fails to submit a report on the referendum campaign costs in accordance with this Law (Article 32);

5) does not enable the Agency to exercise its powers under this Law (Article 32, paragraph 4);

6) fails to appoint an authorized person and/or to notify the Agency thereof (Article 33, paragraph 3);

7) fails to notify the Agency of the change of the authorized person (Article 33, paragraph 4).

If more than one domestic legal entities are the organizer of the referendum campaign, they shall be liable for misdemeanours stipulated in paragraph 1 of this Article jointly and severally.

For the offenses referred to in paragraph 1 of this Article, the authorized person referred to in Article 33 of this Law shall also be punished by a fine in the amount of RSD 50,000 to 150,000.

Funds obtained through the commission of the offense referred to in paragraph 1, item 1) and 2) of this Article shall be seized.

### Offences by Funds Providers

#### Article 78

A legal entity shall be punished by a fine of RSD 200,000 to 2,000,000 if it fails to enable the Agency to exercise its powers under this Law (Article 32, paragraph 4).

An entrepreneur shall be punished by a fine of RSD 100,000 to 500,000 if he/she fails to enable the Agency to exercise its powers under this Law (Article 32, paragraph 4).

For the offence referred to in paragraph 1 of this Article, a responsible person in the legal entity shall also be punished by a fine of RSD 50,000 to 150,000.

For the offence referred to in paragraph 1 of this Article, a natural person shall be punished by a fine of RSD 50,000 to 150,000.

## **VI. TRANSITIONAL AND FINAL PROVISIONS**

### **Analogous Application of Election Regulations**

#### Article 79

Relevant provisions of the law governing the election of MPs to the National Assembly shall apply *mutatis mutandis* on the matters concerning polling stations, election material, appointment of polling board members, manner of work of polling boards, ballot papers, voting, determining voting results at the polling stations and other matters concerning voting that are not regulated by this Law.

If the provisions of other laws or regulations governing referendum and people's initiative matter are in conflict with this Law, the provisions of this Law shall apply, except for the provisions of the law governing the financing of local self-government on the introduction of self-contributions.

### **Composition of the Republic Electoral Commission and polling boards for Conducting the First Next National Referendum**

#### Article 80

The first next National referendum to be conducted under the provisions of this Law shall be conducted by the Republic Electoral Commission appointed in accordance with the provisions of the law governing the election of MPs whose composition shall be expanded by six more members and deputy members appointed by the National Assembly at the proposal of the Speaker of the National Assembly, from among the ranks of experts in electoral law and the electoral process.

The first next National referendum to be conducted under the provisions of this Law shall be conducted by the polling boards whose standing composition stipulated by this law shall be expanded by per one more member and deputy member appointed by the Republic Electoral Commission at the proposal of the National Assembly Speaker.

### **Cessation of Validity**

#### Article 81

The Law on Referendum and People's Initiative ("Official Gazette of the Republic of Serbia, nos. 48/94 and 11/98) shall cease to be valid on the day this Law enters into force.

The provisions of Article 4 paragraph 3 and 4 of the Law on Establishing the Competences of the Autonomous Province of Vojvodina ("Official Gazette of RS", nos. 99/09 and 67/12 - CC), Article 47, paragraph 3 of the Law on the Capital City ("Official Gazette of RS", nos. 129/07, 83/14 - other law, 101/16 - other law and 37/19), Article 70, paragraph 3 and 4 of the Law on local self-government ("Official Gazette of RS", nos. 129/07, 83/14 - other law, 101/16 - other law and 47/18), and Article 23, paragraph 3 of the Law on Financing of Local Self-government ("Official Gazette of RS", nos. 62/06, 47/11, 93/12, 83/16, 104/16 – other law and 95/18 – other law) shall cease to be valid on the day this Law enters into force.

### **Deadline for Adoption of Bylaws**

#### Article 82

The Government shall pass a regulation governing the electronic people's initiative within six months from the day this Law enters into force.

Director of the Agency shall pass the act regulating the content of the report on referendum campaign costs referred to in Article 32, paragraph 3 of this Law within three months from the day this Law enters into force.

### **Entry into Force**

#### Article 83

This Law shall enter into force the next day after its publication in the “Official Gazette of the Republic of Serbia”.