

Pursuant to Article 12 of the Decision Amending the Rules of Procedure of the Republic Electoral Commission ("Official Gazette of the RS", No 111/21),

the Secretary of the Republic Electoral Commission has prepared a consolidated text of the Rules of Procedure of the Republic Electoral Commission.

The consolidated text of the Rules of Procedure of the Republic Electoral Commission includes the following:

1. The Rules of Procedure of the Republic Electoral Commission ("Official Gazette of the RS", No 148/20 - consolidated text);

2. The Decision Amending the Rules of Procedure of the Republic Electoral Commission ("Official Gazette of the RS", No 111/21), not including Article 12 authorising the Secretary of the Republic Electoral Commission to prepare a consolidated text of the Rules of Procedure and prescribing publication of the consolidated text in the "Official Gazette of the Republic of Serbia", and Article 13 prescribing entry into force of this Decision and its publication in the "Official Gazette of the Republic of Serbia".

02 No 013-84/21

In Belgrade, 3 December 2021

REPUBLIC ELECTORAL COMMISSION

SECRETARY

Mr Srdjan Smiljanić

RULES OF PROCEDURE OF THE REPUBLIC ELECTORAL COMMISSION

(consolidated text)

I. BASIC PROVISIONS

Article 1

These Rules of Procedure shall regulate the organisation, mode of operation and decision-making of the Republic Electoral Commission (hereinafter: Commission), as well as other issues with relevance to the operation of the Commission.

Article 2

The seat of the Commission shall be in Belgrade, in the building of the National Assembly of the Republic of Serbia, 14 Kralja Milana Street.

Article 3

In its operation, the Commission shall use four seals (two big and two small ones) and two stamps that shall be made in accordance with regulations governing manufacture of state authorities' seals and stamps.

The Commission's Secretary and the National Assembly Service shall ensure preservation and use of the seals and stamps.

Article 4

Within its competences, the Commission shall cooperate with domestic, foreign and international bodies and organizations, in accordance with law.

Article 5

The Commission may organize professional consultations and other forms of professional work on the issues within the scope of its competence.

II. COMPOSITION AND ORGANISATION OF THE COMMISSION

Commission

Article 6

The Commission shall operate and make decisions at sittings in its standing and extended composition.

The Commission in its standing composition shall comprise: Chairperson of the Commission, 16 members of the Commission and their substitutes.

The Commission's membership shall also include a representative of the Statistical Office of the Republic of Serbia who shall participate in the Commission's work without the right of decision-making.

The Commission in its extended composition shall comprise the standing Commission composition together with one representative of each submitter of the

electoral MP candidate lists, or of each proposer of a candidate for the President of the Republic, and each of them shall have a substitute.

The Commission shall work and decide in the extended composition as of the day of appointment of the members of the Commission's extended composition, until the moment the Commission determines and proclaims the election results.

Substitutes of the Commission members shall be entitled to the same rights and obligations as the members they substitute.

Secretary of the Commission and the Deputy Secretary of the Commission

Article 7

The Commission shall have a Secretary and Deputy Secretary who shall participate in the Commission's work without the right of decision-making.

Working groups

Article 8

For the purpose of examining particular issues from its scope of activity, alignment of draft acts prepared by the National Assembly Service, reports and other documents, and for the purpose of conducting certain electoral activities, the Commission may establish Working Groups from the rank of its members.

Representatives of state authorities and organisations may take part in the working groups' activities for the purpose of providing technical support.

The Decision establishing the working groups shall lay down the working groups' tasks and appoint their Chairs and members.

The working groups shall have their secretaries appointed by the Commission's Secretary, from the rank of the National Assembly Service staff.

The National Assembly Service

Article 9

The National Assembly Service shall ensure and provide necessary professional, administrative and technical assistance during performance of the tasks for the needs of the Commission and its working groups, in compliance with law and the National Assembly decision on organisation and operation of the Service.

The Commission Secretary shall ensure the provision of conditions for the functioning of the Commission.

III. RIGHTS AND OBLIGATIONS

Chairperson of the Commission

Article 10

Chairperson of the Commission shall:

- represent the Commission,
- convene the sittings of the Commission and chair the sittings,
- sign the acts issued by the Commission,

- approve business trips in the country and abroad,
- ensure that the Commission discharges its activities in timely manner and in compliance with regulations,
- ensure the implementation of these Rules of Procedure, and
- perform other tasks envisaged by these Rules of Procedure.

Chairperson of the Commission may authorize the Secretary of the Commission to sign the acts issued by the Commission pertaining to operational issues.

Deputy Chairperson of the Commission

Article 11

Deputy Chairperson of the Commission shall discharge the duties of the Chairperson of the Commission in case of her/his absence or inability to perform the function, and may perform other task upon authorization from the Commission Chairperson.

Members of the Commission

Article 12

Members of the Commission shall have the right and obligation:

- to attend the sittings of the Commission on regular basis,
- to participate in the debate on issues on the agenda of the Commission sitting and vote on each proposal which is to be decided upon at the sitting,
- to perform all duties and tasks specified by the Commission.

Secretary of the Commission

Article 13

Secretary of the Commission shall:

- prepare the Commission sittings,
- coordinate the work of the members and substitute members of the Commission,
- assist the Chairperson of the Commission in attending business within her/his purview,
- ensure the preparation of the act proposals to be approved by the Commission and shall perform other tasks in compliance with law, these Rules of Procedure and orders by the Commission Chairperson.

IV. MODE OF OPERATION

Article 14

Sittings of the Commission shall be held in its seat.

Exceptionally, when for a good reason, the Commission is not able to meet in person for the purpose of holding a sitting, the sitting of the Commission may be held electronically (e-sitting), via a software platform for holding online sittings.

The convocation of an electronic sitting shall contain the reasons for holding the electronic sitting.

Convening sittings of the Commission

Article 15

A sitting of the Commission shall be convened by the Chairperson of the Commission.

A sitting of the Commission shall be convened by emailing the Convocation of a Commission sitting, no later than two days prior to the date scheduled for the sitting.

Commission sittings may be convened at a shorter notice than referred to in Paragraph 2 of this Article, if the reasons for convening the sitting are conditioned by time limits set by the law, in which case the Commission Chairperson shall explain the reasons at the beginning of the sitting.

Upon request of at least one third of the Commission members, the Commission Chairperson shall convene a sitting of the Commission not later than two days after the submittal of the request, so that the sitting is held within seven days from the date of sending the Convocation, at the latest.

The Commission Chairperson may postpone the time or date of the beginning of the sitting of the Commission, on which he/she shall notify members and substitute members of the Commission in a timely manner and give reasons for the delay at the beginning of the sitting.

Article 16

The Convocation of a Commission sitting shall contain the date, time and venue of the sitting and a draft agenda.

The Agenda of a Commission sitting shall be proposed by the Commission Chairperson, except in case of convening the sitting upon request of at least one third of the members of the Commission, in which case the Agenda shall be enclosed with the request for convening the sitting.

The Convocation of the Commission sitting, the background material related to the items on the Draft Agenda and the minutes of the previous sitting, if taken, shall be emailed to Commission members and substitute members from the Commission's email address: rik.sednica@parlament.rs to the email addresses of Commission's members and substitute members that they have delivered to the Commission's Secretary as their official address for receiving and sending emails, two days before the date scheduled for the sitting.

In case a Commission sitting has been convened in accordance with Article 15 paragraph 3 of these Rules of Procedure, the Convocation of the Commission sitting, the background material related to the items on the Draft Agenda and the minutes of the previous sitting, if taken, shall be communicated to Commission members and substitute members in the manner set out in paragraph 3 of this Article, not later than three hours prior to the beginning of the sitting."

Opening and Participation in a Sitting

Article 17

A sitting may be held when attended by majority of the overall number of members or substitute members of the Commission in its standing or extended composition.

A sitting shall be chaired by the Chairperson of the Commission, or, in his/her absence, by Deputy Chairperson of the Commission.

In case the Chairperson is not able to chair a sitting or needs to leave the sitting, the sitting shall be chaired by the Deputy Chairperson, or in case of Deputy Chairperson's absence or of his/her unwillingness to chair, the sitting shall be chaired by the most senior present member of the Commission. If the most senior present member of the Commission is not willing to chair the sitting, the chairmanship shall be taken over by the next most senior member of the Commission.

At the opening of the sitting, the Chairperson shall establish the number of the present members of the Commission.

Chairperson of the Commission, members of the Commission, Secretary of the Commission and their substitutes may take part in the debate.

Upon invitation of the Chairperson of the Commission, representatives of state authorities and organizations may also attend the sitting and participate in the debate if the issues from their scope of work are discussed, whereof the Chairperson shall inform the members of the Commission at the beginning of the sitting.

Proceedings of the Sitting

Article 18

Before establishing the Agenda, the Minutes of the previous sitting shall be adopted, if they were kept and duly submitted to members and substitute members of the Commission.

Comments on the Minutes may be given by all members of the Commission or by substitute members.

If there are no submitted comments on the Minutes, the Chairperson shall put to vote the Minutes in the proposed text form.

The Commission shall vote on the comments made to the Minutes, in order in which they were raised in the debate.

Following the deliberation on the comments on the Minutes, the Chairperson shall note that the Minutes have been adopted in the proposed text form, i.e. together with the approved comments.

Article 19

The Commission shall determine the agenda of a sitting.

All members of the Commission, or substitute members, shall have the right to put forward an amendment to the Draft Agenda.

The vote shall be taken without debate on the draft amendments to the Draft Agenda, in order of proposals raised in the sitting.

Following the statement of opinions on the proposed amendments to the Draft Agenda, the Commission shall take vote on the adoption of the Agenda in its entirety.

On proposal of the Chairperson or a Commission member, or a substitute member, the Commission may decide to limit to five minutes the time given to each participant to debate on a particular item on the Agenda.

Article 20

The proceedings of the sitting shall follow the order of items of the adopted Agenda.

Before opening the debate on an item on the Agenda, the Chairperson of the Commission, or a member appointed by the Chairperson, shall report to the Commission and shall propose the further proceedings of the Commission (Rapporteur).

If an act proposal to be approved by the Commission is deliberated at a sitting, the Secretary of the Commission shall make the Commission acquainted with the act proposal before opening the debate.

Maintaining order at a sitting

Article 21

The Chairperson shall ensure the order at a sitting of the Commission and shall give the floor to members and substitute members of the Commission who applied for participation in the debate.

When the Chairperson deems it necessary, she/he may declare a break.

Voting

Article 22

If the Chairperson establishes that the debate on an item on the Agenda is finished, she/he shall conclude the debate on the item on the Agenda and proceed to voting.

The Commission shall pass decisions by majority vote of all the members of the Commission in its standing or extended composition.

Only members of the Commission shall have the right to vote, and substitute members shall have the same right only in case of absence of the member they substitute.

In case of more proposals given within one item on the Agenda, the Chairperson shall put the proposals to vote in order in which they were presented.

The Commission shall always take a vote for the adoption of proposals.

If the proposal which is put to vote does not acquire the necessary majority vote, that proposal shall be deemed refused.

Voting on act proposals to be adopted by the Commission

Article 23

If it may be the case that proposals for deletion or modification of an act are put forward in a debate, the Chairperson shall first put these proposals to vote. In this case, voting shall be done in order in which the proposals for deletion or modification were presented, whereby the Chairperson shall first put the proposal for deletion and then the proposal for modification to vote.

Following the voting on all the proposals, the Chairperson shall put to vote the act proposal as a whole, for adoption.

Voting on complaints

Article 24

If it may be the case that proposal for dismissal of a complaint is put forward in a debate, the Chairperson shall first put this proposal to vote.

When several proposals for dismissal of a complaint have been made, the vote on the proposals shall be taken in order in which they were put forward in the debate. If the proposal is adopted, the others shall not be put to vote.

If no proposal for dismissal of complaint is presented in a debate or none of the given proposals are adopted, the Commission shall vote on the adoption of complaints.

The Chairperson shall always put to vote the proposal for adoption of a complaint.

If the proposal to adopt the complaint does not acquire the required majority vote, the complaint shall be deemed dismissed.

Article 25

In the complaint procedure on issues that are not explicitly provided for by law, the Commission shall accordingly apply the provisions of the Law on general administrative procedure.

Minutes

Article 26

Minutes of the proceedings shall be kept at Commission sittings.

Minutes shall contain main data on the sitting proceedings, especially on the proposals being discussed, including names of the participants in the debate, decisions, conclusions and other acts approved at the sitting, including results of all the voting carried out at the sitting.

Shorthand notes shall be taken at a sitting of the Commission and they shall be an integral part of the Minutes.

If the conditions for taking shorthand notes do not exist, the transcription of audio-records of the Commission's sitting shall be taken and it shall make an integral part of the Minutes.

After being approved, the Minutes shall be signed by the Chairperson and the Secretary of the Commission.

The Secretary of the Commission shall ensure that Minutes are taken and kept.

The approved minutes of a meeting shall be published on the Commission's web page.

Originals and transcriptions of the Commission's acts

Article 27

Original act shall be deemed to be the text of an act approved at a Commission's sitting, in the prescribed form, signed by the Chairperson, containing the official seal of the Commission affixed.

The Secretary of the Commission shall ensure that the original act is drawn up and kept.

For the purpose of providing it to parties, the transcription of the original act shall be made in the form identical to the original act and signed by the Secretary of the Commission, with the affixed seal of the Commission.

Electronic sitting (e-sitting)

Article 28

Provisions of Articles 15-25 of these Rules of Procedures shall apply to electronic sittings accordingly.

Members and substitute members of the Commission shall be timely provided with a link for logging in the software platform for holding online sittings.

V. TRANSPARENCY OF WORK

Article 29

The work of the Commission is public.

The Commission shall ensure transparency of its work by:

- streaming of the Commission's sittings and media conferences on its web page,
- enabling the media to broadcast the Commission's sittings by transmitting the audio and video signals provided by the Commission,
- enabling the accredited representatives of public media to attend the sessions of the Commission,
- enabling the interested national, foreign and international organisations and associations (observers) to follow the work of the Commission during the electoral procedure,
- publishing the acts of the Commission in the "Official Gazette of the Republic of Serbia", in compliance with these Rules of Procedure,
- publishing the Information Brochure on the work of the Commission and by enabling the access to information of public importance being at the disposal of the Commission, in compliance with law,
- publishing the documents on Commission's activities on the web page of the Commission and through social networks,
- releasing public notices, and
- arranging media conferences and making press statements in compliance with these Rules of Procedure.

Media representatives

Article 30

Media representatives shall be given an opportunity to attend the sittings of the Commission in compliance with the National Assembly acts regulating internal operation of the National Assembly and accreditation procedure for the media representatives.

The media shall be informed on the date, time and venue of the Commission sitting by the Service of the National Assembly.

Article 31

The material prepared for the work of the Commission shall be put at disposal of media representatives who attend the sitting of the Commission .

Observers

Article 32

Commission shall allow the interested national, international and foreign organizations and associations (observers) to follow the work of the Commission during electoral procedure, in compliance with regulations.

Publishing acts in the "Official Gazette of the Republic of Serbia"

Article 33

General acts of the Commission shall be published in the "Official Gazette of the Republic of Serbia".

Commission may decide that a single act be published in the "Official Gazette of the Republic of Serbia".

Secretary of the Commission shall ensure publishing of acts.

Article 34

If the text of the act published in the "Official Gazette of the Republic of Serbia" is not identical to the original act, the corrected version shall be issued by the Secretary of the Commission.

The correction referred to in the paragraph 1 of this Article shall be published in the same way as the act that is corrected thereby.

Article 35

Commission may authorize the Secretary of the Commission to consolidate the text of a general act issued by the Commission.

Authorization for consolidating the text of a general act may be included in the act amending the general act, or in a separate conclusion to be adopted by the Commission.

The consolidated text of a general act shall be published in the "Official Gazette of the Republic of Serbia".

Publishing Information Brochure on the work of the Commission and access to information of public importance

Article 36

The Commission shall publish an Information Brochure on its work.

The Secretary of the Commission shall be an authorized person to act upon requests for access to information of public importance.

Web Page of the Commission

Article 37

The Commission shall have its Web Page for posting the general acts issued by the Commission, including reports on the electoral results, information on the previous Commission's sittings and public notices and other information and documents produced in the work or pertaining to the Commission's activities, and of importance for the public information.

The Commission Secretary shall ensure updating of the Commission's Web Page.

Public notice**Article 38**

A public notice shall be prepared by the National Assembly Service, by order of and with a consent of the Commission's Chairperson.

Media conference and press release**Article 39**

The public shall be informed about the work of Commission by the Commission Chairperson or by its member authorized by the Commission, at media conferences and press releases.

The media shall be informed on the date, time and venue of the media conference referred to in paragraph 1 of this Article, by the National Assembly Service.

The Commission Secretary shall be authorized to make statements on the technical aspects of the Commission's work and the conduct of elections.

VI. PERSONAL DATA PROTECTION**Article 40**

Commission members and substitute members and the National Assembly Service staff engaged to carry out tasks for the Commission's needs shall act in compliance with the regulations pertaining to the personal data protection in discharging their duties.

The Commission shall adopt an act regulating organizational and technical measures for personal data protection in compliance with law.

VII. FINANCIAL OPERATIONS**Article 41**

The funds for the work of electoral management bodies, electoral materials and for other expenses for conducting elections shall be secured from the budget of the Republic.

The Commission shall submit to the National Assembly the financial plan of the necessary funds for its ordinary work and expenses for the conduct of elections and the report on the funds spent for the ordinary work and the conduct of elections.

The Secretary of the Commission shall ensure preparation of the draft financial plan and report referred to in paragraph 2 of this Article.

Principals in charge of the payment referred to in paragraph 1 of this Article shall be the Chairperson and Secretary of the Commission.

VIII OFFICE AND ARCHIVE OPERATIONS

Article 42

Regulations governing Commission's office and archive operations shall be applied to office and archive operations of the Commission.

Article 43

The Commission shall prescribe the manner in which electoral material is kept, handled and used.

The Commission shall draw up a list of archive and documentary material categories together with the deadlines for keeping them, in compliance with law.

IX. AMENDMENTS TO THE RULES OF PROCEDURE

Article 44

Each member and substitute member of the Commission shall have the right to propose amendments to the Rules of Procedure.

A proposal for amending the Rules of Procedure shall be submitted in writing.

The Chairperson of the Commission shall put the proposal referred to in paragraph 2 of this Article on the Agenda of a Commission sitting at an earliest convenience.

X. FINAL PROVISIONS

Article 45

The issues of importance for the Commission's work not regulated by these Rules of Procedure may be regulated by a Commission's special decision or conclusion, in compliance with law and these Rules of Procedures.

Article 46

The Commission shall adopt the acts provided for by these Rules of Procedure not later than 90 days from the date of entry into force of these Rules of Procedure.

Article 47

The Rules of the Procedure of the Republic Electoral Commission ("Official Gazette of the Republic of Serbia", No. 28/08 – consolidated text) shall cease to have effect when these Rules of Procedure enter into force.

Article 48

These Rules of Procedure shall enter into force on the eighth day following that of its publication in the "Official Gazette of the Republic of Serbia".